

Turkey's EU Accession as a Politics of Deferral: Governmentality and the State of
Exception in European Integration and Identity Construction

by

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Bachelor of Arts, Acadia University, 2007

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Supervisory Committee

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Abstract

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In 2005, the European Union (EU) began accession negotiations with its most controversial candidate to date, Turkey. The process has been, from the outset, *sui generis* relative to previous and current accessions, and Turkey remains the first candidate without a fixed date for the conclusion of accession negotiations. This thesis explores the problematique of Turkey's proposed accession, and attempts to understand why its accession has been and will remain controversial and undecided. Turkey's proposed accession has been, for both opponents and proponents, understood in terms of Europeanness: either Turkey is not European and thus not eligible to join, or is a legitimate candidate due to its very Europeanness, or has the propensity to develop a European identity. This very question frames the very limits and possibility of these negotiations. To properly understand the complexities and implications of Turkey's EU candidacy from the perspective of European culture and identity, this thesis adopts a post-structuralist theoretical perspective which enables an understanding of fluid and hybrid difference. Turkey's EU candidacy demonstrates that identity is not only articulated through difference; Turkey occupies a more fluid and dynamic role in the construction of European identity and is variously inside and outside, European and non. Through an examination of Michel Foucault's governmentality and Carl Schmitt and Giorgio Agamben's exploration of sovereignty and the state of exception, this thesis examines the nexus of exclusion and inclusion, and through an examination of a 'politics of deferral', I demonstrate how Turkey may meet all of the EU accession criteria, yet may be never invited to accede to the European Union.

Keywords: Turkey, European Union, EU, accession, identity, culture, governmentality, state of exception, exclusion

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Acknowledgments

My ruminations on the accession of Turkey to the EU began in 2005 when I was participating in a transatlantic exchange to the University of Dundee in the United Kingdom. There, I was exposed, for the first time, to the debates of European integration and enlargement, particularly as they related to Turkey who had just begun accession negotiations with the EU. Little did I know how profoundly these courses and discussions would shape my studies over the next five years! Though I explored the geopolitical, economic and cultural implications of Turkey's proposed accession in my undergraduate thesis, my analysis was, for me, always left wanting, and I was never able to truly capture the crux of the challenges being faced by Turkey and the EU in these analyses. I never had the 'language' to fully explore the complexities of Turkey's problematic accession until I came to the Department of Political Science at the University of Victoria. Thank you to those who have supported my quest and helped me to find my voice.

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Chapter 1: Turkey's EU Accession as a Politics of Deferral: Governmentality and the State of Exception in European Integration and Identity

Talk of a new 'European' identity currently abounds. Yet, just what is meant by such an expression is largely taken for granted, not least because it permits some awkward questions to be sidestepped. We need to stand back and engage in a little critical reflection.

Schlesinger 1989: 1

To be European, means to defend the state.

Pierre Bourdieu

Turkey's relationship with the European Union (EU) (formerly the European Economic Community (EEC) then the European Communities (EC)) began in 1959 when both Turkey and Greece applied for membership in the EEC.¹ Athens and Ankara were accepted as associate members, both with the prospect of eventual membership at a later date. Greece became a full member of the European Communities in 1981 while Turkey's accession process has been from the outset "a long, difficult and tortuous road" to membership, and an 'open ended process' with no fixed date of accession (Oli Rehn, quoted in Casanova 2006: 234; Euractiv 2004). When the Ankara Agreement with Turkey was signed in 1963, Walter Hallstein, then President of the EEC, proclaimed that, "Turkey is part of Europe." He affirmed Turkey's European destiny in his assertion that, "[t]here has been nothing comparable in the history of the influence of European culture and

¹ Though the relationship between Turkey and the European Union officially began in 1959, it is worth noting the considerable relationship that predates Turkey's applications for membership in the European Economic Community. The importance of this historical relationship is indispensable in understanding the past, present and future of relations between the Turkey and the EU. For a detailed analysis of this historical relationship, see Dombey 2004, Levin 2007 and Neumann 1998; 1999; 2002.

politics...What, therefore, is more natural than for there to be an identity between Europe...and Turkey in their actions and reactions: military, political, and economic?" (Oppermann: 439). While Turkey's Europeanness and European destiny were technically affirmed in 1963, debates continue about the European vocation of Turkey, and its legitimacy as an EU member is increasingly prominent in the enlargement debate. Questions of Turkey's Europeanness are still being negotiated, renegotiated, and, I argue, deferred to this date.² As a point of departure in this thesis, I use Bulley's (2008) argument that those who debate for and against Turkish accession are both debating Turkey's Europeanness and legitimacy to be an EU member (Bulley 2008). Therefore, the debate on Turkey's accession is framed as a debate of its Europeanness rather than it is a solely a technocratic process of reform implementation and convergence with the Copenhagen criteria. This is not the first enlargement where there has been a debate on the European vocation of a candidate country, but it is the first enlargement where it has figured so prominently.

This thesis takes up directly the problematic issue of Turkey's candidacy for membership in the European Union. Why has it been so controversial, and why does it will continue to be? Drawing on a post-structuralist theory theoretical toolkit, this thesis will use conceptual and theoretical terms including relational identity construction, Othering, Governmentality³, Sovereignty and the State of

² See Baykal 2005; Bulley 2008 for further elaboration.

³ Foucault uses 'governmentality' to develop a new understanding of power. He encourages us to think of power not only in terms of state power (as hierarchical and top-down) but encourages us to widen our understanding to include other forms

Exception, and this thesis will endeavour to shed light on the problematique of Turkey's EU bid from perspectives that are marginalized in official enlargement debates. Rather than an engagement with the economic, political, and geostrategic implications of enlargement, which have received a lot of attention in debates on European integration⁴, this thesis will focus, from a largely European perspective, on the construction of European identity and culture, and how Turkey and its European Union prospective are deeply implicated in the negotiation and renegotiation of European identity and culture.⁵

This introductory chapter will first situate this thesis within the context of the existing literature on Turkey-EU relations, and in particular on the work on European identity, culture, and relational identity construction to which this thesis makes a contribution. I will situate my approach to understanding identity in the broader post-structuralist theoretical literature. I understand identity and notions of

of social control in disciplinary institutions (the EU, or EU cultural policy, for example) as well as the forms of knowledge. Power can produce knowledge and certain discourses that get internalized by individuals and therefore guide the behaviour of populations. This leads to more efficient forms of social control, as knowledge enables individuals to govern themselves.

⁴ There is a wealth of literature that examine Turkey's proposed EU accession from the perspective of the economic, political and strategic implications enlargement. See for example Grigoriadis, Ioannis N. 2006. "Turkey's Accession to the European Union: Debating the Most Difficult Enlargement Ever" SAIS Review XXVI: 1 pp. 147-160. Suvarierol, Semin. 2003. "The Cyprus Obstacle on Turkey's Road to Membership in the European Union," in Çarkoğlu and Rubin; Eder, Mine. 2003. "Implementing the Economic Criteria of EU Membership: How Difficult is it for Turkey," in Çarkoğlu A. & Barry Rubin (eds.) *Religion and Politics in Turkey*. London: Routledge. There is a relative dearth of literature that explores the identity and cultural implications, particularly from a post-structuralist perspective.

⁵ I am aware that this analysis is missing a Turkish perspective of European identity, and misses the also fluid nature of Turkish identity. The European perspective with which I approach this analysis reifies the perspective of Turkish identity as bounded and not fluid. For this analysis, I will focus largely on a European perspective and the dynamic of whether the EU will invite Turkey to accede to the EU, not less on a Turkish perspective of whether Turkey would want to accede to the EU.

‘Europe’ as socially constructed, and will explore these terms from a structural approach that understands that identities are relational (Saussure 1966). Essentially, this view posits that identity is discursively constructed and depends on the articulation of difference. The (collective) self emerges only in discursive differentiation from others. In the enlargement debate and in understandings of European identity, Turkey is interpreted as a critical point of reference that evokes different discursive constructions of ‘Europe’, either including or excluding Turkey. As I will explore, this structural understanding is limited and limiting because it cannot fully comprehend the role that Turkey occupies both inside and outside of Europe and European identity. To explore this more holistically, I adopt a post-structural approach, a critical approach of inquiry which enables us to think beyond binary oppositions (inside/outside, European/non-European, accession or its non-event), and opens a space for what I call a *politics of deferral* which I use to explore Turkey’s bid for EU membership as perpetually on the margin of Europe, always postponed and undecidable.⁶ I will then situate this *politics of deferral* within a brief history of Turkey-EU relations and close the chapter with an outline of the thesis chapters.

Recently, there has been a proliferation of literature that explores Turkey’s bid for

⁶ I borrow the term ‘undecidable’ and ‘undecidability’ from Derrida who writes about the term in reference to deconstruction and justice. For Derrida, undecidability is not just a synonym for indeterminacy, rather, undecidability is a way of explaining a very specific structural condition at the heart of language. Undecidability is what precedes and therefore made possible the production of any of the determinate meanings that then had to be “decided” for meaning to unfold in any particular reading. Undecidability is at the heart of deconstruction because it problematizes boundaries such as ‘inside’ or ‘outside’ or ‘European’ or ‘non-European’. I employ both meanings of the term: it is both an indeterminacy, and a means for deconstructing boundaries.

EU membership. Much of this literature focuses on the economic and geopolitical impact of Turkey's accession to the EU⁷ and another major focus is on the cultural and identity impacts of Turkish accession.⁸ Indeed, the theme of culture and identity has become highly topical in recent decades, and the cultural shift in social and human sciences has influenced studies on Europe (see Delanty 1995; Mikkeli 1998; Passerini 1998; Viehoff and Segers 1999; Wintle, 1996). Prior to the shift, the study of 'identity' was virtually absent in discussions in social science disciplines such as Anthropology, Political Science and Sociology in which it has since become mainstream. In addition, the constructivist turn in International Relations (IR) has highlighted the importance of collective identity in understanding international politics (Hülse 1999: 398). As Elbe writes, the "attempted departure from a merely functional approach to European integration on behalf of many policy-makers and

⁷ See for example Dempsey 2002; Emerson & Tocci 2004; Kuniholm, 2001; Wood & Quaisser. 2005.

⁸ Arikan, Harun. 2003. *Turkey and the EU: An Awkward Candidate for EU Membership?* Ashgate Publishing. 241pp; Meltem Muftuler-Bac; Yannis A. Stivachtis (ed). 2008; *Turkey-European Union Relations: Dilemmas, Opportunities, and Constraints*. Rowman & Littlefield. 335pp; Joseph, Joseph S. 2006. *Turkey and the European Union: internal dynamics and external challenges.*, New York: Palgrave Macmillan; Emerson, Michael., Ülgen, Sinan., Dervis, Kemal., Gros, Daniel. 2005. *The European transformation of modern Turkey* Brussels: Centre for European Policy Studies; Gerhards, Jürgen. 2007. *Cultural Overstretch: the enlargement of the European Union and the cultural differences between old and new member states and Turkey*. Abingdon, Oxon; New York: Routledge; Lagro, E & Knud Erik Jørgensen (eds). 2006. *Turkey and the European Union: Prospects for a Difficult Encounter* Hampshire: Palgrave Macmillan; Brenner, Edgar H., Alexander, Yonah., Tutuncuoglu, Serhat. 2008. *Turkey : Terrorism, civil rights and the European Union*. Abingdon, Oxon; Faucompret, Erik., Konings, Jozef. 2008. *Turkish Accession to the EU: Satisfying the Copenhagen Criteria* Abingdon [UK] New York: Routledge; Verney, Susannah., Ifantis, Kostas. 2009. *Turkey's Road to European Union Membership : National Identity and Political Change*. New York: Routledge; Grigoriadis, Ioannis N. 2008. *Trials of Europeanization: Turkish political culture and the European Union*. New York: Palgrave Macmillan; Lannon, Erwan., Lebullenger, Joël. 2006. *Les défis d'une adhésion de la Turquie à l'Union européenne*. Bruxelles: Bruylant; Akagül, Deniz., Vaner, Semih. 2005. *L'Europe avec ou sans la Turquie* Paris : Editions Eyrolles; Ugur, Mehmet., Canefe, Nergis. 2004. *Turkey and European integration: accession prospects and issues*, London/New York: Routledge; Burdy, Jean-Paul. 2004. *La Turquie est-elle européenne? : Contributions au Débat*. Levallois-Perret, Turquoise.

scholars... might broadly be referred to as the ‘post-functionalist’ moment in the European debate” (Elbe 2001: 264). Notably, the understanding that collective identities were ‘social constructions’ gained importance. This turn emphasized not only the importance of collective identity in international politics, but also the structural claim that there could be no identity without difference (see Campbell 1998, and Neumann 1996 for elaboration). This reading of identity implies that identity is not positively ascribed. Rather, we understand what we are by virtue of what we are not. The construction of any ‘self’ is thus intertwined inextricably with the delineation of its Others. European identity therefore requires exclusion, as identities are always constituted in relation to difference (Neumann 2001: 143; Siedendorf 2005: 439; Rumelili 2004: 29). According to van Ham,

For ‘Europe’ to know its Self, it must look into the rather shadowy mirror of all that does not belong to Europe. ... The Other therefore plays a central role in fostering the senses of cultural homogeneity and collective identity that forms the somewhat crude building blocs of international society. Since identity is inconceivable without alterity, contrasting the sense of community with difference is unavoidable (2001: 575).

This understanding has important implications and limitations in this thesis. A major theory associated with Structuralism is *binary opposition*, which understands that there are theoretical and conceptual opposites, often arranged in a hierarchy. These binary pairs include most notably Inside/Outside⁹, or would likewise include European and non-European. Understanding identity as relational would posit that Turkey either occupied the position of being inside or outside of Europe, or of being European or non-European. Rather than this being the way, Turkey is a limit case,

⁹ For a discussion of the Inside/Outside dichotomy in International Relations, see Walker, R.B.J. 1993). *Inside/outside: International Relations as Political Theory*, Cambridge / New York: Cambridge University Press, 233 p.

occupying a position on the periphery of inside and outside: sometimes it is constituted as a part of Europe, and at other times it is not. Saussure's structural approach (1966) understands a binary logic of inclusion and exclusion, and I argue that such logic would place Turkey wholly outside, or inside of Europe. This situation whereby Turkey is seen sometimes as in, other times as outside, is not in line with a Saussure's approach. Indeed, as Raenato (2008) argues, "European identities are ... multi-layered in that regional, transboundary, supra-state and ethnic identities coexist with national identities. Individuals do not simply have one identity but several, which overlap and intersect" (Raenato 2008). In addition to this, a structural account of identity construction does not open a space for identities to be constantly renegotiated, or to be fluid, hybrid, and multiple. I therefore aim to open a space to explore an understanding of identities as fluid and "under erasure" and endlessly deferred and fluid that moves past this dyadic relationship (Lynch 2005: 4). I argue that this fluid understanding of identity can explain the vacuum in which Turkey finds itself regarding its relationship to the EU.

This thesis therefore adopts a post-structuralist approach. The choice is appropriate because it enables an analysis of Turkey on the margins of Europe where Turkey can be at once European and non-European, both friend and enemy, and inside and outside. Post-structuralism rejects the idea of hierarchy in these binaric categories. Through *deconstruction*, it attempts to break down the assumptions and knowledge systems that make binaric categories and the way in which they structure knowledge and meaning. By quoting a passage from Foucault's *Archaeology of*

Knowledge, I hope to illustrate the value of post-structuralism for this thesis.

Foucault argues that in writing about science and the assumptions that ground our scientific, political and social inquiry, that “[n]ow .. history ... has taken as its primary task, not the interpretation of [documents], nor the attempt to decide whether it is telling the truth or what is its expressive value, but to work on it from within and to develop it” (2005: 7). Essentially, Foucault is arguing that we do not often question or critique the basic assumptions that found our thinking of history, law or politics. Post-structuralism is thus urges us to question and de-base the assumptions of how we view the world. It opens a space in which we can see different perspectives and approaches to that what we may have never questioned. This scope of the questions includes thinking beyond identities as relational, and beginning to conceive of them as under erasure and deferred. Post-structuralism is important to this analysis because it allows us to explore in new ways why Turkey’s accession has been so problematic, and the essential proportions of why it is perceived as essentially so different from previous accessions. It also offers us tools with which we may be able to assess why a day may come that Turkey meets the Copenhagen Criteria for membership but may not be granted the right to accede to the European Union.

