

The EU's "Rhetorical Entrapment" in Enlargement Reconsidered: Why Hasn't It Worked for Turkey?

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ABSTRACT

This article analyzes the EU's December 2004 Brussels decision regarding membership talks with Turkey. While the Brussels Council launched accession negotiations with Turkey, the adopted Framework for Negotiations formulated exceptionally stringent membership terms. This is a puzzle for normative institutionalism because prior to Brussels, Turkey had sufficiently complied with the EU's liberal democratic membership criteria and systematically engaged in "rhetorical action" to "entrap" the EU in its liberal, inclusionary enlargement discourse. It is argued that the puzzle is explained by how the EU member states' enlargement preferences played out in an intergovernmental bargaining context when it came to the inclusion of Turkey.

The EU's December 2004 Brussels decision to open membership talks with Turkey followed Turkey's efforts to "rhetorically entrap" the EU. Prior to the Brussels Council meeting (16-17 December 2004), Turkish politicians engaged in "rhetorical action" understood as "the strategic use of norm-based arguments."¹ They argued that Turkey sufficiently complied with the EU democratic accession criteria – as confirmed by the European Commission – and thus the EU could not legitimately reject Turkish demands for the start of accession negotiations. More broadly, this rhetorical strategy aimed at "entrapping" the EU within the framework of its own liberal democratic norms in order to have gained a favorable bargaining position at the summit.

It has been argued that the Brussels decision is the outcome of successful rhetorical argumentation on the part of

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Turkish actors systematically used “rhetorical arguments” in order to “entrap” the EU into acquiescing to their demands regarding the start of membership talks as well as preferred EU accession terms

Turkey and EU member-states’ subsequent “rhetorical entrapment.” As Frank Schimmelfennig claims, once Turkey sufficiently demonstrated its commitment to the EU’s constitutive liberal democratic norms by reforming, and called, on

this basis, for the opening of membership talks, “member states opposed to Turkish membership for economic or cultural reasons could not legitimately block the path to accession but were rhetorically entrapped.”²

This article takes issue with this claim and reconsiders the validity of the rhetorical entrapment thesis as applied to the Brussels decision. The

analysis has generated three key findings. First, the decision cannot be attributed to EU member-states’ rhetorical entrapment within Turkish arguments couched in the Union’s non-discriminatory, liberal enlargement norms. Rather, it is the result of intergovernmental bargaining based on member-states’ utilitarian considerations regarding Turkey’s EU accession. This is evident in the content of the Framework for Negotiations adopted in Brussels.³ Although the Framework launched negotiations with Turkey, on the whole, it did not accommodate Turkey’s preferences. Indeed, its terms reflect the EU’s exclusionary approach towards Turkey rather than a preference for inclusion based on commitment to EU norms, which was Turkey’s preferred outcome and hence, the target of its pre-Brussels “rhetorical entrapment efforts.” On the one hand, the Framework shook Turkey’s full membership aspirations by implicitly suggesting alternatives to membership as a result of “open-ended” membership talks. On the other, it tied membership to uniquely strict terms, which seemed to focus more on making Turkish accession difficult than integrating Turkey as a full member.

The second and parallel finding concerns the factors behind the failure of rhetorical entrapment. Given the systematic use of rhetorical argumentation by Turkish actors and the European Commission’s October 2004 confirmation of Turkey’s compliance with the EU’s liberal democratic criteria, it is indeed puzzling that the EU was still not “rhetorically entrapped.” According to the normative “institutionalist” account on enlargement and the rhetorical entrapment thesis, which is derived from it, compliance with EU criteria and rhetorical argumentation based on it are the necessary and sufficient conditions for the occurrence of rhetorical entrapment.⁴ Hence, the fact that entrapment did still not occur in Brussels demands explanation.

It is argued here that the failure of the strategy of entrapment is explained by the prohibitively high costs of Turkish accession to the EU. Given that Turkey

is the “costliest” and most controversial EU candidate, its arguments on accession negotiations necessitated stronger support within the EU than had formerly been the case for the Central and Eastern European EU applicants. Hence, Turkey’s EU accession cause and specific demands regarding negotiations needed to be taken up by powerful EU member-states as well as EU institutions capable of influencing the EU’s final decisions. Yet, this was not the case, as neither member-states nor the European Commission nor the European Parliament expressed unified support for Turkish demands before Brussels. Thus, Turkey was the principal agent seeking to rhetorically entrap the “Turkey-skeptic” members of the EU, which proved insufficient for entrapment. Consequently, the Brussels Council remained divided on the issue of Turkey and member-states could readily pursue their political agendas vis-à-vis Turkey’s EU path. These agendas were ultimately shaped by what the EU member states considered the multiple, “costly” dimensions of Turkey’s membership.

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Last and more generally, the analysis proves the limits of the normative institutionalist explanation on EU enlargement. Turkey represents a “hard case” to explain within this analytical framework. For Brussels to have followed the logic of rhetorical entrapment, Turkish democratization and rhetorical arguments should have been enough. However, in this case, there was additional need for intergovernmental bargaining and in the end, the Brussels decision was shaped by member-states’ political agendas as opposed to purely norm-driven “entrapment.” Existing accounts of the EU’s decision on membership talks with Turkey overlook this evidence and readily argue for the presence of rhetorical entrapment.⁵

The article first lays out the normative basis of the EU’s commitment to Turkey’s membership. It then analyzes Turkish politicians’ rhetorical arguments constructed upon the EU’s enlargement norms. Last, the article analyzes the controversial aspects of potential Turkish membership, which was behind the Brussels decision.

