

Expanding Europe: The Ethics of EU-Turkey Relations

*Thomas Diez**

The possible future European Union (EU) membership of Turkey has become one of the most hotly debated topics both in the EU and within Turkey itself. It is true that previous EU enlargements have also attracted the attention of the wider public, but this time the arguments are exchanged with a great deal more heat and fervor. Many of these arguments are couched in terms of self-interest: “Turkey will flood us with cheap labor migrants,” claim opponents within the EU, whereas advocates of Turkish membership cite strategic security interests in bringing a predominantly Muslim state from the broader Middle East into the fold.

Nonetheless, underlying this debate are competing principles of international ethics. It is too easy simply to dismiss those citing a concern for European values (whatever these may be) or the capacity of the EU to function properly as being merely self-interested actors trying to defend their economic or political position. On the contrary, their concerns go to the heart of the core questions of international ethics: Do we have responsibilities that go beyond our immediate political community? Are there different values that require different political orders? If so, where can we draw borders and how can we defend these borders in order to defend our values?

The Turkish case is of particular interest in relation to these questions because it highlights the problems of applying principles of a world of states to one in which this order is increasingly transcended and processes of “de-bordering” and “re-bordering” are taking place. At least in Europe, the EU is the main example of this change. The debates about Turkish membership are conducted in such a heated fashion not least because of the challenge that the integration process poses to our traditional understandings of the main principles on which the international order is founded. In this context, the demands for public participation

* I have benefited from comments from and conversations with Emel Akcali, Önder Cakir, Simon Caney, Asligul Sarikamis-Kaya, and Zornitsa Stoyanova when writing this essay.

in decision-making do not go (or at least no longer go easily) hand in hand with the demands for international justice.

It is this conundrum that requires us to look beyond the established lines of communitarianism and cosmopolitanism in their various forms when addressing the future of Turkey-EU relations from an ethical viewpoint. The principles I put forward in this essay as an alternative build on both Habermasian and what one may refer to as “postmodern” ethics, two strands of argumentation that, despite their differences, have more in common than is often acknowledged. Both share a commitment to take on responsibility toward the “Other” beyond our own community; to foster a plurality of viewpoints and reject totalitarianisms; and to take a skeptical attitude toward any simplistic “either/or” rendition of international politics. These principles lead to an endorsement of *membership negotiations* between Turkey and the EU, but not to an unqualified endorsement of Turkish *membership*.

THE ARGUMENT AGAINST TURKISH EU MEMBERSHIP

From the viewpoint of international ethics, there are two main arguments against Turkish EU membership. The first one is broadly value-based and applies a narrow and closed conception of communitarianism; the second one questions the capacity of the EU to take on Turkey as a member and worries about the survival of the achieved political order.

The value-based argument presupposes that: (1) the predominance of different values is distributed on a geographical basis; (2) such value differences matter to communities, so they are worth preserving; and (3) the difference between Turkey and the present EU member states is sufficiently greater than that among member states, so it is justifiable to treat Turkey differently and to deny membership. The simple reference to Turkey being a Muslim country runs into great difficulties here. Leaving aside the theological question of whether there are values intrinsic to Islam that stand fundamentally opposed to “Christian” values, this argument ignores the presence of strong Muslim communities in the EU, and it runs against the history of secularism in most EU member states, which would disallow religion as a criterion for eligibility to participate in political life.

Nonetheless, most value-based arguments are more sophisticated. One version invokes particular liberal-democratic values, such as human rights, including women’s rights and minority rights, and argues that these are not (yet) shared

by Turkish society. While this argument may be more sophisticated, it is not more convincing. Two counterarguments stand out: First, human rights are part of the political criteria a state has to fulfill before membership negotiations are opened; Turkey, having agreed to a series of constitutional and legal reforms, has been deemed to have met these. The 2005 decision of the European Commission and Council in opening negotiations may have been misguided, but there will hardly ever be complete agreement on such judgments. Second, if one were to agree that human rights violations in Turkey persist, one should also recognize that such an argument has in the past been used *in favor* of EU membership in order to strengthen the domestic human rights regime by placing it in the framework of EU law. This “stabilization” argument served as a legitimization factor to bring in Greece, Spain, and Portugal after they had come out of dictatorships, as well as the central and eastern European countries following the end of the Cold War.

Another more sophisticated version of the value-based argument is put forward by those who point to the different historical development of Turkey from the Ottoman Empire to today’s modern republic, which they argue has left it with a different set of political and societal institutions. The presumably separate histories of Europe and Turkey, however, are mostly painted with very broad brushes, emphasizing differences rather than commonalities. The picture of Turkey that emerges is one of a still predominantly religious society, a picture that would not only offend many Turks but also employs double standards when comparing Turkey with EU member states: What, one wonders, would the evaluation be if Turkey’s head of state were also the head of a Turkish sect of Islam (in analogy to the United Kingdom, where the queen is head of both state and church)? At the very least, such “clash of civilizations” arguments are marked by ambiguities, and one cannot but feel that this is a prime case of Othering—that is, the representation of Turkey as different (and inferior) in order to represent European values as much more unified and positive than they actually are.