Turkey is a powerful case study for exploring the limits of European identity construction. For centuries Turkey has served as a perennial Other to European identity construction (see Levin 2007; Neumann 1999; Kösebalaban 2007), but is also constructed as a European friend and ally who is occasionally culturally

incommensurate with Europe (see Bulley 2007; Arikan 2003). Turkey thus occupies a position on the margins of both concepts, serving both depending on time and circumstance, and depending on different articulations of 'Europe' and European identity. As Derrida writes, [t]he outside penetrates and thus determines the inside. (Derrida 1993: 152-53), therefore rather than seeing the Outside and the Inside as mutually exclusive concepts or spaces, however, we must see them as co-existing and co-produced. Indeed, Laclau and Mouffe argue that the

irresoluble¹⁰ interiority/exteriority tension is the condition of any social practice: necessity only exists as a partial limitation of the field of contingency. It is in this terrain, where neither a total interiority nor a total exteriority is possible, that the social is constituted (1985: 111)

Therefore the question of Turkey occupying the limits of Inside/Outside, European or non-European, friend or enemy is an irresolvable tension that goes beyond the issue of Turkey's EU accession; it is an essential question of the human condition.

In the argument that I make in this thesis, I regard Turkey as a limit case for how European identity is formed. I argue that Turkey's Europeanness is invoked at different times for different purposes. For example, these purposes are political such as when French president Nicolas Sarkozy scores points in the domestic polls for his anti-Turkish comments; geopolitical when Turkey's role in tempering Middle Eastern peace or reform is used as a reason to promote its accession, or equally when Turkey's neighbours are cited as reasons it should not accede; economic in discussions of an ageing workforce or the reform of the Common Agricultural

¹⁰ Irresoluble is a term used by Derrida which can be translated to English as irresolvable.

Policy (CAP); religious when the EU is touted as a Christian group of countries where a Muslim country is not welcome; or are rooted in understandings of Europe as rights-based or meritocratic, or in understanding the EU as multicultural and inclusive. Turkey's Europeanness is thus very contextual, and is thus very fluid. As we can see, this complicates the issue of Turkey's accession given that it is framed as a debate over its Europeanness (or lack thereof). The quagmire of identity being articulated in such fluid and varied ways demonstrates another level of complexity to Turkey's accession that are largely absent from the official accession negotiation.

Though Turkey is variably inside and outside of Europe and of European identity, and this is fluid and under erasure, Turkey's legitimacy, as I have said, is understood in terms of absolute Europeanness. Either Turkey is European or it is not, but I have troubled this binary and demonstrated that Turkey's identity in Europe is more fluid and multiple. However, accession is based on this binaric idea of legitimacy based on Europeanness (or non-Europeanness); therefore the only two possible conclusions to the EU-Turkey accession negotiation are accession or its non-event. What will be the result of the accession negotiation if policy options are framed in terms of this either-or frame? So long as Turkey's Europeanness remains fluid and under erasure, Turkey's EU accession can and will be deferred. If the question of Turkey's Europeanness cannot be definitively answered, Turkey will not be invited to accede to the European Union. I argue that this opens the possibility that Turkey may meet all of the requirements for membership in the EU, yet not be invited to accede to the EU.

Turkey-EU Relations: An Introduction

Turkey formally applied for membership of the European Communities on April 4, 1987.¹¹ Prime Minister Turgut Özal's application was inspired by a clause in Article 237 of the EEC Treaty which confirmed that "each European country can apply for membership in the EEC" (quoted in Yilmaz 2008: 5). The European Commission deliberated for over two and a half years about Özal's application, and Brussels' response was delivered on December 19, 1989. As Yilmaz notes, "[o]bviously Brussels did not want to reject Turkey's application directly" despite its application "being clearly neither supported nor encouraged either by the Commission or any of the other member states at the time" (2008: 5). The only member that raised concerns openly was Greece. The Commission's decision focused on economic factors included macroeconomic imbalances, and industrial protectionism (2008: 5). Identity was never mentioned outright as a reason for excluding Turkey, so the concerns came down to, essentially, things that were fixable—perhaps not in the short term—but they were at least formally treatable with reform and convergence with European practice and policy.

In the Commission's decision in 1989, Turkey was neither affirmed nor rejected as an EC member. But note that the issue of whether Turkey was considered 'European' or not was not raised as a point of contention. Turkey was told that it

¹¹ I do not go into detail about the early phase of EU Turkey relations. For more information on the early phase of EEC-Turkey relations, see Saban H. Çalis, 2004. "Formative Years: A Key for Understanding Turkey's Membership Policy Towards the EU," *Perceptions: Journal of International Affairs*, IX: 3.

had primarily economic issues to address prior to being accepted as a candidate, and also to address democracy, human rights, and the protection of minorities. The Cyprus dispute was also cited as an obstacle for eventual membership. Again, its membership was deferred, not denied. There was widespread anger to the response of the “strict admission requirements for this very select club of affluent, democratic states” as Eric Rouleau, former French Ambassador to Turkey argues (2008: 5).

Turkey’s strategic importance became even more evident with the collapse of the Soviet Union. The 1992 European Council in Lisbon highlighted Turkey’s importance (Yilmaz 2008: 6). The EU appeared to have had a change in policy: it sought greater political dialogue and consultation with Ankara and greater collaboration in implementing the Customs Union¹². Despite major leaps made towards the full implementation of the Customs Agreement, at the Luxembourg European Council meeting in 1997, “the dawn of a new era” in Europe included Poland, Estonia, the Czech Republic, Hungary, Slovenia and Cyprus to begin accession negotiations, and Latvia, Lithuania, Slovakia, Bulgaria and Romania were included in a pre-accession partnership to speed their process of accession. Turkey was placed in a third category with a rationale for a “strategy of rapprochement”: not the foreclosure of possible future membership, but rather another deferral of it.

¹² On 31 December 1995, a Customs Union between Turkey and the European Union came into effect. Under the Customs Union, goods can travel between the EU and Turkey without customs restrictions with the exception of agriculture, services or public procurement to which bilateral trade concessions still apply. The Customs Union is one of the steps towards Turkey’s membership in the European Union.

Before acceptance as an official candidate, Turkey was to address its human rights, treatment of minorities, and compromise on the Cyprus dispute (Yilmaz 2008: 9).

Turkey was perpetually given a special treatment with regards to its relationship with the EU that never fully affirmed or denied its legitimacy as an EU member. In response to this deferral, relations with Ankara and Brussels soured: Ankara condemned Europe's hot-and-cold treatment of Turkey, and refused to take part in a pan-European conference the following year where it was European enough to be included, but not European enough to be offered a membership perspective. Ankara threatened to ignore the EU's push for Ankara to amend the Cyprus dispute, and that it would cooperate closely with the Turkish Republic of Northern Cyprus (TRNC) if membership talks were launched with the divided island's internationally recognized Greek Cypriot government (Yilmaz 2008: 9).

After the summit the European media was full of rhetoric from European politicians who affirmed that they had not meant to deny Turkey's accession. Turkey's eligibility to join the EU was widely proclaimed, as was the statement that "Turkey's candidacy would be judged by 'the same criteria' as other applicant states" (Yilmaz 2008: 9).

There was a shift in the EU at this point. EU-Turkey relations had nearly reached a breaking point, and I argue that though Turkey was historically accepted as a candidate for eventual EU membership at the Helsinki European Summit in 1999,

the same politics of deferral were in play. The EU had realized that not having given enough concessions to Turkey had nearly brought relations between the two countries to a head. Certainly there was rapprochement between the EU and Turkey, but the EU had to placate Ankara, provided Turkey met the Copenhagen Criteria. Then in 2002, at the Copenhagen Summit, European leaders promised to open accession negotiations based on the Progress report on Turkey 2004. Membership negotiations were opened on October 3, 2005. Nearly 50 years after Turkey was affirmed as European and a natural EU member, Turkey's EU candidacy is still unsure. I argue that this same process of deferral is ongoing in the accession negotiation and is likely to continue.

I argue that there has been a hesitation to explicitly exclude or include Turkey based on Europeanness, or Turkey's perceived lack thereof. Again, I return to the point that those who are arguing for or against Turkish accession therefore begin with different foundational assumptions about the European vocation of Turkey: for those who argue in favour of Turkish accession, Turkey was deemed European and a natural member of the European family in 1963, whereas those who argue against it claim Turkey is too different. Though many politicians and populists cite Turkey's "different culture, ... different approach, ... different way of life" as reasons to exclude it¹³, there is, for the EU and the United States, emphasis placed on keeping Turkey as a strategic partner and ally. This enables the EU to continue to exert "soft" power and affect domestic reform and convergence with EU norms

¹³ Valéry Giscard d'Estaing, chair of a "convention on the future of Europe." Interview in *Le Monde*, 8 November 2002.

and institutions.¹⁴ In addition, as we will explore in the third chapter, given that Turkey's "Europeanness" had not been challenged prior to 2005 when the EU opened negotiations with Turkey, nor really any time before it in any official capacity, claims to exclude Turkey by virtue of its Europeanness *legally* have passed for all intents and purposes¹⁵. Neither the Copenhagen Criteria nor the so-called *acquis communautaire* make mention of identity or culture. Presumably this lack of a test on the question of Europeanness in these criteria is due to the fact that it is presumed that the question should have already been answered when a country applies for membership. If there is not a space for debates on Turkey's Europeanness to happen, in what space do they occur?

Negotiating a 'Politics of Deferral'

In this thesis I propose to discuss the 'politics of deferral'. This framework allows us to explore the aporias and lacunae in law, policy and practice, which hinder Turkey's EU bid, and to analyse why they structurally exist. It provides a space where we can move beyond a dichotomy of understanding whether Turkey will be 'in' or 'out' to understanding why Turkey remains on the periphery, both in and out, and why this may well hinder its possible accession. If Turkey was a 'perennial Other' to Europe as Neumann (1998) and Levin (2007) argue, we could make a case that Turkey would be definitively 'out' of Europe, yet it is not. A politics of

¹⁴ It also enables the United States to continue to achieve its foreign policy goals of engagement with Turkey as an important NATO and Middle Eastern ally. For further analysis, see Z. Öniş, Ş. Yılmaz. 2005. "Turkey-EU-US Triangle in Perspective: Transformation or Continuity?" *The Middle East Journal* 59:2, 265-284.

¹⁵ To highlight this point, when Morocco applied to join the European Communities in 1987, its application was rejected on the basis of its Europeanness immediately.

deferral enables us to understand how the accession can progress, how reform towards accession can be made, even if seemingly always at the breaking point.

We can borrow some of the understanding of deferral from Derrida, who in writing of *différance*, evokes a second meaning of the term. For him, *différer*—to defer—means:

The action of putting off until later, of taking into account of taking account of time and of the forces of an operation that implies an economical calculation, a detour, a delay, a relay, a reserve, a representation. [a...] *Différer* in this sense is to temporize, to take resource, consciously or unconsciously, in the temporal and temporizing mediation of a detour that suspends that accomplishment or fulfillment of “desire” or “will” (Derrida, 1982: 8).

To defer, then, literally means to delay, to put off, to not come until later, to be delayed, and I argue that this is what is happening with regards to Turkey’s EU candidacy. Rather than being absolutely ‘in’ or ‘out’, Turkey’s Europeaness and European destiny are forever undecided. Politics is thus playing out on the exception on the line between inclusion and exclusion, inside and outside, Europe and not-Europe.

Ifversen and Kølvråa (2007) write of the similar rationale of deferral as operative in the European Neighbourhood Policy (ENP). Essentially, it is a way of evading future enlargement talks (Smith 2005: 758, 769), and a polite way to refuse comment on the increasingly difficult question of enlargement (Ifversen and Kølvråa 2007: 13). Ifversen and Kølvråa argue that the ENP enables what I understand as a politics of deferral: it enables the EU to exercise its strongest

foreign policy tool, membership, through other means. It can just dangle the “carrot” of a membership perspective without it being explicitly offered or denied. Though there is perhaps not the desire to negotiate the possible future accession of these countries, that possibility is never completely precluded. There is a postponement with regards to these states both in terms of their performance as neighbours and in terms of undecidedness of Europe’s final borders (Ifversen and Kølvråa 2007: 17). Though Turkey is a candidate, I argue that this same process is happening, and has been happening for the duration of EU-Turkey relations. Ifversen and Kølvråa speak of the “semantic positioning of the Neighbours along an epistemic axis as neither family or (sic) as stranger” (Ifversen and Kølvråa 2007: 18). Their Europeanness is neither denied nor confirmed, it is continually postponed (Ifversen and Kølvråa 2007: 17).

Outline

This thesis seeks to provide a critical assessment of Turkey’s controversial bid to join the European Union, and the EU response to it. This thesis will attempt to enrich the literature from the perspective of post-structuralist theory. Using conceptual terms outlined by Michel Foucault, Jacques Derrida, Carl Schmitt and Giorgio Agamben, this thesis seeks to add to current literature that theorises Turkey’s accession to the European Union. This thesis will be structured into four chapters including this chapter: two body chapters, an introduction, and a conclusion. Below I offer a brief preview of what these chapters are about.

The second chapter explores the polemics of identity construction on Others, and in particular Turkey. It departs from a constructivist understanding of identities as relational, and argues that Europe has become known by virtue of what it is not. It begins with an exploration of EU Cultural Policy, which has emerged since the so-called cultural shift in Social Sciences. Discussions about ‘Europe’, the so-called ‘European idea’, and ‘European identity’ have proliferated as major areas of academic focus, and have come to take on a prominent and even institutional focus as evidenced by the EU’s inclusion of culture and identity as explicit policy areas after the 1970s and as institutionalized policy areas after the Maastricht Treaty (TEU) in 1992 (Stråth 2001). In the last thirty years, ‘culture’ has become an explicit policy focus used by the EU to advance European integration which plays an official role in the construction of Europe and European identity, and is being operationalized as a tool to create legitimacy and popular support for European integration (see Shore 1993, 2000, 2001, 2006; Delanty 1996; Barnett 2001; Sassatelli 2002; 405; Larat 2005). In Stråth’s (2000) view, the idea of a European identity was created or *launched*¹⁶—that is, it did not exist before by the language and logic of “identity”. Essentially, it was introduced into the European agenda in an effort to create support for European integration. As Stråth (2000) notes, “integration was the key concept for translating Europe into a political project” but as it failed to be successfully mobilized as a tool to promote the political project of the EU, identity was used (2000: 16). This analysis prompts us to problematize

¹⁶ As Stråth notes, in the 1970s, there were attempts to replace collapsing national frameworks with a sort of European tripartite order or corporatist bargaining, and evoking a common European identity was used to rally support (15). This means that, the idea of a European identity was launched—that is, it did not exist before by this language and logic.

European identity as such and remark at the different ways that it has been used. It pushes us to question what it is, what its challenges are, how it has and is been constructed, and for what and whose purpose it has been done.

This *launching* of European identity that Stråth makes reference to is also problematic in that in *launching* something, there must surely be some clearly defined criteria or definition of what it means. ‘Identity’ and what it means in the European context have not been clearly defined. In some ways, the term denotes cohesion and holism and feelings of shared community; it also means equality. These terms, as Stråth notes, are mobilized when there is a lacking of these feelings, so therefore a European identity arises in the absence of one. Rather than being inclusionary, identity is also fundamentally exclusionary.

Cultural initiatives that have been launched by the EU include Kaleidoscope (1996-1999); Ariane (1997-1998); Raphael (1997-2000); Culture 2000 (now the Culture Programme 2007-2013 which combined the aforementioned programmes), European Capitals of Culture (ongoing since 1985), and 2008 was even deemed the “European Year of Intercultural Dialogue”. This demonstrates the EU’s imperative to focus on cultural dialogue as a significant element of European policy. The second chapter will look at how, despite these initiatives suggesting the EU’s commitment to “unity in diversity”, these initiatives are also selectively inclusionary. An analysis of governmentality allows us to explore how particular

kinds of diversity are promoted and funded at the European level, while others are not.