The EU’s Rhetorical Commitment to Turkey

The normative basis of the EU’s commitment to Turkey’s membership (and enlargement, broadly put) lies in its liberal values: The EU is a community of states bound together by liberal democratic ideals and any “European” state sharing this identity is, in principle, entitled to join the Union. This common democratic

ethos is incorporated in the EU's membership criteria established in Copenhagen in 1993. Subsequently, the requirement to democratize has been prioritized over the two other membership conditions. Indeed, as decided by the December 1997 Luxembourg Council, before earning the right to negotiate membership into the Union, any country should sufficiently fulfill the democracy criterion.

Following this cosmopolitan, liberal democratic orientation, the membership requirement of being a European state⁶ has been loosely conceptualized. As clarified in the Treaty of the European Union, what seems to matter for any "European" state's membership application is adherence to liberal democratic values.⁷

Clearly, the EU has developed an inclusionary community approach to enlargement. The principal conditions of membership are normative (rather than political, ethnic/religious or geo-strategic), which, from a broader theoretical perspective, fits sociological/normative institutionalism. This approach views

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the EU as an international organization, which is "strongly determined by the standards of legitimacy and appropriateness of the international community to which [it belongs]."⁸ Since these standards principally consist of liberal democratic norms, states that share these values are also entitled to join the Union regardless of how costly their admission would be for the EU. The EU then will have to legitimately acquiesce to the admission of any state that democra-

tizes and/or uses rhetorical arguments on this basis. Thus, fulfilling the EU's constitutive norms is both necessary and sufficient for EU admission. In short, sociological institutionalism argues: EU enlargement hinges on "the degree to which the actors inside and outside the [Union] share a collective identity and fundamental beliefs," as opposed to being shaped by the "material, distributional consequences of enlargement for individual actors."⁹

In line with this approach, the EU formally committed itself to Turkey's membership, contingent on its adoption of the official membership criteria: "Turkey is a candidate State destined to join the Union on the basis of the same criteria as applied to the other candidate States."¹⁰

But it was the EU's critical December 2002 Copenhagen Summit, which most explicitly promised Turkey membership negotiations on the basis of democratization: "If the European Council in December 2004, on the basis of a

report and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay.”¹¹

In short, as a liberal democratic community of states, the EU defined its accession criteria based on principles constitutive of this collective identity. Consequently, this liberal identity emerged as the basis of rhetorical arguments used by Turkish politicians in the period leading to the critical Brussels Summit.

Rhetorical Arguments Used by Turkish Political Actors

Three particular demands were raised by Turkish politicians before Brussels: (1) immediate launch of negotiations as promised in Copenhagen in 2002, (2) no new accession criteria formulated specifically for Turkey, (3) no final status short of full membership.

These arguments reflected the EU's liberal democratic community ethos. Following Schimmelfennig's original discussion of rhetorical argumentation, they can be grouped in three categories:¹² (1) arguments focused on identity, (2) arguments centered on the Copenhagen accession criteria, (3) arguments seeking to expose the EU's inconsistencies in handling Turkey's EU candidacy.

Identity-Based Arguments

Arguments focused on European identity took two forms. First, politicians emphasized Turkey's "European vocation." They claimed that Turkey has historically shared European culture and civilization, and sought to belong to the West. Consequently, Turkey's place is in Europe. It is, thus, the EU's *moral responsibility* to recognize this via improving ties with Turkey.

Second, actors invoked the EU's political identity and called on the Union to act accordingly. Since Turkey was progressing towards adopting the EU's democratic criteria, it now was the EU's turn to honor its commitment to "unity in diversity."¹³ Doing otherwise would suggest a policy of exclusion and prove the EU to be a "Christian club." Hence, the Union would miss a historic opportunity to build a bridge between West and East, and to disprove the "clash of civilizations" thesis.¹⁴

Identity-based arguments were widely used in the political arena. For example, former Prime Minister Mesut Yılmaz stated before the 2002 Copenhagen Summit: "If we do not adapt to [the EU] process, we will resemble a Middle Eastern country that has broken away from civilization."¹⁵ Similarly, Prime Minister and Justice and Development Party (AKP) leader Erdoğan argued: "We regard Turkey's EU membership as the biggest democratization project after the proclamation of the Republic."¹⁶ When making the case for the opening

of EU accession talks ahead of the Brussels Summit, the then Foreign Minister Abdullah Gül also underlined Turkey's European inclination: "For centuries, Turkey has been a vital part of Europe. For the past 50 years, Turkey has been striving to develop its relations with Europe."¹⁷



On the other side of the identity debate, there was no shortage of arguments directed at the EU. During the months preceding the Brussels Council, Erdoğan argued that denying Turkey membership would prove the EU to be "a Christian club," as opposed to a "union of shared principles and values."¹⁸ In an effort to "entrap" the EU in its "unity in diversity" discourse, he further stated that Turkish accession "will show the Islamic world that Europeans are serious about overcoming exclusion reflexes."¹⁹ And a few days before Brussels, he reiterated the value of Turkey's EU membership for the international community: "[Turkey] is a bridge between the Islamic world and the rest of the world."²⁰