The historical trajectories argument already implies a concern not only about particular values but also about achievements in the development of political institutions. From a more “republican” angle, a possible objection to Turkish membership is that it would threaten the functioning of existing EU institutions (already agreed upon only with great difficulty). This is why some enthusiastic supporters of a federal Europe, for instance, are opposed to Turkey becoming a member: they see another big member with questionable federalist credentials as

a threat to the future of the integration project. A commitment to the EU institutions and the capability to take on the administrative responsibilities that come with EU membership does not, however, require the demonstration of federalist values. Indeed, while one may well take issue with the way “Europe” is constructed in Turkish political discourse, it is not at all clear whether Turkey would behave any more disruptively or, for that matter, constructively than existing member states. Besides, it strikes me that the duty to defend core institutions applies to *existing* threats, and that in the engagement of a possible future member other ethical concerns override those about a *potential future* threat.

While the arguments against Turkish membership therefore cannot simply be dismissed as unethical, the principles on which they are based are either flawed or cannot easily be applied to this case without running into serious objections. What, then, about the case for membership?

THE ARGUMENT FOR TURKISH EU MEMBERSHIP

It is perhaps ironic that the arguments against Turkish EU membership can be traced back to ethical considerations much more easily than those brought forward in favor of it, at least in the public debate, where strategic interests dominate or where the case “for Turkey” is made mostly through rebuttals of the arguments “against.” The most principled reasoning in favor of Turkey would come from a cosmopolitan standpoint, where the EU ought not to be a closed, exclusive community, but be open to all. This standpoint, however, is difficult to maintain. Above all, the EU is not a cosmopolitan organization, or a nucleus of some future world federation. Even those who see it as a model for a post-national order are probably too optimistic, both about the character of EU institutions and about the feasibility of transferring them elsewhere. The EU is first and foremost a *regional* organization: the Treaty on European Union specifies that only European states can take part. This, after all, is why historian and political theorist David Mitrany (1888-1975) thought of European integration as running counter to his idea of functionalist integration on a global scale.

As a regional organization, the EU must be able to decide who is in and who is out. Indeed, as long as the EU remains defined in the way it is now, it cannot avoid confronting the question of what it means to be “European.” The cosmopolitan argument therefore does not hold water. Further, the question of borders brings up another, more serious issue: In contrast to Morocco, whose membership

application was given short shrift in 1987, Turkey has always been recognized by the EU as a European country, and neither its geographical location nor its identity has been cited as an obstacle to future accession. The obligation to consider Turkey's membership bid therefore does not derive from cosmopolitan grounds, but out of the recognition of Turkey as part of Europe.

It is on this basis that Turkish voices in particular see membership as Turkey's right—and on the basis of promises made by the EU. This interpretation, however, is not entirely correct. The Association Agreement, which is often cited in this context, actually makes no promise of membership, but merely obliges both sides to “assess” the “possibility of accession” if the association proves to be successful (Art. 28). As such, the decision whether to offer Turkey membership is the sovereign decision of the EU, but the EU is under an obligation on the basis of past promises to conduct membership negotiations seriously and in a fair manner, and to offer membership if it can be ascertained that Turkey has met the criteria for membership. This obligation is all the more relevant to the EU, as it likes to portray itself as a “normative power” in world politics, a power that would certainly find it unacceptable if other actors were not fulfilling obligations on the basis of earlier agreements, and thus should itself be clearly bound to them.

BEYOND AN EITHER/OR MENTALITY

The arguments for and against Turkish EU membership, with the exception of the last one discussed, are largely grounded in an understanding of the world that juxtaposes political communities organized into states, on the one hand, and a global society of human beings, on the other. Leaving aside the question of whether this picture has ever made much sense, the EU and its current social and political reality certainly do not fit into it. Many of the arguments discussed above rest on the idea of culturally homogeneous communities and ignore the plurality of religions, values, and histories within and among EU member states.

Indeed, the post-national character of the EU (although not necessarily as a model) highlights the tension that can exist between the demands of democracy and those of international justice. For example, regarding future enlargements, it is hugely problematic to bind EU decisions to national audiences. This essay is not the place to go into a lengthy discussion of the EU's “democratic deficit.” Yet the question of Turkish membership pushes a more general debate to its

extreme: Who is to make a decision whether Turkey should become a member or not? Several member states, above all France, have “threatened” that they would put Turkey’s membership to a national referendum. Yet what would be the grounds for such a referendum? Why would France be the “demos” to decide this issue? Would a referendum not have to be held on an EU-wide basis, if at all? Should one make decisions on EU membership hostage to the veto of one member state or (part of) its population, especially in a union of twenty-seven members?