Through a Foucauldian governmentality perspective, the chapter will develop an analytical framework that will allow an examination of these narratives and from a new and critical perspective. In particular, it will examine explore how particular histories and narratives of Europe and European identity are ‘disciplined’ in favour of others. The EU through its formalized cultural policy also succeeds in disciplining ideas of ‘Europe’ and European identity. EU cultural initiatives highlight particular cultural perspectives and cultures that are deemed appropriate and acceptable are promoted and are therefore funded, while Other perspectives that are deemed ‘less cultural’ or ‘less relevant’ are excluded from official funding, and thereby delegitimized. This gives the EU a huge amount of control over initiatives to support diverse cultural arenas including art, publication, and cultural heritage.

The third chapter explores in particular the very nature of the EU-Turkey accession negotiation *as* problematic. Using conceptual terms outlined by both Carl Schmitt and later taken up by Giorgio Agamben, the chapter explores Turkey’s EU bid through the state of exception/emergency¹⁷, the friend-enemy distinction, and sovereignty¹⁸, and explores them as a politics of deferral. The chapter argues that a

¹⁷ Exception and emergency are often used interchangeably to describe the state of suspended legal order. For the purpose of contiguity, I will most often use the ‘state of exception.’ However, I will also use the state of emergency and state of necessity to invoke the various important characteristics of the state of exception throughout this chapter.

¹⁸ For Agamben and Schmitt, sovereignty denotes the executive power that is used specifically within the state of exception: it is the use of authority, which remains

state of exception operates in EU enlargement discourse, and perpetually postpones and defers Turkey's Europeanness. A politics of deferral allow us to understand how the accession can progress, how reform towards accession can be made, yet how the accession process is inherently stalled and always and ever at breaking point.

The chapter argues that there is an ongoing state of emergency that characterises both Europe and Turkey's EU candidacy. Schmittian sovereign decision understands decisionism to be absolute and definitive. In the case of Turkey, Schmittian decisionism would entail a categorical acceptance or denial of its candidacy and legitimacy as an EU member. The EU has, however, attempted to encourage political and economic reform in Turkey without an absolute and definitive decision of whether to fully accept or reject its candidacy. The EU is attempting to exert influence similar to that which it had in earlier enlargements, without the same path dependency of membership at the end. This is achieved through the politics of deferral: through the conjuration of a constant emergency situation, the accession remains forever at a breaking point, always contingent on Turkey's Europeanness. I argue that a Schmittian sovereign decision would entail a categorical refusal of Turkey's EU accession, however, the EU's behaviour towards Turkey is not an absolute denial. However, it is indicative of a similar logic.

Accepting or rejecting Turkey outright would achieve as Schmitt envisioned, but it

latent until an emergency situation arises. When the law fails in its application, it causes a suspension of judicial order. The state of exception exists to eliminate crisis situations, and is characterized by the temporary removal or suspension of ordinary legal order.

would not allow the EU to continue to define itself through its propensity to act (Ifversen and Kølvråa 2007¹⁹) or through an identity of multiculturalism and inclusive values or commitment to “unity in diversity”.²⁰

Through the use of the Schmittian concept of the ‘state of emergency/exception’, I will explore how these ‘emergency’ situations which slow and delay Turkey’s integration are more often than not depicted as failings of Turkey to implement reform, or of its European incommensurability rather than there being more structural reasons for its deferred status, or the existence of different standards being applied to Turkey’s accession process. *Deconstruction* will demonstrate the impossibility and undecideability of these binaries of inside/outside or European or non-European.

This thesis, through its exploration of both governmentality and sovereignty and the state of exception paint a bleak picture of the future of accession negotiations between Turkey and the EU. The accession negotiation, through these analyses,

¹⁹ Ifversen and Kølvråa highlight the performative element of identity. Rather than identity being solely relational, they argue that “[i]dentities do not only resolve questions of how we differentiate ourselves from many others... They also depend on what we do. Identities are performative in the sense that they activate discursive resource which constitute actors” (Ifversen and Kølvråa 2007: 10). The EU, according to this account, knows itself by its very propensity to act and effect policy change with its neighbourhood. This is consistent with my argument because each time the EU has felt that it cannot act in Turkey, or that its ties with Ankara are waning, it has attempted to reinvigorated its commitment to building an “ever closer union”. Deferral, or postponement of Turkey’s Europeanness and EU candidacy allows the EU to continue perform its identity because it is not an outright denial of membership or Europeanness. So long as further integration or membership remain tangible to the EU’s periphery, I argue that the EU can still ‘perform’ its identity.

²⁰ The concept of *unitas in diversitas* was coined by the theologian and philosopher Nicolaus von Cues (1401-1464). “United in diversity” is now the official motto of the EU.

suggests a future of the EU-Turkey relations following one of two trajectories: inclusion into the European family, or exclusion from it. I argue that Turkey's candidacy, from this analysis, is unlikely to be decided or decideable as the position that Turkey occupies as a limit concept is neither fully European or non.

As a possible alternative to the untenuousness of this account of EU-Turkey relations, the third chapter closes with an examination of a Derridean ethics of hospitality. Hospitality implies an opening to the Other without condition or pretence, and with the implicit understanding that the Self will invariably change in the process of this opening. As Derrida argues, hospitality deconstructs the binary of identity and difference in our ethical relations with strangers (Baker 2009). If this is a possible future for EU Turkey relations, we could be past the limited ways of conceiving EU-Turkey relations. I will assess the possibility of it serving as a means to include Turkey.

Conclusion

Analyses of Turkey's EU bid from the perspective of governmentality, sovereignty and the state of exception paint an inauspicious future for EU relations with Turkey. They argue what many are arguing in Europe: that the enlargement process between Turkey is happening at a different speed and with different conditions. To close, the fourth chapter will draw themes and implications from this analysis. It will explore the implications of an enlargement process that is *officially* a merit-based process with the same rules and conditions applied to each member, yet has, as we have

seen, other conditions being applied to it. This analysis demonstrates that Turkey may be depicted as failing to implement reform or be *European enough* when really there are endemic and structural factors that are limiting its accession.

The chapter will also explore possibilities to move past this politics of deferral. It will consider Bulley's (2007) conceptualization of an ethics of hospitality. It will also draw connections between the state of exception and governmentality. Both relate to sovereign decision and the creation or solidification of the inside over the exclusion of an outside. As Prozorov (2005) argues, there are connections that can be drawn between Schmitt's and Foucault's reading of the exception: both "share a point of departure in a philosophical disposition [he calls] *onto-logical extremism*, which locates the condition of possibility of order in the founding rupture of the exception" (2005: 82). Though Schmitt valorises the principle of sovereignty and Foucault denounces it, their work is not incommensurate; rather both sovereignty and governmentality can be used together to expose "disavowed blind spots in the other" (2005: 82). From these interstices, I hope to explore the possibility of the future of Turkey's accession negotiation.

Chapter 2: A “Flowering” of Whose Culture? The EU’s Year of Intercultural Dialogue in Perspective

The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.
CEC, 1992

European Union policy makers have sought to harness culture as a vehicle for promoting solidarity and social cohesion among Europeans, but the eurocentrism and class bias inherent in their conceptions of culture also promote exclusion and intolerance, particularly towards those who fall outside the boundaries of official European culture.
Shore 2001: 108

At the end of his life, Jean Monnet is alleged to have said of creating a united Europe, “if I could start again, I would start with culture” (Eatwell 1997: xii). In fact, Monnet is not the author of this famous dictum, nor was ‘culture’ even an established policy area before the 1970s, but the ongoing reference to this apocryphal quote, and the now prominent role of ‘culture’ in EU discourse is indicative of the profound impact the so-called cultural shift in social and human sciences has had on EU scholarship and policy (see Barnett 1998, 1999, 2001, 2005; Delanty 1995; Sassatelli 2002; Shore 1993, 2001; Stråth 2005; and Wintle 1996, 2006 for further elaboration). Culture has been historicized²¹ in EU discourses: though it was not historically on the European agenda, it has been projected back

²¹ Historicization as a term was coined by Bertolt Brecht and literally means to make something appear historical. What has happened in Europe is that culture has been constructed as something that has always been on the European agenda; or as if there have always been unified ideas of a shared European culture, identity, or spirit. Culture has been constructed as an originary principle in Europe, and this historicization has transformed ideas of shared European culture and identity into fact. History itself is an account of historical events, and there is a tendency to rewrite or re-imagine history. ‘Writing’ culture into EU history has removed the need for critical reflection because it is seen as having always existed, not as having been constructed.

into the past, and constructed as if it has always been a major focus and organic part of the EU from its conception. Reference to ‘cultural policy’ or ‘culture’ at the EU level did not actually begin until the 1970s when the Commission of the European Communities (CEC)²², with support of the European Parliament (EP), developed a ‘cultural policy’ designed to help bolster understanding of a European cultural identity. Since then, cultural policy has been given formal recognition on a number of occasions, namely at the Stuttgart and Milan European Councils (1983 and 1985), and became a formal competence of the European Community with the 1992 Treaty on European Union (TEU) or more popularly, ‘Maastricht Treaty’ (Shore 1993). Today, the EU’s cultural project is seen as an indispensable aspect of the European project (Shore 2000, 2001, 2006; Barnett 2001; Sassatelli 2002; Larat 2005). While some consider that the identification and nurturing of a shared European culture will act an instrument for self-knowledge or more European historical awareness, others argue that a cultural policy by its very nature “excludes... phenomena that do not suit its explicit or implicit political and cultural agenda” (van Hamersveld & Sonnen 1999: 2). What will follow in this chapter is a critique of the emergence of an EU cultural policy and its implications for the EU’s others and in particular Turkey.²³

²² Commission of the European Communities (CEC) was renamed later as European Commission. I will refer henceforth to it as CEC for both periods.

²³ Debates about European identity have intensified in recent years, particular in response to the EU’s Constitutional Treaty and Lisbon Treaties. As the EU’s political power increases, so too have discussions about identity because of the understood necessity of common values to help create legitimacy and meaning. For the highlights of the differing views of how European identity should be constructed including communitarians, constructivists, liberals and republicans, see Euractiv 2010.

This chapter will present an analysis of the EU's cultural policy from a Foucauldian governmentality perspective to demonstrate the implications of an increasingly expanded and powerful EU cultural policy. Over the last three decades 'culture' has gradually become an explicit policy focus used by the EU to advance European integration, now plays a large official role in the construction of Europe, and is being used to create legitimacy and popular support, a European 'demos' and shared history and belonging to advance European integration (Delanty 1996; Barnett 2001; Larat 2005; Sassatelli 2002; 405; Shore 1993, 2000, 2001, 2006). A culmination of the EU's gradually expanding power and role in cultural policy was with the TEU, negotiated in December 1991, which gave legal recognition of culture as an official EC competence, and created a political and legal basis and mandate for the EU's direct involvement in cultural affairs (Shore 2006: 12). The TEU gave a substantially increased budget for cultural policy, added new areas to the Community's jurisdiction, which expanded the realm of EU influence in culture. With the legal character of culture in the EU, the EU gained control over an increasing number of cultural activities that were deemed necessary to create European-level social cohesion that was never necessary in a primarily economic organization. Through an analysis of EU cultural policies and initiatives which have been developed to help construct European identity and we-feeling to advance the European project, this analysis will demonstrate that EU cultural policy is not a benign and neutral 'thing' that exists naturally in the EU. It has been created to construct European identity and 'we-feeling'. These policies and initiatives shape and dictate what particular *kinds of diversity* are acceptable, and only promote

diversity and dialogue within certain parameters. This analysis, though it does not specifically focus on Turkey's enriches our understanding of how identity is being constructed in the EU and directly impacts the EU internal and external others.

Since the 1990s the EU has initiated a number of projects to advance its cultural project. These include Kaleidoscope (1996-1999); Ariane (1997-1998); Raphael (1997-2000); Culture 2000 (now the Culture Programme 2007-2013 which combined the aforementioned programmes), and European Capitals of Culture (ongoing since 1985). Since 1983, the EU has chosen a yearly theme for a campaign aimed at raising public awareness of and drawing national governments' attention to a specific issue. The EU, through these European Years, has agenda-setting ability to promote certain policy areas including Poverty and Social Exclusion (2010), Racism and Xenophobia (1997) and a 'People's Europe' (1984). These 'Years' promote directly Europe-building and the construction of European identity as inclusive, multicultural and progressive. Shore critiques the rationale of the 'European Years' in his argument that their aim, rather than being entirely benevolent was

to reconfigure the symbolic ordering of time, space, information, education and the media in order to reflect the 'European dimension' and the presence of European Community institutions" (Shore 2001: 49).

The EU proclaimed 2008 the European Year of Intercultural Dialogue (EYID), which clearly indicated the desire to promote dialogue on culture as a significant element of European policy. EYID's agenda, in line with the EU's existing

initiatives to create and foster a common European culture and ‘ever closer Union’, included festivals of intercultural dialogue, organized public debates, art exhibitions, Intercultural Dialogue Day on September 26, as well as avenues for European citizens’ to engage and offer feedback of the initiatives through surveys. The EYID thus aimed to encourage mutual understanding, tolerance, and better knowledge²⁴, while stimulating and fostering understandings of a European collective identity that identifies with a commitment to multiculturalism, simultaneously promoting other citizenship building, identity construction, and the EU’s motto of “unity in diversity”.²⁵ Though these allegedly benevolent policies aim to encourage diversity and dialogue, they actually do so within particular limits which shape the extent and parameters of diversity in the EU. Behind these benevolent attempts to encourage diversity, is the deliberate need to exclude the Other. This chapter helps to illustrate the paradox of these EU policies, which at once seek to create diversity, but are in fact culpable of reifying the exclusions they attempt to debase. Opening these policies to critical reflection can help to explore how certain EU hopefuls may be implicated, namely Turkey.²⁶

Using conceptual terms outlined by Michel Foucault, this chapter will critically assess the EU’s cultural project, and in particular the place and role of the EU cultural policy and the aforementioned cultural projects including the European

²⁴ Mutual understanding, tolerance, and better knowledge are cited as the foundational principles of the Intercultural Dialogue project on the website: http://ec.europa.eu/culture/portal/action/dialogue/citizenship_en.htm

²⁶ I disagree with the idea that these policies must be necessarily benevolent. My purpose here is to open a space for critical reflection and critique of these policies in an effort to explore how systemically rooted exclusion is, and what its implications will have in particular for Turkey’s EU candidacy.

Year of Intercultural Dialogue (EYID) on European identity construction and Turkish EU candidacy. A Foucauldian (1991) governmentality analysis highlights the “specific practices for the transformation of the behaviour and conduct of individuals and collective populations” in EU cultural policy (Bennett 1978: 71, quoted in Barnett 1999: 370). This type of analysis enables a better understanding of the “variable forms of power” which characterise [and operate within] particular cultural technologies” (Bennett 1998: 71). Governmentality also refers to the way in which governments produce particular kinds of citizens to fulfil a government’s policies. I argue that this extends to the government ‘disciplining’ what kinds of diversity and culture can be included within Europe to construct ‘a people’s Europe’.

This chapter will begin first by situating the chapter within the literature on governmentality. It will then offer a critical assessment of the use of ‘culture’ in EU discourses, and will assess the role of EU cultural policy. For all of the recent discussion of culture at the EU level and for its centrality to the creation of legitimacy and social cohesion of the European project, it is noteworthy that it is not directly defined in the Treaties (Barnett 1998: 633). The definition of culture has come to be “largely taken for granted” nor subject to critical reflection (Schelsinger 1989: 1). Culture as a concept has become “completely deprived...of analytical precision” (Maderker 2006: 2), and this has enabled it to possess generic and therefore highly mobile understandings (Barnett 1998: 631). Indeed, as Gallagher notes, “[y]ou can't go wrong when you call something cultural, for it is the one term

that, without necessarily specifying anything, carries the full weight of all possible forms of specificity” (Gallagher, 1995, page 309, quoted in Barnett 1998: 631). A governmentality analysis allows us to see how the European Union has gradually written increasing involvement in cultural affairs into EU policy, practise and law, while re-writing a history of how it came to be included (Shore 2006).