Arguments Focused on EU Accession Criteria

Upon earning EU candidacy status in 1999, Turkey launched comprehensive reforms to fulfill the Copenhagen democracy criterion. Democratic measures were adopted under the 1999-2002 Coalition Government but especially under subsequent AKP rule. These ranged from specific constitutional amendments to broader legislative reform packages. The reforms targeted the problem areas mentioned in the Commission's progress reports on Turkey. By the time the December 2004 Brussels Summit was held, eight reform packages and two constitutional packages had already been adopted, which, among other issues, abolished the death penalty, enlarged political freedoms, and improved civilian-

ization of politics, as well as cultural rights for Turkey's Kurdish minority.²¹ These initiatives were quickly recognized by the Commission, which emphasized Turkey's "significant legislative progress"²² and sufficient fulfillment of the political criteria.²³

Based on this reform trajectory, Turkish politicians consistently stressed Turkey's democratic progress and ideological commitment to democracy in their calls to the EU. This rhetorical strategy made perfect sense ahead of Brussels since democratic compliance is the official prerequisite of beginning EU membership talks. As stated by the Office of the Presidency of the Turkish Republic shortly before the Brussels Summit:

Turkey has taken important and comprehensive steps to fulfill the necessary Copenhagen political criteria after its candidacy was officially announced at the EU Helsinki summit in 1999 ... Preservation of Turkey's membership perspective at the Brussels summit on 17 December is a *necessity of the EU's commitments to Turkey* [emphasis added].²⁴

In this respect, Erdoğan emphasized the centrality of the official Copenhagen criteria for Turkey's accession process: "What needs to be done is clear: unconditional full membership, a clear negotiating process without the need for a second decision and no new political conditions apart from the Copenhagen criteria."²⁵

Arguments focused on the EU's Inconsistencies

Perhaps most critically, Turkish actors sought to expose the inconsistencies in the EU's overall approach to enlargement. Specifically, they condemned what they saw as EU discrimination against Turkey. Criticisms centered on two issues: (1) proposals to offer Turkey "privileged partnership" status to end the process of "open-ended" membership talks, (2) uniquely strident accession terms envisaged specifically for Turkey and covering key areas of the EU's 'acquis.'

When Germany's CDU (Christian Democratic Union) and CSU (Christian Social Union) engineered the privileged partnership idea for Turkey under the leadership of Angela Merkel in autumn 2004,²⁶ - which stood in sharp contrast to the pro-Turkish membership policy of the Schroeder government - this was immediately rejected by Turkey. As Justice Minister Cemil Çiçek explained:

Turkey's ... advantages to the EU, and its disadvantages were known during the [EU's Copenhagen] summit held in 2002. So, imposing some conditions, [(i.e., long membership negotiations, privileged partnership)], which were not laid down before us those days, is not fair.²⁷

Similarly, Erdoğan reacted: “There is no such thing in the EU as privileged partnership ... and there is no way that we will accept such an option for Turkey.”²⁸

The second critical issue concerned the strict membership terms (proposed in the Commission’s October 2004 recommendation to the Brussels Council on Turkey’s progress towards accession), which were not previously imposed upon any accession country.²⁹ The

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main issue of contention was the possibility of “permanent safeguard clauses” – in the event of Turkish accession – regarding the free movement of Turkish citizens in Europe in order “avoid serious disturbances on the EU labor market.”³⁰ Indeed, a few days before the Brussels Summit, Erdoğan argued: “There can be some temporary limitations on work-

ers but having permanent limitations is against EU law.”³¹ This was echoed by Gül, “What we demand is nothing more than our legitimate rights. We will not accept any injustice.”³²

In short, representatives of the Turkish political class used arguments to push the EU to follow its own inclusionary, liberal discourse on enlargement. Yet, despite a heavy norm-based rhetoric, on the whole, the EU was not “entrapped.” While the EU launched negotiations with Turkey as promised in Copenhagen in 2002, it formulated an exceptionally demanding accession process. As stated in the Framework for Negotiations, the Brussels Council decided:

These negotiations are an open-ended process, the outcome of which cannot be guaranteed beforehand. While taking account of all Copenhagen criteria, if the candidate State is not in a position to assume in full all the obligations of membership, it must be ensured that the candidate State concerned is fully anchored in the European structures through the strongest possible bond.³³

Hence, EU leaders implicitly suggested the likelihood of a privileged partnership in lieu of full EU membership. They also agreed on the possibility of permanent safeguard clauses in key ‘acquis’ areas such as “freedom of movement of persons, structural policies or agriculture.”³⁴ Thus, at least on these two issues (privileged partnership and special membership criteria for Turkey), which had been the target of intensive Turkish rhetorical argumentation, there was no EU “entrapment.”

Explaining the Failure of "Rhetorical Entrapment": Political Controversy over Turkish Membership

The EU's Brussels decision needs to be evaluated in the context of the larger debate on Turkey's EU entry. Two principal issues have triggered opposition to Turkey's accession in Europe: the material costs of Turkish membership for the EU, and perceptions about Turkey's "non-European" identity. These aspects of Turkish membership have been studied extensively in the literature on Turkey-EU relations and Turkey's EU accession negotiations.³⁵ Rather, what lacks in the literature is an analysis of how these "costly" dimensions have prevented rhetorical entrapment in Brussels, which is this study's main contribution.