One side, in line with the communitarian arguments above, refers to the right of those who are in a club to decide who their fellow members are. Yet it seems entirely unfair to let the public mood decide whether the EU should meet its obligations to negotiate seriously and in a fair manner. There are, it seems to me, strong overriding concerns that speak against any attempt to subject the question of Turkish EU membership to a referendum anywhere but in Turkey itself. These overriding concerns are not based on the either/or logic that most of the arguments above employ. Instead, they flow from the principles listed in the introduction to this piece: The principle of responsibility beyond our own community demands that policy-makers within the EU take into account the effect their decisions have within the candidate country. The difficulty is to assess which effect would be “good” and which “bad” for Turkey, which will depend on who within Turkey one looks at. Indeed, EU membership is far from uncontested within Turkey itself.

The commitment to a plurality of viewpoints and the rejection of totalitarianism, however, provides a second principle that is of help in this respect. The road to EU membership may be seen as problematic in terms of the liberalization of the economic regime it imposes, but from a political angle it has undoubtedly supported those who are in favor of a pluralization of Turkish society and a stricter separation between the military and politics. In contrast, the questioning of the negotiations and of the prospect of membership has played into the hands of those in Turkey who oppose EU membership because it would limit the influence of the traditional political and military elite.

This line of arguing does not lead to an unconditional support for Turkish EU membership, but to a commitment to fair and proper negotiations within the framework applicable to all candidates. Referenda are clearly outside this framework. Instead, negotiations should proceed on the “technical” grounds of the requirements of the *acquis communautaire*, the body of EU legislation and

principles. These are not negotiations open to the influence of public opinion. They should, however, be transparent, both to everyone involved in the negotiations and to the wider public. The European Commission as the body preparing the relevant reports for Turkey bears particular responsibility here, but the member states are called upon not to undo the negotiations with their particular interests.

This requirement of rule-governed and transparent negotiations is, of course, not that straightforward to put into practice, as the interpretation of any legal framework is dependent on the politics of the day. With Turkey there are also particularly thorny issues, above all the question of the Cyprus conflict. With the Republic of Cyprus now a member of the EU and the still prevailing international legal discourse putting the blame for the continued separation of the island on Turkey's shoulders, it is easy to block negotiations on the grounds that Turkey does not recognize an EU member, which is a formal requirement for membership. Indeed, on this basis Cyprus has been able to prevent the opening of more so-called negotiation chapters covering a broader range of policy areas.¹

There are two counterarguments. First, the issue is contested within the EU, and the Greek Cypriots' rejection of the UN-sponsored "Annan Plan" for reunification in a 2004 referendum has highlighted the fact that the situation on the island is not as black and white as the dominant narrative until then had made it out to be. Under these circumstances, it seems to speak against the criterion of fairness to put negotiations on hold, although it is clear that at the end of the day Turkey will not be able to become a member without either recognizing the Republic of Cyprus or another resolution of the conflict having been found. Second, most chapters within the negotiations are not affected by the recognition issue, and it therefore seems appropriate to continue with negotiations in all policy areas that have no or only a very tenuous link with this problem.

Finally, the third ethical principle espoused at the beginning of this essay, the skepticism toward any simplistic either/or renditions of international politics, presents the most radical challenge to the current debate. The question that it raises is whether Turkish EU membership is actually desirable from a systemic perspective, in that it would move EU borders further southeastward. Despite the efforts of the EU to create a "ring of friends" with its European Neighbourhood Policy, these borders would still remain "hard," and indeed probably harder than the current border with Turkey. From a systemic point of view, the issue is whether global governance can and should ultimately be achieved by

regional blocs standing against each other, or whether it would be possible to conceive of overlapping regional organizations. In the latter scenario, it would seem preferable to have strong ties with Turkey, not as a member of the EU but as the core of a regional organization with which the EU maintains strong and friendly links. Those arguing against EU membership and advocating instead a “privileged partnership” for Turkey are therefore not entirely wrong in what they are aiming at, but they are doing so for reasons that are not justifiable.

Alas, the vision of overlapping friendly regional organizations, for the time being, remains utopian. It is difficult to see how a new regional organization in what would broadly be the Middle East could possibly be forged, although the Organization of Black Sea Economic Cooperation could provide an alternative vantage point and would involve further EU members. There is also, however, the problem that people in Turkey, at least until now, have rejected anything but full membership as the target of negotiations, and under these circumstances the support for domestic forces working toward pluralization seems a more important short-term concern than long-term and utopian systemic considerations.

The mood in Turkey may of course change as negotiations continue. Furthermore, the negotiations may bring about a result that provides Turkey formally with membership, but with so many opt-outs, derogations, and transition periods from the *acquis* that it is de facto a different kind of membership. For the time being, however, the discussion in this essay allows no other justifiable way forward than to continue serious, fair, and transparent negotiations with Turkey. Meanwhile, these negotiations should be taken by everyone interested in international ethics as a serious challenge to the categories and principles in which we think about the world.

NOTE

¹ The immediate issue is the refusal of Turkey to open its ports and airports to vessels and airplanes registered in the Republic of Cyprus as part of the already existing customs union between Turkey and the EU. Behind this, however, is the problem that this is seen on both sides as an act of recognition, which the Republic of Cyprus wants to achieve and Turkey wants to avoid.