In addition, there is a contradiction to the way in which ‘culture’ is conceived of in EU discourses: sometimes culture is singular (suggesting the existence of a single European culture), while other times it is multiple (thus suggesting a commitment to respecting Europe’s diverse populations and peoples). Paradoxically, culture cannot be at one time singular while at the same time being multiple, in the EU’s inclusion of “unity in diversity” as its central policy slogan, it must hold one principal higher than the other.²⁷ This chapter will contribute to the literature on governmentality and culture, and concurs with Bennett’s (1998) claim that “cultural studies needs to accord greater attention to the variable forms of power which characterise particular cultural technologies (1998: 71). The ambiguity and fluidity of definitions of culture and their legal and political character create a space where ‘technologies of power’ can manifest imperceptibly.

Finally, this chapter will also use conceptual terms outlined by Giorgio Agamben to demonstrate that in the move to include culture in the EU’s jurisdiction politically

²⁷ See also Peter Kraus (2000; 2008) who has worked on this inherent tension in EU’s cultural policies to employ initiatives encouraging greater cultural and linguistic diversity for strengthening a European identity.

and legally have enabled culture to become not only policy and law but also *fact*.²⁸ This has been achieved by what Agamben describes as the “zone of indistinction” where the bounds of law and fact become blurred (Agamben 1995: 6). It is within the state of exception that this space²⁹ emerges. As he writes, “the modern state of exception is... an attempt to include the exception ...within the juridical order by creating a zone of indistinction in which fact and law coincide” and blur (Agamben 1995: 26). This allows exclusion to happen within the law. This chapter will reflect upon the implications of this move to include ‘culture’ within the TEU. Culture has simultaneously been made into a legally ‘enforceable’ domain: its legal character has constructed culture as inherent and organic in the European polity, and it has thus made culture relatively immune to critical reflection. As a natural or originating part of Europe, it is taken as *a priori*. I argue that this has powerful implications for EU action, policy, and law with regards to culture. This effectively enables exclusions to operate within the guise of ‘cultural policy’. Seemingly inclusive practices such as the ‘European Years’ can then be assessed in terms of their political aim of constructing an exclusive European identity.

²⁸ Giorgio Agamben’s (1995, 2005) analyzes of both sovereignty and the state of exception borrow from Carl Schmitt (1996, 2005) earlier work on the same subjects. These conceptual terms help to explore how both sovereignty and the ‘normal’ legal order are constructed and preserved through the ‘state of exception’ where the sovereign is tasked to ‘break through the crust’ of the existing legal order to re-establish that order. It also helps to understand both the ongoing undecidability and deferral of Turkey’s EU bid. Agamben’s work helps elucidate the ways in which law, its force, and its fact as distinct elements come to be naturalized into the legal order. They will be more fully explored in the third chapter of this thesis.

²⁹ The state of exception is a emergency that enables the sovereign to suspend the ordinary legal order to re-establish order. Understood as the provisional method for eliminating crisis situations, the state of emergency is characterized by the emergency removal or suspension of ordinary legal order. For Schmitt, the state of exception not only exposes the existence of the decision, but ultimately reveals the decision as the core and foundation of all law.

It has been the goal of the EU's cultural programme to promote 'unity in diversity'³⁰: while the EU promotes sometimes a singular version of European culture, it also suggests a commitment to respecting diversity. I argue that the EU will tolerate diversity only to a point: as long as unity is not compromised. Cultural policy thus enables the EU to promote a new kind of 'conditionality'³¹ to better govern its citizens, and to control what kinds of diversities are acceptable and unacceptable.

Government, Governmentality and European Integration

It will first be useful to situate this analysis within a governmentality perspective.

For Walters and Haahr, governmentality can be understood as a critical approach to political research. Specifically, it is looking at the mentalities of government (Dean 1999, quoted in Walters and Haahr 2005: 5). Governmentality has come to be associated with a political analysis that interrogates "the relation between government and thought (Dean 1999: 19, quoted in Walters and Haahr 2005: 9). To illustrate governmentality, Foucault refers to the apparatus of the 'police', a body that makes the forces of the state increase from within. This is the essence of

³⁰ The concept of *unitas in diversitas* has been coined by the theologian and philosopher Nicolaus von Cues (1401-1464). "United in diversity" is now the official motto of the EU.

³¹ Since the end of the Cold War, the EU has made use of conditionality in an increasing number of policy areas including lending programs, trade agreements, foreign aid, and the Eastern enlargements, which were promulgated through processes in which countries are required to meet particular conditions, and were rewarded for their compliance. Conditionality became the EU's strongest foreign policy tool, and has been effective at encouraging reform when, according to Schimmelfennig and Sedelmeier (2005), rules and conditions are determinate; conditional rewards are certain, high and quickly disbursed; threats to withhold the reward are credible; adoption costs are small; and veto players are few. There is debate as to whether conditionality represents a means of coercion or an invitation to voluntary adaptation (see Agné 2009 for example).

governmentality: it “seeks to open up and develop the ‘inside’ of the state” (Walters and Haahr 2005: 137). It is useful to quote Walters and Haahr at length:

Governmentality exerts its power by constituting interior spaces of social, economic and political forces as knowable domains, and utilising technologies to manipulate these spaces and their processes. Through its relationship with such major discourse fields as life and labour, governmentality produces a certain depth and interiority within the state (Walters and Haahr 2005: 137).

A governmentality lens helps problematize culture, and helps us to see culture, rather than an independent and autonomous, even benevolent force and object of scholarship, to understand it rather in terms of management of “populations in the interests of social and political order” (Barnett 1998: 632). Bennett (1992) argues for a reconceptualization of a culture that enables us to see culture as “a historically specific set of institutionally embedded relations of government in which the forms of thought and conduct of extended populations are targeted for transformation” (1992: 26, quoted in Bennett 1998: 632). This analysis prompts us to see formations of culture as “associated with strategies aimed at the extension of distinctive forms of social regulation into the fabric of everyday life (Hunter 1988, quoted in Barnett 1998: 633).

As Barnett (1999) notes that an adequate understanding of the relationships between culture and government is necessary, and they “should integrate a concern with the array of everyday strategies through which practices of normalization, disciplinization and government are deployed and subverted” (Barnett 1999: 380). The ‘agency’ of subjects, (or citizens in this case), is critical: EU citizens are not being forcibly sequestered by these practices and policies, rather they are happening

imperceptibly through normalization. What is more, Giddens (1985: 186) notes, is that those affected by these technologies of power actually come to gradually govern themselves in the process (Giddens, 1985: 186). A governmentality analysis can help elucidate the implications of the EU's expanding power with respect to cultural policy.

(The Difficulty of) Defining Culture Identity and Culture

Given the ongoing reference to and problematization of 'culture' in this paper, it is necessary to begin this analysis by foregrounding my discussion and use of 'culture'. As a central element in human and social sciences, and in discussions of Europe and European identity more specifically, 'culture' is scarcely defined. Part of this lack of clarity stems from the fact that there is no shared opinion on what 'culture' means. 'Culture' can and has been used to refer to identity or identities, cultural identity, cultural practices, values, and beliefs. 'Culture' overlaps with "concepts of identity, language, lifeworld, form of life, background, horizon, tradition, and the like" (Kompridis 2005: 318-319), and is "essential to a sense of common belonging, again as the only possible source of compelling 'tales of solidarity within bounded communities'" (Schlesinger, 1994: 318). Künzlen (2009) sees that individual life and the "history of development of people, nations and societies" (Künzlen 2009) are known through culture. It is through culture that people and groups understand and identify themselves in a community; thus 'culture' is essential to recognition and entitlement.

Despite the centrality of ‘culture’ to human understanding and relation, there is a “truly inflationary use of the notion of culture. If almost everything can be marked by the name of culture, then the notion and the object lose their diagnostic and analytical ground” (Küenzlen 2009). Culture appears to include everything, and to simultaneously mean nothing at the same time. This paper understands that ‘culture’ as a term is essentially contested, and means different things for different people in different times. Part of the challenge, I argue, is that the EU is unproblematically referring to ‘culture’ as that which is common to all Europeans, inherently European, essential to the future of Europe, and is needed and missing in Europe. Culture is both an analytical concept and a myth of identity used by the EU. I argue that ‘culture’ as an analytical concept has lost its intellectual rigueur and ‘analytical ground’, and this lack of clarity allows it to be manipulated and obscured for different purposes and interests.

‘Culture’ and the European Agenda

It is curious to note how culture shifted from a marginal and arcane subject prior to 1957, to being “a quintessential aspect of the European project” (Shore 2006: 12). ‘Culture’ as a term was only briefly mentioned in the 1957 Treaty of Rome in reference to “non-discrimination” and “the protection of national treasures”. Reference to culture, if at all, was solely on economic terms, and it did not occupy the broad and all-encompassing definition that it does today. I argue that it is through a process of governmentality that culture has come to occupy such a central place in discourses of the EU. ‘Culture’ first appeared on the European agenda in 1973 at the Copenhagen Summit amidst discussion of “global order in unexpected

crisis” (Stråth 2002, 388). Fragmentation and upheaval from the collapse of Bretton Woods, the oil crisis and Vietnam War created a perceived lack of identity and direction. Stråth notes that the construction of identity is sought when there is *no identity*, particularly in times of crisis and instability, when there is a sense that the social fabric is tearing (2002: 377). The oil crisis underlined the need for the integration process to be renewed, and “the EU leaders adopted a communiqué in European identity and pledged to review ‘the common heritage’ of member states. There was thus a major impetus for the European integration process to be moved forward, and the creation of a common European culture or *demos* was seen as the way to push that forward. It was at this moment that ambiguous concepts such ‘European identity’ began to be “reified into major organising concepts in the discourse on European construction” (Shore 2006: 13). This enabled European identity as starting to be understood as residing in certain core values.

The EU began to slowly involve itself in cultural policy through a gradual increase in budgetary spending on culture, and thus set a precedent for its continued involvement in cultural policy. In the ’70s, the EU became first involved in spending directly related to ‘culture’. The funding for initiatives initially involved relatively small amounts of money, but set a precedent for further budgetary allocation down the line. By 1973, claims had been advanced for more spending in the area of culture (Shore 2006: 13). A governmentality analysis shows how this incremental increase in power happened through the processes of normalization and disciplinization. Initially, small cultural funding corresponded to spending that was

primarily economic. It gradually and imperceptibly increased, and through the process was constructed as normal.

Efforts to construct ideas of European identity and a “people’s Europe” were very intentional as the EU’s role in culture expanded. It is useful to highlight the work of the ad-hoc Adonnino Committee (1985), named after the Italian member of the European Parliament who, in 1984, headed a working group for the European Council initiating wider proposals for a "People's Europe" that would encourage people to use the EU symbols so as to develop a European consciousness and to help Europe out of a period of Euroscepticism and stagnation. The committee made recommendations for European sports teams, a lottery, a television channel, news, school and work exchanges, and the writing of ‘European’ textbooks. Marketing and Public Relations figures were involved directly in the process. The committee, in fact, developed the ideas for a EU logo, flag, anthem, and European Years (2006: 15).

For Thelier (2005), the Adonnino Committee was both a measure to increase the EU’s accountability after dismal turnouts at the European Parliament elections in 1984 and fears of a lack of support for the Single European Act. Thelier argues that the Committee was actually a “consolation prize” designed to help expand the EC’s role into cultural policy as debates in European member states raged over the role of culture in EU policy. The Committee’s work was a way to push forward cultural policy in an unstable political climate. It was able to temper those who were

fervently against culture gaining legal status in the Single European Act (Great Britain and Denmark had signalled that they would veto attempts to give the Community legal powers in cultural policy) and those who were highly supportive of it. Recommendations of the Committee included an institution to share the achievements in European Science, and a weekly-televised European lottery to “make Europe come alive for the Europeans” (Thelier 2005: 61). The Adonnino’s Committee’s recommendations would not be binding, but most of the work of the Committee has been adopted into EU law (Thelier 2005: 60).

The work of the Adonnino Committee, though met with some initial criticism and scepticism, demonstrates how intentional the EU’s attempt to create legitimacy and support for its political project was. There were widespread fears that the Single European Act would not be supported, and fears that cultural policy being given legal recognition would be met with considerable doubt. The Adonnino Committee’s work was an attempt to bridge the gaps in public opinion between these groups. After the accession of Greece, Portugal and Italy into the EU, the importance of European culture gained more purchase, and the Adonnino Committee’s work received more support. Though the Committee had no legal power, it still managed to increase its leverage by putting forward a series of follow-up initiatives. The Committee ensured that these would be appropriately debated by managing to encourage regular meetings of national ministers of culture. This in and of itself was another victory of the expanding role of culture: at first,

informal meetings of cultural ministers, a national competency, met, and gradually, they became more and more Community-related (Thelier 2005: 62).

Shore's (2006) analysis enables us to see how the shift to increasing the EU's power and scope in cultural policy through the perspective of governmentality. The EU's need for involvement was first deployed, and then normalized. This shift was gradual and relatively imperceptible. The TEU enshrined cultural policy into the European Community's competence which gave a legal mandate for "[t]he Community [to] contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore (CEC, 1992, quoted in Sassatelli 2002: 440). Article 128 also did not define "culture" specifically. The terms of reference it established were vague. As Shore (2006) argues, from a legal perspective, "contributing to the flowering of cultures' is not justiceable" (2006: 16). This has left questions open about the nature of the EU's mandate in cultural policy. What does "flowering of culture" imply? What cultures does it apply to? How far can diversity be extended? And at what point does celebrating difference translate to cultural nationalism (Shore 2001: 114)?

Unity in Diversity?

Intended to promote cultural pluralism, the motto seemed "to suggest that EU policy-makers [had] embraced a more pluralistic and less instrumental approach to culture (Shore 2006: 17). Certainly, the slogan appears to be inclusionary and

pluralistic, but it is in fact inherently contradictory and exclusionary. According to Sassatelli, this ‘unity in diversity’ promotes a brand of ‘multiple identity’ where multiple identities do not have to be in conflict. The different layers of identity will create “harmonious figures of concentric or nested circles, fostered by patterns of European culture” (Sassatelli 2002: 441). The way that it actually works in practise is about “promoting the idea of Europe’s overarching unity through that diversity” (Shore 2001: 115). Shore notes that despite there being diversity, all accepted diversities still originate in Greco-Roman and Judeo-Christian traditions. Therefore, it is not difference that is favoured so much as *particular kinds of difference*. Difference is acceptable so long as it is commensurate with the dominant narrative. In this way, the EU can govern what diversities can be united, and can exclude what kinds of diversities cannot be united. All historical trajectories and perspectives outside of these criteria are excluded and denied relevance and importance.

Finally, there is there is also a functional utility to the vagueness with which cultural policy and action are defined in the TEU. According to former European Council official Alan Forrest, Article 128 of the TEU actually gave the EU *no legal mandate* to control cultural policy, rather just the requirement to “encourage” cultural cooperation between states, and support those activities if it was deemed necessary (Shore 2006: 16). Paragraph five of Article 128 attempted to limit the possible power of culture by avoiding any centralization of cultural policy by ruling out harmonization of laws under Article 128. At the same time, paragraph four stated that, “the Community shall take cultural aspects into account in its action

under other provisions of the Treaty” which recognized that cultural policy permeates into many other areas of policy. Therefore, though there were limitations put on the centralization of cultural policy, and paragraph five assured that the Committee of Regions would be consulted before cultural action was taken, cultural policy was not only undefined, it was not given limits to the scope of where it could extend which left unanswered and open the possibility that the EU’s role in culture could be expanded.

The gradual increase in power in the realm of culture has made culture something that can be an act of policy making, it also made culture *in need* of being acted upon. I liken this to a kind of ‘pathologization’ of culture. It is in this space that acting upon culture becomes necessary. Culture is understood as something necessary to European identity, and when it is under threat, different and often exclusionary practices, acceptable under the umbrella of culture can be legitimized. For Agamben, the problem is when these practices become normalized, and even assumed into law. Because Forrest argues that there is no definition of “culture” in the TEU, there are no limits to what can be justified under the umbrella of culture, which holds under it the “full weight of all possible forms of specificity” (Gallagher, 1995, page 309, quoted in Barnett 1998: 631).