The implications of Turkish accession for the EU came to the fore particularly in the context of the EU's post-2004 "enlargement fatigue." To be sure, Turkey's problems in implementing EU democratic legislation have also been subject of criticism in Europe. Shortcomings in the areas of fundamental political freedoms and rights of the Kurdish minority as well as public administration/judicial reform and civilianization of politics have figured prominently in the Commission's progress reports on Turkey.³⁶ Yet, the "costly" aspects of Turkish accession have sharpened controversy on Turkish accession³⁷ and there is evidence to suggest that they are likely to remain irrespective of Turkey's progress in meeting the Copenhagen criteria.³⁸ Therefore, their combined impact is essential for assessing Brussels' conclusions. Indeed, both the material and identity aspects of Turkey's membership figured widely in European media debates on Turkey and set the stage for deliberations in Brussels.

Costs of Turkey's EU Accession

The various implications of Turkey's EU accession were elaborated in EU circles from the start. As stated in the Commission's 1989 Opinion on Turkey's membership application, a fundamental issue in this regard would be the Union's capacity to absorb Turkey as a full member-state.

Later, the financial aspect of Turkey's EU integration was fully assessed in an October 2004 Commission paper. In it, the Commission acknowledged the "substantial impact" of Turkey's accession on the EU's budget and discussed the specific implications of membership for key EU policies such as agriculture, free movement of labor, and cohesion policy. Most significantly, Turkey's accession costs were estimated to equal the total costs of the 2004 enlargement in the area of cohesion policy.³⁹ More broadly, "Turkey's accession would be different from previous enlargements because of the combined impact of Turkey's population, size, geographical location, economic, security and military potential, as well as cultural and religious characteristics."⁴⁰

The Commission's assessments informed European politicians' positions on Turkey. The debate on launching membership talks was principally shaped by right-wing politicians, pro-integrationists and Christian Democrats. CDU leader Merkel took the lead in advocating the "less costly" option of privileged partnership for Turkey in order to earn a reference to it in the text of the Brussels Summit conclusions. As she explained in a 2004 article:

Those who seek an honest evaluation of [Turkish-EU relations] must arrive at the conclusion that negotiations with an absolutely open result are the only way to prevent the internal cohesion of the European Union and its integration capacity from being overtaxed ... A Privileged Partnership between the EU and Turkey is more valuable than an underprivileged Turkish membership in the EU – for both Turkey and the EU.⁴¹

Her proposal was supported not only by members of CDU's sister party, CSU, who argued that Turkey's membership would "by far" exceed the EU's financial capabilities,⁴² but also Austrian Chancellor Wolfgang Schüssel and Francois Sarkozy. In Schüssel's words: "Before saying there is full membership for Turkey, someone has to explain to me how to finance that. We have to keep the absorption capacity of the EU in mind."⁴³

In this respect, a critical issue at stake was fear of Turkish immigration⁴⁴ and its implications for the EU's labor market. These raised controversy in those member-states with already high Turkish immigrant populations (i.e.,

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Germany, Austria, France, the Netherlands). Concerns were especially prominent in Austria where 76 percent of the public opposed membership talks with Turkey⁴⁵ and political parties seemed united in their opposition to Turkey's EU accession.⁴⁶ Consequently, incoming enlargement commissioner Olli Rehn recognized

member-states' reservations and announced, ahead of Brussels, his intention to seek a special provision to allow the EU to indefinitely close its borders to Turkish workers.⁴⁷ His approach was well received by the Netherlands, which then held EU presidency. As Gerritt Zalm, the Dutch finance minister and deputy prime minister, stated: "We need long transition periods, and must be able to decide for ourselves when there can be free movement of people."⁴⁸

Another controversial issue was Turkey's anticipated high share from the EU's structural and cohesion funds, and agricultural subsidies under the Com-

mon Agricultural Policy.⁴⁹ Even before Brussels, this was openly acknowledged by the Commission. Outgoing Commission President Romano Prodi argued that Turkey's size, economy, and make-up necessitated "clear precautions" to "prevent Turkey's integration from weakening the structure we have been building for more than 50 years."⁵⁰ The day after the summit, his successor Jose Manuel Barroso similarly stated: "[Turkey's accession] confronts the EU with challenges that have been unknown with other acceding countries."⁵¹

Hence, it is no surprise that in Brussels, EU leaders decided on accession terms, which envisaged the applicability of "long transitional periods, derogations, specific arrangements or permanent safeguard clauses" to key areas such as "freedom of movement of persons, structural policies or agriculture."⁵² The decision was clearly induced by the need to minimize the costs of a potential Turkish accession in view of the reservations expressed within the EU.

Turkey's "non-European" Identity

Debates about Turkey's identity are rooted in its perceived position as Europe's "other"⁵³ due to its distinct cultural, geographical, religious, and historical characteristics. This dimension of Turkish accession is discussed in rather informal settings since officially recognizing it as a membership issue would violate the EU's formal, liberal-cosmopolitan approach to enlargement.