Cultural Policies and Narratives

As we have just argued, EU cultural policy achieves two major goals: it constructs European identity and supports European integration. Policymakers have thus

operationalized culture as “exercises of ‘consciousness-raising’” and tried to instil feelings of shared European-ness (McDonald 1996: 54, quoted in Barnett 2001: 409). EU cultural policy has also helped to create a narrative of Europe. A part of the project of creating a European identity and ‘culture’ has been to create shared symbols, a common history, and other referents of identity and to redefine culture to “render it more amenable to Community intervention” (Shore 2001: 111). Larat (2005) looks at the way in which the past is operationalized for political purposes in the present and thus becomes historicized. Culture has been re-written into the past as something that has always existed; ‘culture’ is being written into European history.

The writers of the Treaty establishing a Constitution for Europe (Constitutional Treaty or TCE³²) used this technique of ‘present-ing’ the past to create support for the TCE. The adopted text of the Treaty contained a commitment to the future through reference to the past: “[c]onvinced that, while remaining proud of their own national identities and history, the people of Europe are determined to transcend ancient divisions and, united even more closely, to forge a common destiny” . This wording was very deliberately chosen to link the Constitutional Treaty and overcoming *past trauma* to realise a common future (Larat 2005: 274). The Constitutional Treaty was not new in this respect; it is at the end of a long chain of European initiatives aimed at creating and forging a shared European cultural

³² The ratification of the TCE was delayed in part due to the failed referenda in both France and the Netherlands. The Treaty would have given constitutional status to the EU symbols including the flag, anthem based on the 'Ode to Joy' from Ludwig van Beethoven; the motto of the Union, which is 'United in diversity'; the currency, and Europe Day. The revived Lisbon Treaty dropped the reference to these symbols altogether.

identity. It creates a consistency to European history, and a narrative of the natural progression of European history towards integration.

Other events such as Europe Day on the 9th of May create and reinforce a particular narrative of the events that created Europe. By underlining particular events in this narrative, the EU creates an ‘official’ historiography (Larat 2005: 275). For example, Larat cites the frequent use of the Schuman Declaration as a major turning point in Europe. Using the Declaration in this way makes it a catalysing event in all future processes in European integration including the Treaties of Paris, Rome, and Maastricht. Using history for this political project of European integration helps to galvanize a narrative of the ‘dark hour’ of Europe into the political project it is today. When history is written this way, certain perspectives are imbedded into the historiography of European integration while other histories, events and actors that have helped create Europe —especially Other and subaltern perspectives — are excluded from the official historiography. The ‘good’ history is that which constructs European integration as the panacea to centuries of imperialism, war, interstate conflict, and to any future destruction of Europe (Larat 2005: 276). The creation of European months of culture, authorizes the privileging of particular histories, and excludes certain populations and groups. Turkey’s place in this is difficult because at once Turkey is both outside and inside. Even in European weather forecasts, occasionally Turkey is included on the European map and almost as often it is excluded (Yilmaz 2005).

European Cultural Initiatives and the European Year of Intercultural Dialogue

The EU has used various “high profile initiatives” to boost its image (Shore 2001: 49). Among the EU-funded cultural initiatives, the EU has initiated a number of projects to advance its cultural project. These include Kaleidoscope (1996-1999); Ariane (1997-1998); Raphael (1997-2000); Culture Programme 2007-2013), and European Capitals of Culture (ongoing since 1985). The Kaleidoscope program supports artistic and cultural activities with a European dimension; Raphael is a cultural heritage project that will infrastructurally restore European architecture including the Acropolis, Mount Athos, and other monuments. The goal of the Culture Programme is

to encourage the emergence of European citizenship; the cultural area shared by Europeans, based on a common heritage, is enhanced by the Programme through the development of cooperation projects between cultural operators from different European countries (European Commission 2009).

The Programme has a significant budget — some 400 million EUR for 2007 — 2013, and it is expected that 300 different cultural actions per year will be funded. The Commission is actively seeking applicants for programmes which [target] organizations that promote a sense of shared cultural experience with a truly European dimension (European Commission 2009). From a governmentality perspective, the Commission is literally asking European citizens to contribute to the writing of the necessity of cultural action, and for the Commission’s role in the creation of European culture and history. The EU has the ability to accept or reject proposals for funding. It thus has the ability to decide what particular cultural activities it will fund and support, and which it will not.

In addition to the aforementioned cultural programmes, the EU has since 1983 been funding ‘European Years’ where EU has chosen a yearly theme for a campaign aimed at raising public awareness of and drawing national governments' attention to a specific issue. The EU, through these European Years, has agenda-setting ability to promote certain policy areas including Poverty and Social Exclusion (2010), Racism and Xenophobia (1997) and a ‘People’s Europe’ (1984). The European Years enables an entry of EU policy objectives onto the agenda. It also enables the EU to construct particular aspects of its identity like its commitment, for example, to multiculturalism.

The European Year of Intercultural Dialogue can be understood similarly to other EU cultural initiatives. It aims to draw the attention of people in Europe to the importance of dialogue within diversity and between diverse cultures. According to the Directorate General of Education and Culture, the EYID “recognizes that Europe’s great cultural diversity represents a unique advantage. It will encourage all those living in Europe to explore the benefits of our rich cultural heritage and opportunities to learn from different cultural traditions” (DG EAC 2008). European culture is depicted in a Gestalt-like fashion where the sum of the constituent cultures “create a whole greater than the sum of its parts” (Shore 2001: 115). Through the use of various programs, debates, and events, the goal of the programme is to not only encourage mutual understanding, tolerance, and better

knowledge³³, but also the promotion of values of citizenship building, identity construction, and integration. The programme operates in some thirty-two countries, and pushes the EU agenda to some degree on these countries.

Some controversy has emerged surrounding the EYID due to the vagueness of the program's goals³⁴. According to Commissioner Jan Figel, the EYID has three objectives. These include "raising the awareness of European citizens and of those living in the Union; developing social and personal habits that will equip us for a more open and complex cultural environment; finally, intercultural dialogue is linked to a more political goal: creating a sense of European citizenship" (Figel 2006).

The White Paper on Intercultural Dialogue "Living Together As Equals in Dignity" lists the historical legacy achievements of the Council of Europe over five decades. These include the European Convention on Human Rights (1950) that "embodied the post-war commitment to human dignity" (European Council 2008: 14). This interpretation of the past for political purposes serves to underline the sacrifice that Europeans went through to gain their freedoms and "human dignity". By using this vivid imagery, it serves to construct the EU's *progress* after the war at

³³ Mutual understanding, tolerance, and better knowledge are cited as the foundational principles of the Intercultural Dialogue project. See http://ec.europa.eu/culture/portal/action/dialogue/citizenship_en.htm

³⁴ Uras (2008) argues that EYID discusses at a basic level the issues of intercultural dialogue, but does not do so with the purpose or intent to explore the fundamental and systemic reasons that minorities are excluded in Europe, rather it attempts to create "prompt, practical solutions to the problems" (208: 27). I agree with Uras, that these programs promote intercultural dialogue as a central focus of European policy, but do not get at the systemic reasons why exclusions exist.

overcoming challenges. Reference to this event and other events including the creation of the European Court of Human Rights and the European Social Charter (1961; 1996) constructs the EU and Europe as a place where the rule of law, rights, and values are respected and valued. The European Year of Intercultural Dialogue is thus the culmination of EU cultural policy, and EU progress in the realm of human rights, democracy, and the rule of law.

The White Paper's references to the Council's promotion of cultural activities and commitment to diversity and tolerance through reference to the European Charter for Regional Minority Languages (1992), the Framework Convention on Transfrontier Co-operation between Territorial Communities or Authorities (1980), and recently the Strategy for Developing Intercultural Dialogue, frame the European Council as always aware of 'culture' and 'intercultural dialogue'.

This narrativization and historicization of events traces the history of these achievements, and depicts EU cultural policy and the European Year of Intercultural Dialogue as self-fulfilling prophecies, the end of a preordained path to European integration. The creation of a particular historical trajectory of Europe has created a dominant hegemonic and legitimating story of the history of Europe. This historiography creates the story of Europe as a single progressive narrative where all European policy that follows the 'origin story' of the creation of Europe follow as 'self-fulfilling prophecies'. EU cultural policy and the European Year of Intercultural Dialogue are understood as natural progressions on the path towards

‘ever closer union’. This historiography has helped to construct Europe’s commitment to ‘unity in diversity’, plurality, human rights, democracy, and social justice. The European Year of Intercultural Dialogue similarly constructs Europe as an open-minded and diverse plurality that promotes diversity and inclusion.

The White Paper notes that democracy, peace, respect for human rights and the rule of law are “rooted in Europe’s cultural, religious, and humanist heritage” (European Council 2008: 1). In this way, the European Council has constructed a vision of Europe that has always cared for ‘culture’ despite culture’s relative absence on the European agenda until recently. The EU is constructed as a place where these values originated. It is also then the original site for them to play out its concepts and institutions (Ahiska 2003: 359).

The tracing of Europe in this way exemplifies a “history as a genealogy of progress” (Wolf 1982: 5), a teleological and “highly selective set of cultural references” which construct a “sanitized eurocentric construction of the past” (Shore 2001: 116). Depicting this genealogy of progress ignores the much darker side of European history, and the Othering that continues to create a unified Europeanness. As Peterse (1991: 4) notes, “official European culture, reproduced in declarations, textbooks, and media programmes contributes to be the culture of imperial Europe” (quoted in Shore 2001: 116).

Challenges to Intercultural Dialogue

As we have argued, the European Year of Intercultural Dialogue has been designed as a way to draw the attention of European populations to the importance of dialogue within diversity and between diverse cultures. Of course, we have not looked at the actual *practise* of intercultural dialogue. Certainly, how more than ever, the EU is increasingly multi-ethnic and must deal in some manner with both its internal and external Others. The critique of the field of intercultural dialogue itself is extensive (see Cushner 1998; Aikman 1997; James 1999; López-Garay 2001 for further discussion), yet in the official discourse on the EYID, discussions of intercultural dialogue refer only to celebrating difference as a means to unity but fail to look at the challenges that can arise from intercultural dialogue when there are incommensurable differences. From the perspective of relational identity construction, it is also those very differences between Europe and non-Europe that help to construct European identity and culture.

The EU has attempted to make respect for diversity and a commitment to intercultural dialogue a specific focus of EU policy. It also attempts to construct a narrative of European history, and an identity of Europeanness as committed to multiculturalism, diversity, and inclusion. At the opening of the European Year of Intercultural Dialogue, President of the European Parliament European Parliament Hans-Gert Pöttering, spoke of tolerance as “central to intercultural dialogue. Tolerance does not mean indifference. Tolerance means defending one's own views and hearing out others and respecting their convictions” (Pöttering 2008). According to Bernard Williams, toleration is an “impossible virtue” because it

involves accepting, and accommodating views that one rejects. It is problematic because it “calls us to live in cognitive dissonance and presents contradiction as a sought after goal”. Indeed, if we did not find the behaviour or action in discussion unbearable, there would be no discussion of toleration, as the action would not be deemed offensive or objectionable (quoted in Seligman 2004: 12). Inversely, tolerance is also criticized for not going far enough: “tolerance” makes no stipulation on understanding or recognition. It does not translate to acceptance or hospitality, for it still places the Self categorically above the Other, because the Self cannot accept or accommodate the views that they reject.

Gorski (2008) argues that most intercultural education practice supports, rather than challenges, dominant hegemony, prevailing social hierarchies, and inequitable distributions of power and privilege (2008: 515). Were ‘true’ intercultural dialogue possible, it would disturb the prevailing order and dominant hegemony, and would ask us to question our own privilege (Gorski 2008). What a ‘critical’ intercultural dialogue asks of us is to challenge the reifying practices of intercultural dialogue, and to question the tendency to reify existing social orders. This is akin to Derrida’s understanding of hospitality, which implies a categorical acceptance of the Other without pretence, and an understanding that the Self will indelibly change in the process of accepting the Other.

The European Year of Intercultural dialogue, while promoting some organized debates through the various projects and programs it funds through its cultural

program, does not directly promote discussion of critical intercultural dialogue in the sense that Gorski (2008) discusses it. This kind of critical intercultural dialogue is not in the spirit of EU cultural policy whose goal has been to promote European integration. Promoting this type of critical engagement may serve to throw off balance the existing order, and highlight the exclusionary practices that enable a unified understanding of European culture and history and origin. The EU's cultural policy has operationalized a tool for promoting European integration and culture and has disciplined and managed what kinds of diversities and histories it deems acceptable to create a particular European subject. Allowing for critical engagement may highlight certain Other and subaltern perspectives that have hitherto been excluded.

There is a disconnect between the multicultural reality of Europe and the cultural policies of the EU. In the attempt to unify and create a European demos, the non-European outside, and Turkey most contemporarily, must exist as a foil against which identity can be understood. As Shore writes, the creation of identity and culture in Europe is understood as a process that can be commensurate with existing national identities, because new 'layers' of authority and belonging can be added (2001: 118). This particular conception of a layered' identity is problematic because it ignores the authorizations and exclusion that exist to enable this. The self/other nexus is operative at all levels of European identity formation, so it is problematic to add a new layer of belonging to identity without stumbling over and adding new layers of exclusion. It is important to look at the construction of European identity

and culture and the exclusions that make it possible. European identity is constructed relationally and though the Other may be included within the framework of the European Year of Intercultural Dialogue, they are still required to be Other and subaltern for the emerging European identity and culture to exist. As Shore aptly comments, “[f]orging new boundaries of inclusion necessarily entails creating boundaries of exclusion” (2001: 118). The creation of new inclusions of European identity and culture has just re-created exclusions elsewhere.

Conclusion

The Copenhagen criteria lay the foundation for democratic, market, and human rights criteria that countries hoping to accede to the EU must meet prior to their accession. Interestingly, as Ruiz-Jimenez and Torreblanca point out, “whether the candidate country is Turkey, Norway or Switzerland it should not make much difference” (2007: 6). What they mean by this is that there should be equal treatment of EU candidates as there is no cultural criterion for EU accession. By this logic, any country that is geographically European and fulfills the Copenhagen criteria should be allowed to join the EU regardless of broader identity questions such as religion or history. Of course, this has not been the case, and discussions of ‘culture’ have had profound implications with regards to the accession of Turkey to the EU. This chapter has demonstrated that the EU has developed cultural policy as a tool to advance European integration, and is primarily a political project. A governmentality analysis demonstrates how the EU’s power in terms of cultural policy has increased, and the implications of cultural policy increasing when its

limitations or specific role remain underdefined. Certainly not all of European cultural policies are malevolent, but to simply assume that by virtue of being policy areas, they are by nature ‘good’ is dangerous. Making European culture and cultural policy the subject of critical reflection and debate helps demonstrate that European culture is still a primarily political project for the advancement of the European project, and at its very core, as well as underlining the often paradoxical nature of different articulations of identity.³⁵

This chapter has explored the inherent contradictions and power dynamics operative in European culture and cultural policy. Through conceptual terms outlined by Michel Foucault, this chapter has explored both the processes of governmentality and of the sovereign exception and how they explicate the EU’s gradually increasing power in the realm of culture, and how an undefined understanding of culture and its limits is actually a danger because it has meant that the EU’s power in a seemingly benevolent cultural policy has increased. The EU has been able to gradually increase its involvement in EU affairs and in cultural policy in particular when three decades ago understandings of culture and its relevance were arcane.