Like Turkey's costs to the EU, identity concerns too have mostly – but not exclusively – been raised by right-wing European politicians. As Thomas Risse argues, "... [European] discourse on Turkish accession ... is loaded with references to a European Christian civilization that is not open and cosmopolitan, but nationalist and exclusionary."⁵⁴ This is in sharp contrast to how the EU handled Eastern enlargement: Motivated by a moral commitment to help formerly communist Central and Eastern European countries (CEECs) "return to Europe"⁵⁵ and thus end the ideological division of Europe,⁵⁶ the EU adopted a relatively inclusionary stance towards these countries as they transitioned to liberal rule. Hence, from the start, CEECs' EU admission was supported by European perceptions that they already form a "natural part of the European family."⁵⁷

Against this background, the identity debate on Turkey intensified before Brussels. It was especially pronounced among those EU member-states whose public opinion is hostile to Turkey's membership for identity reasons (e.g., Austria, Germany, France).⁵⁸

Objections to Turkey echoed Giscard d'Estaing's 2002 comments that Turkey "is not a European country" and its EU accession would mean "the end of Europe."⁵⁹ For example, former French foreign minister Hubert Védrine argued: "Turkey is not a European country and has no more reason to be in the [EU] than in the Organization of African Unity."⁶⁰ Critical voices were also heard

within France's center-right Union for French Democracy (UDF). UDF leader Francois Bayrou referred to Turkey's membership as "a grave historical error:" "[Turkey] is a very large Muslim country that does not belong to Europe. Can anyone really imagine that the EU's largest country should be the least European of the lot?"⁶¹ Philippe Pemezec, a member of the right-wing Union for a Popular Movement (UMP) similarly argued that granting Turkey EU accession would empty Europe "of all its cultural and historic references."⁶²

Germany's Christian Democrats also proved very critical. As Edmund Stoiber, the former CSU chairman stated: "[Europe's] borders must be based on shared values, culture, and history. Turkey's membership would breach these borders."⁶³ Similarly, Hans-Gert Poettering, Chairman of the European Parliament (EP)'s Christian Democrat Group, emphasized political, cultural, philosophical differences between the EU and Turkey, which could "cause problems for the internal cohesion of the people of the European Union."⁶⁴ EP President Pat Cox also noted: "[Opening membership talks with Turkey] is the most difficult question of all. It's about how we define Europe."⁶⁵

The EU's "reluctant decision to begin [accession] negotiations" with Turkey in December 2004 reflects member-states' half-hearted commitment to Turkish accession

Objections were raised even within the Commission. For example, Franz Fischler, the then Austrian Commissioner for the Common Agricultural Policy, argued in a September 2004 letter (addressed to the commissioners) that Turkey is "far more oriental than European" and there were suspicions about its "long-term secular and democratic credentials."⁶⁶ Similarly, former European Commissioner for Internal Market and Services Frits Bolkestein argued that "at the time of its accession [Turkey] will have to possess a completely different identity."⁶⁷ He also warned of the "Islamization of Europe" and noted, rather dramatically, that if Turkey enters the EU, "the relief of Vienna in 1683 will have been in vain."⁶⁸

Alternative Explanation: "Rhetorical" Path to Brussels?

The EU's "reluctant decision to begin [accession] negotiations"⁶⁹ with Turkey in December 2004 reflects member-states' half-hearted commitment to Turkish accession. The political positions of the EU member-states were informed by the Commission's technical assessments about the costs of Turkey's membership as well as European politicians' reservations on Turkey. Even those EU members favorable to admitting Turkey as a member (UK, Italy, Denmark, Poland) accepted the Brussels conclusions. Faced with the need to placate domestic politi-

cal opposition and public opinion, which proved increasingly critical of Turkish accession, the pro-Turkey leaders of France, Germany and the Netherlands also approved the Brussels terms.⁷⁰ It seems that notwithstanding Turkey's democratic progress, even the strongest Turkey supporters within the EU recognized the many difficulties of integrating it as a full member-state, which ultimately shaped the Brussels Council's Framework for Negotiations.

This is an outcome, which contradicts the normative institutionalist account of enlargement and the rhetorical entrapment thesis. Norm-based approaches fall short of explaining the Brussels outcome: After all, Turkey had shown sufficient democratic compliance and systematically engaged in rhetorical action prior to the Brussels Summit. Thus, the normative basis of a softer EU decision was already in place. Yet, EU leaders not only decided on "open-ended" talks possibly resulting in a status short of full membership but also linked Turkey's accession to difficult, special conditions. Therefore, in line with the rational institutionalist account of enlargement,⁷¹ a rationale based on member-states' interests and intergovernmental bargaining seems to better explain the Brussels terms.

At the same time, the fact that negotiations were still opened raises the possibility of norm-based rhetorical entrapment: Could the Brussels decision on membership talks be induced by Turkish rhetorical argumentation (and, by extension, Turkey's democratic progress)? Schimmelfennig argues that the member-states that opposed the idea of accession negotiations (i.e., Austria, Greece, Cyprus) agreed to opening talks with Turkey because they were rhetorically entrapped by Turkish arguments highlighting Turkey's compliance with the EU's democratic norms.

It would be misleading to claim that Turkey's democratic progress sufficiently induced the decision on membership talks, as argued by the rhetorical entrapment thesis. Turkish satisfactory compliance with the EU's political criteria (as announced by the Commission in October 2004) was known by member-states at the time of the Brussels Summit. Still, the summit gave way to intense deliberations and the decision to launch negotiations required intergovernmental bargaining focused on minimizing member-states' losses from a potential Turkish accession (as evident in the terms of the Framework for Negotiations). This proved crucial for convincing Turkey's opponents to agree to negotiations. Hence, the Brussels decision is the outcome of bargaining based on interests rather than rhetorical entrapment, which would have arisen on its own based on Turkey's demonstrated commitment to the EU's constitutive liberal democratic norms.