Opening up critique to the EU cultural project and to the diagnostics that operate within it redirects our focus to the exclusions and authorizations that are made to

³⁵ Der Derian writes of the problematic character of universalist aspirations framed within particularistic communities. For elaboration on this concept, see Der Derian. 1987. *On Diplomacy: A Genealogy of Western Estrangement* (Oxford: Basil Blackwell, 1987); Walker, RBJ. 1992.

produce a secure, developed, modern, civilized, cultural, tolerant, and just Inside against a constituent Outside. Agamben's work on the exception is interesting, as we will see in the following chapter. It argues that the exceptional case, that which exceeds the norm, actually proves more than the rule. The EU's others, who are marginalized by EU cultural policy, tell us more about European culture than those who construct the constituent Inside. The sovereign not only has the power to decide what the exceptional case is, but also he is directly responsible for creating the "normal" European culture. What is "normal" culture and culture is currently under debate in the EU as European culture and identity have remained undefined concepts in the context of European policy. This debate is playing out between those who argue that the EU requires a "thick" identity and those who argue that identity needs to be understood in different ways – including constructivists, communitarians, liberals, and republicans.³⁶ This critique suggests that those in Europe, while actively engaging in this ontological debate, tends to conflate these varying ideas of how European identity should be defined. What happens in practice is that different visions of what European identity include are evoked at different times and for different purposes, often in particular at the expense of the exclusion of Turkey.

This chapter has explored the paradoxical nature of the EU's commitment to an understanding of identity that places intercultural dialogue at multiculturalism at the fore. These policies are not completely benevolent because, at their core, EU culture

³⁶ For a good summary of these debates, see Euractiv 2010.

has been more of a political project than anything designed to advance European integration. This commitment to inclusion and dialogue has its limits of constructing a European political community and advancing the European project. Thus, there are restrictions on the limits and possibility of intercultural dialogue and inclusion about diverse cultures. Through a governmentality analysis, we have seen how the EU is able to pursue a political agenda so long as it does not lead to divisions, and fits within certain values and principles. Diversity is acceptable so long as it does not lead to divisions, and in its very practice, intercultural dialogue does not change the process of Othering.

Troubling still is that as culture has gradually been subsumed into EU political and legal action, we now understand that culture can indeed be an act of policy making and of law. Culture has been harnessed as a tool for advancing the EU's project for European construction. Shore (2006) argues that the very idea that European identity needs to be invented, or 're-branded,' to further the EU's programme to build Europe "represents a project of social engineering" that he is not comfortable with (2006: 21).

There is a reason why culture remains undefined in the Treaties, and its definition remains fluid and unfixed. Defining culture would also mark the boundaries of its scope and possibility of power. Leaving it intentionally unanswered has meant that culture can include any number of things — it is without essential proportions or limits. This leaves the possibility as well for culture to be even further subsumed

into law. The politics of deferral, which I introduce in the next chapter can prove an interesting way to explore this.

Finally, though this chapter has not directly looked at the case of Turkey's entry into the EU, there are implications for Turkey, and for internal and external others in the present and future. The attempt by EU elites to "invent Europe" at the level of popular consciousness by rallying European citizens around a invented and constructed common culture or civilization will inevitably be at the cost of excluding "non-Europeans;" those who have helped construct European identity, Turks—essentially those cultures that fall outside the EU's representations of Europe's legitimate cultural heritage.

Culture, much like Turkish accession, which will be explored in the next chapter, is still being negotiated and deferred. As we have observed, the *lack* of clarity with regards to what is implied by culture is actually itself a technology of power. Without defining culture, its possibility remains without limit. The danger here is that promoting particularist understandings of European culture could help to fuel further racisms and xenophobic behaviour, or what "new rhetorics of exclusion" (Stolcke 1995, quoted in Shore 2006: 22).

The Treaty on European Union recognized for the first time culture as an official European Community competence in the legal sense, and therefore made 'culture' a part of the "European Union's past and ongoing cultural activities and interests"

(Shore 2001: 113) and created a legal basis for the EU's direct involvement in cultural affairs (Shore 2006: 12). The TEU substantially increased the budget for cultural policy, and added new areas to the Community's jurisdiction. By making culture a part of the Treaty, and legitimising culture's role in a Europe increasingly emerging as a political unit, the EU could have more control over cultural activities that were necessary to create European-level social cohesion that had never been necessary in an economic organization. Not only has this served to justify the EU's ongoing involvement in the cultural realm, it has also allowed exclusionary practices to be virtually codified in the law. There exist no formal ways to exclude Turkey in EU law, the *acquis communautaire*, but effectively these sites emerge as culture takes on a legal character. Whatever culture comes to mean justifies exclusionary and often xenophobic practices. The Agamben's work on sovereignty and the state of exception also enables an interesting way to explore the ways in which certain processes come to be included in the law through the "zone of indistinction". The following chapter will explore more fully Agamben's understanding of sovereignty and the state of exception, and its implications for Turkish accession to the EU. Turkey's EU accession is being framed around its Europeanness, or European cultural incommensurability. So long as culture remains undefined, technologies of power and exclusion can continue to operate, and obfuscate Turkey's EU accession.

An examination of intercultural dialogue, despite being a recent policy objective of the EU, reveals that it is actually deeply flawed and produces assimilation

discourses, which help to reproduce and reify social norms. “Toleration”, rather than producing productive sites of engagements with non-Europeans and Others does not promote dialogue on equal footing; rather it allows the EU’s constructed and exclusionary norms to exist. Tolerance does not equate to acceptance and understanding. The next chapter will interrogate Jacques Derrida and his followers’ engagement with the ethics of hospitality as a future for European integration. Rather than imposing new kinds of ‘conditionality’ on new candidates and Others to be more European, it implies accepting the Other *as other*.

Intercultural dialogue does not only serve the purpose of encouraging mutual understanding, tolerance, and better knowledge, it also serves the purpose of citizenship building and integration. If we look at EU cultural policy and the European Year of Intercultural Dialogue and the way that they have been operationalized to create support for European integration, we can begin to understand the ways in which the “flowering of cultures” that is being promoted by the EU is encouraging the flowering of *particular* cultures for *particular* purposes. Certain traditions and diversities are accepted, while others are deemed ‘less cultural’ or less integral to the story of Europe. Others that have fundamentally helped create Europe are often left out of this historiography. With the increased budget and competences offered to EU cultural policy with the TEU, the EU can effectively govern and discipline what kinds of activities it will legitimate, and which they will not. The operationalization of culture as the major driving force

behind European integration is inherently flawed because it belies the very exclusions that it professes to break down.

Chapter 3: Decisions, Decisions: Turkish EU Candidacy, Sovereign Decision, and the Ethics of Hospitality

The exception is more interesting than the rule. The rule proves nothing; the exception proves everything: it confirms not only the rule but also its existence, which derives from the exception. In the exception the power of real life breaks through the crust of a mechanism that has become torpid by repetition.

Carl Schmitt, Political Theology: 15

Following an exploration of the implications of an expanding European cultural programme, particularly as it ‘disciplines’ diversity and implicates the possibility of engagement and dialogue with the EU’s Others, this chapter seeks to provide a critical examination of Turkey’s controversial EU bid. The previous chapter laid a framework for understanding how the EU’s goal to construct a ‘people’s Europe’ and a cultural identity of itself is imbedded with technologies of power and exclusion. With this understanding, this chapter uses conceptual terms outlined by Carl Schmitt (1996, 2005) and Giorgio Agamben (1995, 2005) to introduce notions of sovereignty, decision, the friend/enemy distinction, and the state of exception/emergency³⁷ to explore the ‘exceptional’ case of Turkey as the EU’s most controversial EU candidate to date.³⁸ This chapter will therefore explore the

³⁷ Exception and emergency are often used interchangeably to describe the state of suspended legal order. For the purpose of contiguity, I will most often use the ‘state of exception.’ However, I will also use the state of emergency and state of necessity to invoke the various important characteristics of the state of exception throughout this chapter.

³⁸ The existent Political Science literature that explores Turkey’s EU accession does so largely through economic, geopolitical, and institutional and cultural analyses. Though more literature has emerged that engages with Turkey’s accession theoretically, the literature is still very sparse. Studies that engage in particular with Schmitt and Agamben and their relationship to identity construction and in particular Turkey’s EU bid are novel, and really help to elucidate how profound the challenges are to Turkey’s accession.

undecideability³⁹ and deferral that categorizes its proposed accession. This helps to contribute to existing literature on European integration and identity, but I argue that a post-structuralist perspective can enrich our understanding of existing analyses because it allows us to see more systemically how exclusion is and can become imbedded in law and practice. This chapter offers a space within which to explore the ongoing state of emergency that I argue characterizes Turkey's EU candidacy and discourses of 'Europe' more generally. In describing Turkey's accession as occurring within a state of exception/emergency, I intend to demonstrate the primacy of sovereign decision over the accession process. The EU has been able to encourage reform in Turkey without authorising an absolute decision of whether to accept or reject its integration. Indeed, Harun Arikan (2003) has dubbed this undecidability and deferral a "containment strategy, designed to delay indefinitely the prospect of membership while keeping Turkey within the economic, security and political sphere of influence of the EU" (quoted in Bulley 2008: 10). What I will conclude, however, is that rather than the emergency situation being Turkey, it is in Europe.

This chapter explores the very idea and operationalization of this delay or deferral. I argue that through the conjuration of a constant emergency situation, Turkey's EU

³⁹ I borrow the term "undecidability" from Derrida who writes about the term in reference to deconstruction and justice. For Derrida, undecidability is not just a synonym for indeterminacy, rather, undecidability is a way of explaining a very specific structural condition at the heart of language. Undecidability is what preceded and therefore made possible the production of any of the determinate meanings that then had to be "decided" for meaning to unfold in any particular reading. Undecideability is at the heart of deconstruction because it problematises boundaries such as 'inside' or 'outside' or 'European' or 'non-European'. I employ both meanings of the term: it is both an indeterminacy and a means for deconstructing boundaries.

accession has been continually delayed or deferred and the accession is forever at a breaking point. What is more, Turkey's accession is always contingent on its European cultural identity or propensity to ever develop one, as opposed to being strictly about the accession criteria. The 'emergencies' that defer Turkey's European entry are framed *as failings of Turkey* to implement reform, or of its European incommensurability rather than it being the fault of the EU to integrate Turkey, or the existence of different standards being applied to Turkey's accession process relative to previous or other current accession negotiations.⁴⁰ These 'emergencies' also delay indefinitely Turkey's Europeanness. This chapter explores the implications of this deferral and undecideability. Derrida's undecideability opens the space for an understanding of how Turkey remains on the cusp of inside/outside, European/non-European.

When the Agreement of Association between the EEC and Turkey was signed on 12 September 1963, Walter Hallstein, then President of the European Economic Community (EEC) affirmed that, "Turkey is part of Europe." Hallstein went on to say of Turkey becoming a part of Europe that,

There has been nothing comparable in the history of the influence of European culture and politics...What, therefore, is more natural than for there to be an identity between Europe...and Turkey in their actions and reactions: military, political, and economic" (Oppermann: 439)?

⁴⁰ Currently, both Croatia and Iceland are candidates to accede to the European Union. Croatia began accession negotiations and may accede to the EU as early as 2011, while Iceland began accession negotiations in 2010 and may accede to the Union as early as 2011 or 2012 (see Traynor 2010).

Though Hallstein's comments suggest that the debate over Turkey's Europeanness was decided in 1963 and that Turkey's eventual EU membership was in some ways guaranteed, this debate is by no means resolved. Rather, those who debate for and against Turkish accession are both debating Turkey's Europeanness and legitimacy to be an EU member (Bulley 2008). This is not the first accession where Europeanness has been discussed, but it is the first where it has figured so prominently.

This chapter first explores Schmitt's and Agamben's understanding of sovereignty and the state of exception, and how they operate in European enlargement discourse and in particular Turkey's EU bid. Giorgio Agamben describes the state of exception and sovereignty as having an "essential contiguity" in the opening of his work *State of Exception* (2005: 1). Sovereignty denotes the executive power, which occurs specifically within the state of exception: it is an authority, which remains latent until an emergency situation arises. When the law fails in its application, it necessitates a suspension of judicial order. The state of exception exists to eliminate crisis situations and is characterized by the emergency removal or suspension of ordinary legal order. This is significant for Agamben because in the state of exception, that which cannot be contained in law – questions of culture and identity in this case – can become codified in it.

Every state of emergency calls the sovereign to step in to 'break through the crust' of the existing legal order to re-establish it where the law is insufficient to negotiate

the exceptional case. In that move, the sovereign establishes both the exception and the norm. There is always an emergency situation in Europe that will defer Turkey's EU bid whether it be a Constitutional Crisis, 'Enlargement Fatigue', 'absorption capacity', the conflict with Cyprus, minority rights and the Kurdish issue, or the Armenian genocide. To date, even the opening (and closing) of fairly benign accession chapters (such as the Science and Technology chapter) is a deeply problematic issue which exposes how merit or meeting convergence criteria cannot complete account for the speed of Turkish EU accession. I argue that many of these 'crises' are framed as failures of Turkey: a failure to open ports, a failure to make progress on the adoption of Western law and practise, or simply a failure to be more European. They are at the very basic level all questions of Europeanness and Turkey's status is deferred until it becomes European.

As Schmitt notes, "the exception proves everything" (2005: 15) and indeed Turkey's EU candidacy tells us much more about the nature of 'Europe' than it does about Turkey. Turkey's EU bid is problematic precisely because it exposes the fact that the EU is still attempting to understand its own identity, and understands its identity in diffuse, and sometimes contradictory ways. Whether the EU is a community defined by multiculturalism, or particular cultural values, religion, rights, or geography, Turkey's inclusion in Europe will help define this. Including Turkey will fortify the idea of a rights-based European identity (a universalist understanding), while excluding it would define parameters of Europeanness such as cultural or religious values (particularism). By continuing to defer Turkey's

accession, the EU can avoid the huge implications of decision: both at the level of public opinion, and at the level of identity. With Turkey always on the margins of Europe, the EU is still able to play a role in Turkish domestic and foreign policy without the burden of membership.

Agamben (2005) argues that in the state of exception, the boundary between legality and order is dissolved, and what is legal is suspended in the effort to maintain order. A constant and ever-evolving state of emergency in the EU allows the boundary between the existing legal order of enlargement (the *acquis communautaire* and the Copenhagen Criteria) and what is necessary to maintain European solidarity and identity and thus order (technologies of exclusion and Othering and ‘disciplining’ of diversity) to be dissolved. The enlargement process stops being a merit-based process following established norms and procedures and it becomes acceptable and appears legal for the enlargement to operate on a different logic and set of rules.⁴¹ The state of exception introduces these transcendent aspects of law into its formal existence: that which cannot have legal form - and I argue this is exclusion or discourses of culture - take on an almost legal character. The resulting “zone of indistinction” that is created allows the exclusion of Turkey to appear to be a result of Turkey’s failure to Europeanize and implement the *acquis* (Agamben 2005: 1; 1995: 6).

⁴¹ The enlargement process is not always entirely merit-based. It would be a stretch to say that every candidate who has acceded the EU has met all of the accession criteria [give more details of which countries were not meeting the criteria] and part of the decision to enlarge has been deeply political or driven by other imperatives.

I argue that Schmitt's and Agamben's analyses if applied to the case of Turkey's accession to the EU paint a bleak future of European integration in which Turkey's accession remains undecided with Turkey never fully be in or out. Bulley (2008) notes that for both those for and against Turkish accession, they agree on one basic element: that for Turkey's EU candidacy to be legitimate, Turkey must be European. For the opponents, it is not and cannot be, and for proponents, that question has already been answered (49). He argues that these are both essentializing positions and attempts to avoid them by negotiating an accession for Turkey *as Other*. This chapter will close with a contribution to the Turkish membership case by offering insights from Derrida as to how one can move pass the impasse that a politics of deferral create for Turkish accession in the EU. What will follow is an examination of Derrida's ethics of hospitality as a possible future for Turkey in the EU. Rather than accepting Turkey as European, this reading would establish a space where Turkey could join the EU *as Other*. Though this reads as a promising future of accession negotiations, a Derridean hospitality opens the space for a forever changed EU - an EU that the EU itself may not be ready to negotiate.