Three principal issues were negotiated at the summit: Turkey's need to recognize Cyprus (which was demanded by Greece and the Greek Cypriot government), the question of permanent restrictions on Turkish migration to Europe, and the idea of open-ended accession negotiations leading to privileged partnership (favored by Austria).⁷²

First, on the question of Cyprus, a settlement was reached after the Turkish government agreed to sign a protocol extending its customs union with the EU to Cyprus. Second, regarding limitations on Turkish immigration, member-states agreed that permanent safeguard clauses would be “permanently available” as an option rather than imposed continuously. The third and probably most con-

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troversial issue was resolved via a special clause broadly suggesting the possibility of privileged partnership.

The limits of Turkey’s democratic compliance for “entrapping” EU leaders are also evident in the Brussels accession terms. Taken together, terms such as the possibility of permanent safeguards and open-ended negotiations, which could possibly result in a status less than full membership, signal an exclusionary approach (or at

best, a second-class EU member-state status). As an Austrian MP argued before the Brussels Summit: “These conditions are a continuation of the dishonest course towards Turkey” and would make Turkey a “second-class member.”⁷³

The puzzle is that these special conditions cannot be justified based on Turkey’s weak liberal commitment (since Turkey was on its way to fulfilling the accession criteria at the time of the Brussels summit). As elaborated above, Brussels conclusions’ Framework for Negotiations rather reflects member-states’ concerns about the material, identity, and political (i.e., European public opinion) implications of Turkey’s membership as opposed to Turkey’s problems in meeting the formal accession criteria: “The [accession] conditions ... underlined the deep public misgivings in many European countries about accepting a largely Muslim nation into the European Union fold.”⁷⁴

Indeed, even Turkey’s “friends” within the EU, who supported membership based on its fulfillment of the accession conditions, noted how difficult membership would be irrespective of Turkish liberalization efforts. For example, the day after the Brussels Summit, Commission President Barroso argued that Turkey should win over “the hearts and minds” of skeptical Europeans by showing commitment to European values.⁷⁵ In addition to promising a public referendum on Turkish membership, French President Chirac famously noted that Turkey would have to undergo a “major cultural revolution” before joining the EU.⁷⁶ Even Tony Blair, a strong advocate of Turkish membership, stated that negotiations with Turkey would be “an issue of controversy for years to come” and would imply a “very big change” for Europe and Turkey.⁷⁷

This is not to suggest that member-states' concerns about the sustainability of Turkish reforms had no influence at all over the Brussels terms. Rather, the point is, the adopted accession conditions did not principally reflect European reservations about Turkish democratization the same way that the decision on membership negotiations was not driven by Turkey's democratic progress alone. Indeed, had Turkey's democratic credentials constituted a main issue of contention in Brussels, member-states would have been sufficiently pleased with a clause guaranteeing the termination of membership talks in case of a Turkish democratic reversal.⁷⁸ In retrospect, Turkey's democratic commitment does not seem to be the main source of controversy in Brussels. After all, even the strongest opponents of Turkish membership acknowledged Turkey's democratization efforts. As Schussel argued before the summit: "Turkey has made great steps in the direction of Europe, and we have to recognize this explicitly and encourage them."⁷⁹

Conclusion

This article analyzed the EU's December 2004 Brussels decision on membership negotiations with Turkey. The dynamics of the decision were discussed against the background of the EU's rhetorical commitment to Turkish membership based on its inclusionary enlargement norms. Prior to the Brussels Summit, Turkish actors systematically used "rhetorical arguments" in order to "entrap" the EU into acquiescing to their demands regarding the start of membership talks as well as preferred EU accession terms.

Yet, the strategy failed as Brussels did not fully reflect Turkish preferences. Although the EU launched negotiations with Turkey, it tied membership to exceptionally stringent conditions. The article sought to unpack the puzzle by arguing that the political agenda of EU member-states vis-à-vis Turkey's membership (informed and paralleled by the Commission's assessments about the implications of Turkish accession for the EU) constituted the primary explanatory factor. Member-states' reservations about absorbing a costly and culturally different country like Turkey influenced the Brussels deliberations and informed the adopted Framework for Negotiations for Turkey. Indeed, the Brussels decision on membership talks was reached only after intense intergovernmental bargaining over the complex dimensions of a potential Turkish accession.

Endnotes

1. Frank Schimmelfennig, "The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union," *International Organization*, Vol. 55, No. 1 (Winter 2001), pp. 47-80.

2. Frank Schimmelfennig, "EU Membership Negotiations with Turkey: Entrapped Again," Daniel C. Thomas (ed.), *Making EU Foreign Policy: National Preferences, European Norms and Common Policies* (New York: Palgrave Macmillan, 2011), p. 113.
3. *Brussels European Council 16/17 December 2004: Presidency Conclusions* (Brussels: European Council, 2004), para. 23.
4. Schimmelfennig, "The Community Trap," op. cit., p. 61; and Schimmelfennig, "EU Membership Negotiations with Turkey," op. cit., p. 119.
5. Schimmelfennig, "EU Membership Negotiations with Turkey," op. cit.; Neill Nugent, "The EU's Response to Turkey's membership application: Not just a weighing of costs and benefits," *Journal of European Integration*, Vol. 29, No. 4 (2007), p. 499.
6. Article 237, Treaty of Rome.
7. Articles 6 (1) and 49.
8. Schimmelfennig, "The Community Trap," op. cit., p. 58.
9. Frank Schimmelfennig and Ulrich Sedelmeier, "Theorizing EU Enlargement: Research Focus, Hypotheses, and the State of Research," *Journal of European Public Policy*, Vol. 9, No. 4 (2002), p. 513.
10. *Presidency Conclusions: Helsinki European Council, 10-11 December 1999* (Brussels: European Council, 1999), para. 12.
11. *Copenhagen European Council, 12 and 13 December 2002, Presidency Conclusions* (Brussels: European Council, January 29, 2003), para. 19.
12. Schimmelfennig, "The Community Trap," op. cit., pp. 68-72.
13. Preamble, Charter of Fundamental Rights of the European Union (available at: <http://www.europarl.europa.eu/charter/pdf/text_en.pdf>).
14. Samuel Huntington, "The Clash of Civilizations?," *Foreign Affairs*, Vol. 72, No. 3 (1993).
15. "Turkey would have got EU talks date but for early elections – deputy premier," *BBC Summary of World Broadcasts*, October 14, 2002.
16. Recep T. Erdoğan, *Konusmalar* [Conversations], AK Parti [AK Party], Ankara 2004, p. 35.
17. "Turkey seeks equal, not privileged treatment from EU – minister," *BBC Summary of World Broadcasts*, October 21, 2004.
18. "Leaders put brave face on attached strings," *The Daily Telegraph*, October 7, 2004.
19. "Premier says Turkey's EU membership helps Muslim integration," *BBC Summary of World Broadcasts*, November 30, 2004.
20. "Turkey offers to heal the wounds between West and the Islamic world – for a price," *The Independent*, December 13, 2004.
21. For a comprehensive overview of Turkish political reforms adopted under EU conditionality, see Ergun Özbudun, "Democratization Reforms in Turkey, 1993-2004," *Turkish Studies*, Vol. 8, No. 2 (2007), p. 179-196; and Ergun Özbudun and William Hale, *Islamism, Democracy and Liberalism in Turkey: The Case of the AKP* (London: Routledge, 2010), pp. 55-67.
22. *Regular Report on Turkey's Progress towards Accession*, (Brussels: European Commission, October 6, 2004), p. 55.
23. *Recommendation of the European Commission on Turkey's Progress towards Accession* (Brussels: European Commission, October 6, 2004), p. 3.
24. "Turkey expects EU to start accession talks in 2005," *BBC Summary of World Broadcasts*, December 7, 2004.
25. "No half measures, Turkey tells EU," *The Australian*, December 16, 2004.
26. "German opposition leader defends 'privileged partnership' for Turkey in EU," *BBC Monitoring Europe*, October 17, 2004.
27. "EU cannot discriminate against Turkey on free movement – minister," *BBC Monitoring Europe*, October 21, 2004.
28. "Turkish leader warns of terror wave if EU rejects membership," *The Times*, December 13, 2004.
29. Nugent, op. cit., p. 494-95.

30. *Recommendation of the European Commission on Turkey's Progress towards Accession*, op. cit., p. 5.
31. "Turkey offers to heal the wounds between West and the Islamic world – for a price," op. cit.
32. "Turkey: This is the moment... but EU goes back in the fridge if terms are too tough," *The Times*, December 16, 2004.
33. *Brussels European Council 16/17 December 2004: Presidency Conclusions*, op. cit., para. 23.
34. Ibid.
35. See, inter alia, Meltem Müftüler-Baç, "Turkey's Accession to the European Union: The Impact of the EU's Internal Dynamics," *International Studies Perspectives*, Vol. 9 (2008), pp. 201-19; Hakan Yılmaz, "Turkish Identity on the Road to the EU: Basic Elements of French and German Oppositional Discourses," *Journal of Balkan and Near Eastern Studies*, Vol. 9, No. 3 (December 2007), pp. 293-305; Nugent, op. cit.; Schimmelfennig, "EU Membership Negotiations with Turkey," op. cit.; John Redmond, "Turkey and the European Union: Troubled European or European Trouble?," *International Affairs*, Vol. 83, No. 2 (2007), pp. 305-317.
36. *Regular Report on Turkey's Progress towards Accession*, op. cit., pp. 19-51.
37. Susannah Verney, "The dynamics of EU accession: Turkish travails in comparative perspective," *Journal of Southern Europe and the Balkans*, Vol. 9, No. 3 (December, 2007), p. 309.
38. For example, Eurobarometer polls in Spring 2006 and Spring 2008 revealed that a significant number of Europeans (48 percent and 45 percent, respectively) would oppose Turkey's EU entry even if the country fulfilled all the EU membership conditions (Eurobarometers 65 and 69, available at: http://ec.europa.eu/public_opinion/archives/eb_arch_en.htm). The numbers were particularly high in France (60 percent) and Germany (63 percent) in Spring 2008.
39. *Issues Arising from Turkey's Membership Perspective* (Brussels: European Commission, October 6, 2004), p. 40.
40. Ibid., p. 4. For an extended discussion see, inter alia, Neil Nugent, "Turkey's Membership Application: Implications for the EU," *Jean Monnet/Robert Schuman Paper Series*, Vol. 5, No. 26 (August, 2005).
41. "German opposition leader defends 'privileged partnership' for Turkey in EU."
42. "German politicians clash over Turkey's EU acceptance," *BBC Summary of World Broadcasts*, February 26, 2004.
43. Quoted in *Der Spiegel*, August 21, 2005, available at: <http://www.esiweb.org/index.php?lang=en&id=131>.
44. "To Brussels, on a wing and a prayer; Turkey and the European Union," *The Economist*, October 9, 2004.
45. "Turkey Membership Splits EU," *Deutsche Welle*, October 6, 2004, available at: <http://194.55.30.46/dw/article/0,1564,1350680,00.html>.
46. "Austrian parties united in opposition to Turkish EU entry," *BBC Summary of World Broadcasts*, September 16, 2004.
47. "EU puts Turkey on 10-year time line," *The Australian*, October 7, 2004.
48. "EU ready to say 'yes' to Turkey, as well as 'but,'" *The International Herald Tribune*, December 16, 2004.
49. "Schroder reaffirms his stance on Turkey," *The International Herald Tribune*, December 14, 2004.
50. "EU puts Turkey on a long road to accession: Commission gives an amber light for entry: talks to start, but they will stop if rights are violated," *The Guardian*, October 7, 2004.
51. "EU-Turkish talks surmount Cyprus issue," *The International Herald Tribune*, December 18, 2004.
52. *Brussels European Council 16/17 December 2004: Presidency Conclusions*, op. cit., para. 23.
53. Iver B. Neumann, *Uses of the Other: "The East" in European Identity Formation* (Minneapolis: University of Minnesota Press, 1999).
54. Thomas Risse, *A Community of Europeans? Transnational Identities and Public Spheres* (Ithaca: Cornell University Press, 2010), p. 6.