The State of Exception/Emergency

Giorgio Agamben describes the state of exception and sovereignty as having an "essential contiguity" in the opening of his work *State of Exception* (2005: 1). As a method for eliminating crisis situations and for establishing or restoring order, the state of emergency is characterized by the emergency removal or suspension of

ordinary legal order. Schmitt understands the exception as imperative to understanding the ordinary:

The exception is more interesting than the rule. The rule proves nothing; the exception proves everything: it confirms not only the rule but also its existence, which derives from the exception. In the exception the power of real life breaks through the crust of a mechanism that has become torpid by repetition (2005: 15).

The exception is thus the starting point for any investigation of established and normative rule.

Most discussion regarding Schmitt's concepts of sovereignty and the state of exception begins with the introductory line of *Political Theology*: "Sovereign is he who decides on the state of exception" (2005: 5). The sovereign exercises decision in naming the state of exception, deciding when and under what conditions the state of exception is necessarily conjured and also how it is to be extinguished.

According to Schmitt, "it is precisely the exception that makes relevant the subject of sovereignty, that is, the whole question of sovereignty" (2005: 6). The sovereign essentially comes into being and assumes absolute authority within the state of exception, making decisions *sui generis*, both transcending and constituting the law. For this reason, Schmitt describes sovereignty as a "borderline concept... one pertaining to the outermost sphere" (2005: 5), simultaneously within and outside the law in that "although [the sovereign] stands outside the normally valid legal system, he nevertheless belongs to it" (2005: 7). Because the state of exception is exceptional in that it is not prescribed according to the known law or ordinary legal order, it calls for measures that transcend the law. The sovereign, who upholds the

law, is positioned outside of it and can thus maintain the integrity of the law through extrajudicial measures if necessary.

That a state of exception can exist is at the behest of the sovereign. The state of exception is called for during crisis or emergency, when common order and written law are rendered insufficient. Because the exception “is not codified in the existing legal order” and “cannot be circumscribed factually and made to conform to a preformed law,” (2005: 6) it cannot be anticipated in detail nor legally proscribed. As Schmitt notes, “When the legal system fails to answer the question of competence” (2005: 11), the sovereign declares the state of exception and dictates the appropriate method of its extinguishment. The existing legal order is suspended in favour of an unrestricted sovereign rule. For Schmitt, performing this decision is testament to sovereignty as “the highest power,” a “constitutive power” and “not a derived power” (2005: 10).

That the sovereign is the site of constituent power is significant for Schmitt’s ultimate denial of any basis of legal order aside from decision. Schmitt rejects outright any norm or value foundation of the law:

every legal order is based on a decision, and also the concept of the legal order, which is applied as something self-evident, contains within it the contrast of the two distinct elements of the juristic – norm and decision. Like every other order, the legal order rests on a decision and not on a norm (2005: 10).

For Schmitt, the state of exception not only exposes the existence of the decision, but ultimately reveals the decision as the core and foundation of all law. Schmitt

argues that, “all law is ‘situational law’” (2005: 12). There is no natural law or order upon which the legal system can be anchored. For Schmitt, legal order is empty, bearing only the residue of sovereign decision.

In his examination of the notion of ‘legal order,’ Schmitt draws a distinction between each term, suggesting in a state of exception, the bond between legality and order, is dissolved; what is legal is suspended in the effort to maintain order (2005: 12). For Schmitt, recognising that legality and order are “independent notions” (2005: 12) is necessary for understanding how the sovereign decision can operate exclusively in either the realm of legality or order, norm or decision.

Schmitt presents a challenge to the basis of any existing ordinary legal order, where norms and procedure can be relied upon. Schmitt also argues “he is sovereign who definitely decides whether this normal situation actually exists” (2005: 13). For legal order to exist there must be a corresponding social or political order and it is when this corresponding order breaks down that the emergency situation arises. Thus the sovereign, through decision, determines not only the state of exception, but also the norm.

What Agamben finds particularly important and useful in Schmitt’s theorization of the exception is the distinction drawn between law and politics, or legality and order. For Agamben, the position of the state of exception *within* the law is important. The state of exception explicitly introduces the transcendent aspects of the law into its formal existence. Exceptional measures “find themselves in the

paradoxical position of being juridical measures that cannot be understood in legal terms, and the state of exception appears as the legal form of what cannot have legal form” (2005: 1). Thus for Agamben, an investigation into the exceptional moments of law amounts to a revelation of the bounds of the law, and more precisely, the unchartered fringes of the law, where borders become indistinct. In this “zone of indistinction” (1995: 6) the bounds of fact and law, or politics and legal order become blurred and it is within the state of exception that we can begin to examine this blurring.

For Agamben, these aspects of the state of exception reveal a formal “emptiness of law” (2005: 6). The exception literally opens up the gap which Agamben identifies as the “ambiguous zone” between “the political and the juridical, and between the law and the living being” (2005: 2). Agamben designates a ‘space’ which occurs between the threshold of fact and law and suggests that the sovereign exception ‘orders’ this space. The exception creates and defines “the very space in which the juridico-political order can have validity” (1995: 19). The movement of the legal order to incorporate this ambiguous space is what Agamben describes as ‘topographical blurring’, and is a space where the limits of the juridical order become indistinct. There exists no ‘inside’ or ‘outside’ of the law. As he notes, “the modern state of exception is ... an attempt to include the exception itself within the juridical order by creating a ‘zone of indistinction’ in which fact and law coincide” (2005: 26).

The purpose of the state of exception is “Safeguarding...of the norm”, and in the context of European enlargement and identity, actions can be justified that protect European unity, or other political and economic interests (2005: 31). In the created ‘zone of indistinction’, there is no distinction between fact and law or the rule and force of the law, and exclusion can take on a legal character.

The Force of Law⁴²: The Acquis Communautaire, Copenhagen Criteria and the ‘Real’ Rules of Enlargement

The EU accession criteria stipulate the rules and conditions under which a country may accede the Union. This includes the Copenhagen Criteria, which stipulate the necessity of a stable democratic government that respects the rule of law, and its corresponding freedoms and institutions, and the *acquis communautaire*, the total accumulated body of EU law. Finally, all member states and the European Parliament must agree on the accession of any member state. The *acquis* is divided into 35 chapters. These laws designed to serve as benchmarks for acceding the Union and cover (nearly) all aspects of convergence including monetary policy, commercial policy and a customs union, and free movement of goods, persons, services, and capital. When a candidate country has met all of the requirements, it is deemed ready to join. Thus, the accession process is meant to follow a logic of meritocracy.

⁴² See Derrida, 1992a and Butler 2004 for further elaboration on this concept. Derrida, by questioning law's "violent" and "polemical" character forces us to ask questions about the very nature and possibility of justice. The Force of Law deals with the very concept of justice as an ongoing an iterative project. For Derrida, the ongoing practice of being critical of law, and of enabling social and political transformation is an ingoing project that co-exists with the encounter with the Other. For Derrida, reading law, and in this case, I apply it to European integration and identity requires enabling an understanding of how a polity constitutes itself through exclusion.

Even in the course of a ‘normal’⁴³ enlargement, the process does not follow completely a logic of merit: There is room for manoeuvring rules, and at the end of the accession process, the decision for a country to join is deeply political, and rests on decision, and not a norm (2005: 10). Indeed, a candidate can fail completely meet all benchmarks of enlargement and still accede. Cyprus, Bulgaria and Romania all failed to meet the accession negotiations in their entirety and still acceded to the European Union. There are not steadfast rules that apply to all candidates, and the process is not merit-based as it promises to be. Prodi (2002) argues that in the case of Bulgaria and Romania, there was a sort of path dependency to their accession: “the way ahead [was] already mapped out. For Turkey it is less well charted” (Prodi 2002: 19, quoted in Bulley 2008: 11). The ‘unchartered’ nature of Turkey’s EU bid has meant that Turkey, as opposed to previous candidates, will actually have to meet all of the criteria for membership, and even then may not accede.

Every EU candidate prior to Turkey has been given an accession date - a date when the accession process was likely to be finished and when accession would occur. Turkey’s enlargement is an ‘open-ended process’ (Joseph: 2005), and is depicted as essentially different from other accessions, despite the same laws and conventions applying to all candidates. It is the different nature of Turkey’s EU bid that the

⁴³ As Schmitt notes, “For a legal order to make sense, a normal situation must exist, and he is sovereign who definitely decides whether this normal situation actually exists” (Schmitt 2005: 13). The normal situation is also constructed. Despite there not being consistently applied rules and merit to enlargement, we understand what a “normal” accession is.

existing laws and rules on accession cannot accommodate. I argue that we can understand through Schmitt's understanding that every legal order is based on two distinct elements of the juristic - norm and decision. Like every other order, the legal order rests on a decision and not on a norm, except that we understand that they are based on norms. Turkey's 'exceptional' candidacy is "is not codified in the existing legal order" and "cannot be circumscribed factually and made to conform to a preformed law", (2005: 6) and it cannot be anticipated in detail nor legally proscribed. The usual rules and conditions of enlargement are insufficient in this case, and therefore the law must be supplemented. The logic of previous accessions has become torpid by repetition (2005: 15), and therefore does not and cannot apply.

In addition this accession of Turkey being an 'exceptional' accession process, identity has never figured so prominently into an enlargement. Despite this, the *acquis* and Copenhagen Criteria make no mention of concepts of identity and culture. Their exclusion means in practise that there is no way for these debates to be articulated within the formal accession negotiation. There is therefore not a 'legal' way to exclude Turkey on the basis of its Otherness or failure to be more European. Despite this, exclusion continues, albeit in veiled ways. It is also never excluded outright, rather its acceptance is deferred. When Turkey was offered a membership perspective in 2002, it was given a conditional and "qualified yes that [was] accompanied by a large number of recommendations on following up and monitoring the situation in Turkey" (quoted in Bulley 2008: 11). An Agambenian

analysis of Turkey's EU accession would argue that the emergency situation of Turkey's accession and its perceived threat to the identity of the constructed norm of Europe calls the sovereign to authorise a suspension of the normal legal order to re-establish order and to "remedy...lacunae in the juridical order" (2005: 31). This ensures a seamless contiguity between the law and order. In remedying the lacuna in the law, technologies of power and exclusion are able to seep into the legal order and become naturalized parts of them. A constant state of emergency allows the ongoing deferral of Turkey's accession. What will follow is an assessment of some of these emergency situations.

The Cyprus Conflict: The State of Emergency and a Thorn in Turkey's EU Bid

The ongoing Cyprus conflict and in particular the decision to freeze eight chapters of Turkey's accession negotiation in its failure to extend its Customs Union to the Republic of Cyprus serves as an illuminating example of the state of emergency. In 2004, a divided Republic of Cyprus joined the EU after a referenda on the Annan Plan was rejected by the Greek Cypriots and accepted by the Turkish Cypriots. Originally, a resolution to the dispute on the island was seen as a prerequisite of its enlargement and that if the conflict was not amended before Cyprus' accession, that there would be little incentive for the Greek Cypriots to seek a solution. Cyprus' accession to the EU suggests that a further failure to the so-called meritocratic nature of EU membership.

In July 2005, Ankara signed the Additional Protocol that essentially adapted the EC Turkey Association Agreement to the ten new EU member states. Turkey issued a declaration stating that this signature did not amount to a recognition of the Republic of Cyprus which Turkey does not recognize as the legitimate government in Cyprus. In September, the EU responded by saying that Turkey's declaration was unilateral, did not form part of the protocol and did not affect its legal obligations under the Protocol: essentially an essential aspect of the accession process is recognition of all member states.⁴⁴ The Additional Protocol requires that Turkey extend its Customs Union to include the ten new countries who joined the EU in the 2004 enlargement, including the Republic of Cyprus. The EU responded to Ankara's failure to open its ports and airports to Cypriot shipping by freezing eight chapters pertaining to the Customs Union in December 2006. Though some negotiations resumed in 2007, to date, those chapters have not been reopened, meaning that Turkey can technically not join the European Union until these chapters are reopened and closed. The 2007 progress report on Turkey stated that it had made some progress on political reforms, but that it still has work to do on fundamental freedoms.

Within EU member states, there was debate over how to punish Turkey for its failure to implement the Protocol: while some called only for the freezing of chapters pertaining specifically to the Customs Union, others called for a deeper punishment, or a freezing of the entire accession negotiation. What was made was a

⁴⁴ European Commission. 2007. "Turkey 2005 Progress Report." Comm (2005) 561 Final.

compromise, and eight of thirty-five chapters were frozen. These include the chapters on the Customs Union, External Relations, Transport Policy and Fisheries, Agriculture and Rural Development, Financial Services, Right of Establishment for Companies and Freedom to Provide Services, and the Free Movement of Goods. The accession negotiation can be forever stalled if those are not reopened. New chapters have been opened since 2006, however, including Company Law, Intellectual Property Law, Information Society and Media, Taxation, Economic and Monetary Policy, Trans-European Networks, Enterprise and Industrial Networks, Environment and Consumer Health and Protection. There is no guarantee that the successful fulfilment of accession criteria will ensure membership in the EU. Indeed, the prize of EU membership has rendered itself even more elusive. The debate over Turkey's accession began to be framed around the question of Turkish democracy and human rights record.

These chapters do not all pertain specifically to Turkey's failure to extend its Customs Union to Cyprus. The punishment therefore does not completely fit the crime, but we understand the sovereign decision to be justified and legal in maintaining the integrity of the accession negotiations. Turkey did fail to meet an essential requirement of membership, and that cannot be overstated enough, but the situation pertained directly to a prior decision in the EU where Cyprus acceded to the EU after a failure to negotiate an agreement with the Turkish Cypriot government. Cyprus was rewarded with EU membership, and arguably now has less of an incentive to seek a solution to the dispute because of its privileged position in

the EU. For Turkey, failure to fully implement the Additional Protocol was decisively punished: chapters that did not pertain directly to Turkey's offense were frozen; the legal order was suspended. The sovereign suspended the accession negotiation - at least in part - and the lacunae between the force of law and law was blurred. What has been achieved is that the limits of the juridical order have become increasingly indistinct. There exists no proper 'inside' or 'outside' of the law⁴⁵: "the modern state of exception is instead an attempt to include the exception itself within the juridical order by creating a zone of indistinction in which fact and law coincide" (*State of Exception* 26).

As we have seen, the perpetual state of exception that characterizes Turkey's EU bid allows Turkey's EU candidacy to remain delayed indefinitely "while keeping Turkey within the economic, security and political sphere of influence of the EU" (quoted in Bulley 2008: 10). What has also been achieved is that which does not have legal form in the accession negotiation - exclusion for the sake of European identity and order - is able to be written into the law. To codify the justification of what is unjustifiable indicates an what Derrida has coined the 'aporia in the law' to signify a gap between law and fact or the state of exception where the law gives form to that what cannot have legal form. For Agamben, the moment the

⁴⁵ My understanding of the 'inside' and 'outside' of the law is taken from Agamben who explores this idea in his discussion of the Homo Sacer. Homo Sacer is a Roman figure who is on the cusp or limit of the legal order. He occupies an ambiguous space as subject to the law but is not protected by it: he is an exile in the law, but the law must exist to affirm his identity as exiled. I will later argue that Turkey occupies a similar position in its European Union ambition: it is at once European and non-European, and is also subject to European law as it adopts the *acquis* but is not protected by EU law, particularly as its accession is not guaranteed.

exceptional becomes solidified as the normative techniques of power, the “structure and meaning” are “radically...palpably altered” (2005: 2). Exclusion thus gradually and innocuously becomes a part of the legal order. This sets the stage for a highly problematic accession where no laws or norms exist that apply to all members, rather those rules can be rewritten at any moment.

Derrida’s conception of negotiation potentially opens a space for an accession negotiation that is rewritten at every moment and where the treating of particular candidates differently does not necessarily mean being more hostile” (Bulley 2008: 8). The use of the *Politics of Friendship* as a way to explore European integration and identity has been undertheorized in EU scholarship⁴⁶, and it can help enrich understandings of identity and community construction, duty, responsibility, democracy and hospitality. It is not within the scope of this work to completely engage with Derrida’s dense work, but a focus on his deconstruction of the friend-enemy distinction, his engagement with Schmitt, and his understanding of hospitality can be very useful in exploring Turkey’s EU bid and possible futures for the EU. What will follow is a negotiation of this emergency situation potentially as a space of emergence.