55. For a discussion on how the EU's "special responsibility" towards post-communist CEE influenced its decision to enlarge to the east, see, Ulrich Sedelmeier, "Eastern Enlargement: risk, rationality and role-compliance," Frank Schimmelfennig and Ulrich Sedelmeier (eds.), *The Politics of European Union Enlargement: Theoretical Approaches* (New York: Routledge, 2005), pp. 120-41.

56. As stated by the 1989 Strasbourg European Council (*Conclusions of the Presidency, European Council Strasbourg, 8 and 9 December 1989*, 1989, pp. 9-10).

57. Helen Sjursen, "Why Expand? The Question of Legitimacy and Justification in the EU's Enlargement Policy," *Journal of Common Market Studies*, Vol. 40, No. 3 (2002), p. 503.

58. In Spring 2005, 70 percent of the French and 74 percent of Germans expressed opposition to Turkey's EU entry while only 10 percent of Austrians supported it (European Commission, *Eurobarometer 63.4*, Spring 2005, available at: http://ec.europa.eu/public_opinion/archives/eb/eb63/eb63_en.htm). More interestingly, a Fall 2006 Eurobarometer survey found that great majorities in these countries (84 percent of Austrians and 65 percent of the French, in addition to 74 percent of Germans) considered "the cultural differences between Turkey and the EU" to be "too significant to allow for [its EU] accession" (European Commission, *Eurobarometer 66*, 2007, available at: http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_en.pdf).

59. "In 1683 Turkey was the invader. In 2004 much of Europe still sees it that way," *The Guardian*, September 22, 2004.

60. "Europe offers a cautious welcome to the AKP," *The Independent*, November 5, 2002.

61. "Turkey demands talks on joining EU: Scepticism grows in Europe's key capitals as Muslim nation pushes for a place at the top table," *The Guardian*, November 27, 2002.

62. "Turkish leader votes 'no'; Erdoğan rejects idea of EU referendums," *The International Herald Tribune*, October 22, 2004.

63. "Turkey demands talks on joining EU," op. cit.

64. Hans-Gert Poettering, "Why Turkey? Reasons for a Privileged Partnership between Turkey and the EU," *Today's Zaman*, December 14, 2004.

65. "Turkey's EU Bid: Resistance is on the Rise," *Business Week*, February 9, 2004.

66. "Attack on Turkish membership renewed," *The Times*, September 11, 2004.

67. Quoted in Paul Kubicek, "Turkish Accession to the European Union: Challenges and Opportunities," *World Affairs*, Vol. 168, No. 2 (Fall 2005), p. 73.

68. "In 1683 Turkey was the invader," op. cit.

69. Redmond, op. cit., p. 306.

70. For a detailed discussion, see Schimmelfennig, "EU Membership Negotiations with Turkey," op. cit., p. 115 and 117. See, also, "Turkey Membership Splits EU."

71. Schimmelfennig and Sedelmeier, "Theorizing EU Enlargement," op. cit., pp. 510-13.

72. "A 'historic event' for EU and Turkey; Membership talks get the green light after deal on tacit recognition of Cyprus," *The International Herald Tribune*, December 18, 2004.

73. "Austrian MPs comment on EU conditions for Turkey talks," *BBC Summary of World Broadcasts*, December 1, 2004.

74. "Turks welcome the EU's go-ahead; cautious optimism mixes with irritation over Europe's fears," *The International Herald Tribune*, October 7, 2004.

75. "EU-Turkish talks surmount Cyprus issue," *The International Herald Tribune*, 18 December 2004.

76. "EU leaders raise red flags on Turkey," *The New York Times*, October 5, 2005.

77. Ibid.

78. As agreed in the Brussels Council conclusions: "In the case of a serious and persistent breach ... of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law ... the Commission will ... recommend the suspension of negotiations and propose the conditions for eventual resumption" (Paragraph 23).

79. "Austria calls for 'open-ended' EU entry talks with Turkey," *The Irish Times*, December 15, 2004.