European Integration and an Ethics of Hospitality: A Future for EU-Turkey Relations?

An analysis of Schmitt and Agamben in the context of EU-Turkey relations suggests a bleak future of European integration where Turkey’s accession remains undecided with Turkey never fully be in or out. It also enables us to see how, as

⁴⁶ See Kahraman 2006 for notable exception.

with governmentality and the inclusion of culture into EU law, technologies of power and exclusion can increasingly become part of law. Because of a constant state of emergency, Turkey's accession can always be deferred until a later stage of Europeanness – and that Europeanness, that binary, may very well be undecidable. Derridean hospitality, however, opens a space where Turkey's accession can be negotiated. This reading moves past the accession being negotiated based on Turkey's Europeanness, but a true hospitality also opens the space for a forever changed EU. It conceives of the EU accepting Turkey *as Other*, but in that acceptance, it also accepts the possibility that the EU that becomes Other itself.

In the previous section, we explored notions of sovereignty and exception/emergency in European integration discourse and demonstrated a constant state of emergency in the EU, which enables Turkey's EU bid to be continually deferred. Derrida develops through his work a 'radical democracy' which addresses the arrival of and hospitality towards the Other, which has important implications for our understandings of membership in the EU, political conditionality and Otherness. Ultimately, Derrida seeks to deconstruct the distinction between friend and enemy, but his work is more essentially a problematizing of boundaries. I would like to extend his analysis to other binaries relevant to this analysis, namely the inside/outside, or European or non-European to expose the shaky ground they rest upon. Through Derrida's analysis of Aristotle, Kant, Blanchot, Montaigne and Schmitt and the meanings and interpretations of the terms "friend" and enemy", he unveils the various aporias and omissions of these

terms. Many of these contradictions are embodied in the statement, “Oh my friends, there is no friend” (1997: 1). In short, Derrida demonstrates the unstable foundation of these terms and their lack of a single unified definition, which demonstrates challenges to their continued use (particularly insofar as we do not problematize them) to our very notion of politics. The problem, Derrida contends, is that meaning is always dependent on context. There is nothing outside the text, which means there is nothing outside context. And since the context in which words might be read or heard are fluid, meanings are impossible to completely define – and the distinctions we base on them ultimately rest on sand. If we return to our earlier discussion of undecidability, it is significant.

There is no unified understanding of Europe through which that which that which not European is known. The previous chapter demonstrated that the EU is still negotiating its own identity and culture. Sometimes that cultural identity is singular, while other times it is multiple. Even this distinction has profound implications for how the EU will engage with its Others. That distinction, we have seen, rests on sand.

Derrida’s examination demonstrates some of the challenges to the fact that in political discourse, we unproblematically refer to friendship without having an understanding of what it does and does not mean, and what purpose it serves, or whose purpose it serves. In political discourse, friendship, and Europe, and culture play organising roles in the construction of political communities. It establishes who

can be a legitimate member of a community, and thus who cannot. In the context of EU membership, 'friendship' and ideas of 'Europe' include a particular set of values: democracy, human rights, culture, history and geography. They are in their very basis exclusionary and relational. In European Union enlargement discourse, these terms have served as powerful tools to 'rhetorically entrap' and create support for enlargement and have, in the process of constructing we-feeling and shared identity, reconstructed Otherness.⁴⁷ Understanding that these distinctions are not absolute allows us to conceive of the ways in which it has been politically useful to construct Turkey as both friend and enemy, both inside and outside of Europe, and occasionally both or neither. It has been politically useful to have Turkey on the boundary of Europe. Schmitt wrote of the power and force of the sovereign decision in politics and how it could help construct community and order. A politics of deferral is essentially the state of exception of past. Schmittian sovereign decision would imply the possibility of war between states to establish order. War is a very indistinct possibility, and a politics of deferral enables the EU to continue to negotiate its identity while helping to encourage political and economic reform outside of its borders.

To return to the Derridean notion of 'undecideability', the term refers to a problematising of borders and binaries. The debate about Turkey's accession is essentially being placed on a limit: either Turkey is European or it is not. Those who debate for and against it essentially agree on the fact of Europeanness as a

⁴⁷ See Schimmelfennig 2001; Neumann 1999; Kahraman 2006; Zaiotti 2007 for further elaboration.

precondition for membership (Bulley 2008). Derrida's notion of undecideability, and his discussion of political friendship demonstrate how problematic these absolute distinctions are. Turkey will unlikely ever completely be totally in or out, but if it must be one or the other then the enlargement can be deferred.

Friendship is more than one: On Hospitality and Friendship

Derrida's chapter *Recoils* departs from a critique of Schmitt and explores issues of friendship, hospitality, and the Other beyond a critique of the aporias and discontinuities which have characterized it in the past. In his exploration of friendship, Young (1999) writes, "Friendship, to be friendship must be with *more than one*. To love the other as wholly other is also to open oneself to *any* other as wholly other" (Young 1999: 174). Thus friendship with more than one "is not simply addressed to *all*, in a universal, homogeneous sense with a single address to all Others. Rather, there is an openness of address which, "seeks to address the universal singularity of each one, or the universality of the exception" (174).

Though Young is addressing the messianic logic of Derrida's work to look at the inclusion of God and friendship, that friendship is not singular is important for this analysis. 'True' and hospitality, involves openness to the Other, to any Other. This friendship with more than one also cannot imply a one-sided friendship. This 'true' friendship implies a true openness to the Other without the pretence of gaining from the relationship, or changing the *arrivant* in the process.

In terms of European integration, Derrida's understanding of friendship is quite radical: it implies hospitality and an invitation to the Other without precondition. Bulley (2008) has linked the EU's engagements with other countries to an ethics of hospitality. Such hospitable policies' have included the 2004/2007 enlargement where they "welcom[ed] ... others to the European 'family', and [opened the] 'door' to the European 'home'" (2008:4). Similarly, Chris Patten observes, "[w]hat better way could there have been of treating a neighbour than inviting them into our home?" (quoted in Bulley 2008: 4). Can one conceive of the European Union as being open and hospitable to any Other, thereby embracing these Others in their very Otherness? The EU's political conditionality implies that there are provisions that govern political friendship. Others are only allowed in insofar as they are able to adopt European values and institutions. The last chapter demonstrated how diversity is welcomed so long as it does not threaten the unity of the community. Certainly inviting the Other in without precondition is not consistent with political conditionality, or with either the European Neighbourhood Policy (ENP) and comparable initiatives.⁴⁸ Hospitality involves unquestioningly welcoming someone in without pretence, or agenda and allowing them to share fully in your space, house, language, culture. Derrida writes that, "entering my space unconditionally may well be able to displace everything in my space, to upset, to undermine, to even destroy, then the worst may happen and I am open to this, the best and the worst" (quoted in Joffe 2007: 163). Certainly, fully embracing the Other would challenge and confound many of the premises through which Europe has come to be known,

⁴⁸ See Zaiotti 2007 and Holm 2005 for interesting analyses about the ENP.

to fully embrace the Other. Hospitality is not embodied in the EU's engagements with its Others.

Derrida argues that, "hospitality should be neither assimilation, acculturation, nor simply the occupation of my space by the Other. That is why it has to be negotiated at every instant, and the decision for hospitality, the best rule for this negotiation, has to be invented at every second with all the risks involved" (quoted in Bennington 1997: 6). Barnett (2005) argues that Derrida understands hospitality typically as a gift that is offered "conditionally, out of a secure sense of self-possession" (2005: 5). Derrida argues that the 'laws of hospitality' are based on a logic of mastery over one's own space. Under this reading, inviting the Other in amounts to tolerance. Indeed, in the context of intercultural dialogue, we saw the challenge to the idea of tolerance. Derrida notes the flaws inherent in 'tolerance' and argues that it "depends on a form of paternalism rooted in mastery and possession, and that it therefore runs counter to the imperatives of 'pure' hospitality" (Barnett 2005). Thus the gift being offered to new candidates of the EU is membership, a conditional gift of political conditionality premised on "a logic of mastery over one's own space" (2005).

A 'true' form of hospitality and political friendship in the way that Derrida conceives is not immediately possible or conceivable. Gadamer's hermeneutical approach more closely approximates a hospitality and a political friendship that is possible for the EU. Rather than the Other 'breaching' our horizon, Gadamer argues

that the self and Other's horizons 'fuse' when they come together. For Gadamer, "hermeneutics means a way to hear and welcome the coming of the other, both in person and living dialogue" (42). Caputo argues that it is a version of hermeneutics that has "remove[d] some of the bite of its openness to the other. Is it possible to have a 'true' hospitality that 'fuse' horizons that does not privilege the friend and inside over the Other or *arrivant*?"

Derrida's politics enable us to see some of the gaps and discontinuities of discourse on friendship and enables a charting for us towards the 'Other Heading'⁴⁹ to engage with the Other in new ways. This analysis also suggests a possible future engagement between Turkey and the EU that allows for perhaps not the celebration of Turkish Otherness, but at the very least a future where Turkey's Otherness could be recognized for what it was, Otherness. That Otherness did not have to be threatening or cause for the delineation of friends from enemies, it merely *was*. This type of negotiation opens the door for the discussion of hospitality and a "potentially...very different EU" (Chris Patten, quoted in Bulley 2008: 16).

Conclusion: Inviting the Other in?

This chapter has explored Schmitt's understanding of sovereignty and the state of exception and how these terms operate in European enlargement discourse – in particular in Turkey's EU bid. Agamben understands that the state of exception and

⁴⁹ This is an allusion to *The Other Heading: Reflections on Today's Europe* by Jacques Derrida, translated by Pascale-Anne Brault and Michael B. Naas. Indiana University Press, 129 pp. Derrida, through extended metaphors about a 'voyage of Europe' towards a cultural identity of itself envisions a Europe that will the embrace the Other, and head towards the 'Other Heading', a voyage that included the Other.

sovereignty have an “essential contiguity” (2005: 1). Sovereignty is the executive power which occurs specifically within the state of exception: it is an authority which remains latent until an emergency situation arises. When the law fails in its application, it causes a suspension of judicial order. The state of exception exists to eliminate crisis situations, and is characterized by the emergency removal or suspension of ordinary legal order. This chapter has explored how the state of emergency can become the norm, and how constant emergency situations allow Turkey’s EU accession to remain ‘open ended’ and perpetually deferred until a later stage of European development. Though Walter Hallstein explicitly referred to Turkey as European, this is still being negotiated and debated. Harun Arıkan argues that the EU has in the past conducted a “containment strategy, designed to delay indefinitely the prospect of membership while keeping Turkey within the economic, security and political sphere of influence of the EU” (quoted in Bulley 2008: 10). I argue that this process is still going on. This is because Turkey’s EU candidacy can be forever deferred until Turkey becomes more European. Turkey’s European identity is still being debated, yet the relational term of ‘Europe’ and ‘not-Europe’ is undecidable, premised on an impossible boundary. If this binary continues to exist, Turkey can and will continue to occupy a tenuous position never fully in nor out.

Derrida closes the chapter *Recoils* with “I think, therefore I am the other; I think, therefore I need the other (in order to think); I think, therefore the possibility of [identity] is lodged in the movement of my thought in so far as it demands, calls for, desires the Other, the necessity of the Other, the cause of the Other at the heart of

the *cogito*” (Derrida 1997: 224). Derrida understands that the threat or *phobia* of losing one’s own identity is related to a process of *knowing* as being (*‘cogito ergo sum’*). This ‘knowing’ is a knowledge of the Other, a knowledge that bestows the knower with power over the Other (Mignolo and Tlostanova 2006). The threat or *phobia* of not being able to know the Self amidst change and fragmentation is also related to not being able to conceive of identity outside of understanding it relationally.

Within the framework of the accession negotiation, Turkey’s accession has been framed as a question of Europeanness. This binaric question frames the very possibility of Turkey’s possible EU accession. As we have seen, the position that Turkey occupies is not an easily definable one: it is at once both inside and outside of Europe and European identity, and its Europeanness is constantly deferred. As Bulley (2008) argues, there is often the assumption that in Turkey’s EU accession that if enough questions are asked and answered about its accession, its European vocation, its European identity, will be decided and there will be a “decision offering hospitality or hostility [that] will be based on a comprehensive knowledge” (Bulley 2008: 15). This suggests that a definitive solution is being sought in regards to Turkey and its European vocation as if this is possible, and as if Turkey’s very multiple identity was not co-constitutive of European identity. Perhaps the realization that a definitive answer regarding its accession is not possible will make it possible to conceive of “Turkey arriving on a different road, to a different door: a welcoming of Turkey as other” possible thus opening the doors to hospitality and a

“potentially...very different EU” (Chris Patten, quoted in Bulley 2008: 15).

Derrida’s understanding of the ‘undecidability’ can be fruitful to understand this. It is this undecideability that will forever seek to disrupt the normal apparatus of the law.

Chapter 4: Governmentality and Sovereign Decision: Breaking Through the Crust of Deferral?

The exception explains the general and itself. And when one really wants to study the general, one need only look around for a real exception. It brings everything to light more clearly than the general itself. After a while, one becomes disgusted with the endless talk about the general – there are exceptions. If they cannot be explained, then neither can the general be explained.

Kierkegaard 1983: 227

In July 2005, there was little evidence of optimism or enthusiasm in the European Union when the decision was made by the European Commission to adopt a negotiating mandate and begin accession talks with Turkey. For the first time in EU history, candidate country negotiations were being held with a deliberate caveat of their open-ended nature, and no guarantee of their successful conclusion. Indeed, even prior to the beginning of accession negotiations, United Kingdom Foreign Commonwealth Office officials are reported to have said that talks with Turkey “[would] be slowed down significantly after their ‘formal opening’” (Austin and Parker 2005: 20). Thus, even *before* Turkey began its accession negotiations, there was a clear understanding that it was going to be a difficult process with a guaranteed road to membership, and the accession negotiation was not even a process in good faith to begin with. The decision to begin accession negotiations with Turkey has exposed concerns and interests about Europe that have largely been marginalized in EU discourses in previous enlargements, including questions about the limits of Europe geographically, historically, civilizationally, culturally and religiously. Turkey’s proposed accession has more prominently than ever

highlighted the importance and role of identity and culture in the European debate. It has shown the importance of identity in constructing “we feeling”, especially in the European body politic, and this is to a large extent because Turkey has served as a perennial ‘other’ in the relational construction of European identity and Europeanness. This thesis has attempted to contribute to the literature on European integration and identity, and to enrich understandings of why Turkey’s accession remains the most controversial to date, and why it is possible that Turkey will meet the Copenhagen Criteria for membership but may not be granted the right to accede to the European Union.

Currently, Croatia is in accession negotiations after becoming a candidate for membership in 2005. Croatia is speeding along on reform to accede to the Union, and has already met and implemented seventeen chapters of the *acquis*, and is expected to accede in 2011. Iceland is also to begin accession negotiations, and may accede to the Union as early as 2012.⁵⁰ Turkey, meanwhile, has opened fourteen chapters of the accession negotiation, while seven remain frozen, and has only closed one. Obviously the relatively small size of both Iceland and Croatia make these accessions relatively simple and uncontroversial. However, there is something aside from ‘enlargement fatigue’ or even a failure to implement the *acquis* that is hampering the accession process. In the proposed accession of Iceland to the EU, the geographical argument has not been a prominent feature of the debate over accession. This too demonstrates that there are no absolute rules with regards to who can accede to the Union. These rules are flexible for some proposed members,

⁵⁰Traynor 2010

while rigid for others. Turkey's accession is proceeding at a different pace and with different rules than previous and other current accession negotiations, and this thesis has explored how these technologies of power and exclusion are deeply systemic because they are becoming rooted in identity, culture, and have begun to take on legal character.

The Exception Proves the Norm

This thesis has explored a Schmittian understanding of the state of exception, and how it has “essential contiguity” with sovereignty (Agamben 2005: 1). Schmitt (1995; 2005) argues that the political emerges in the state of exception, an authority that remains latent until an emergency situation arises. When the law fails in its application, the judicial order is suspended to eliminate crisis situations. For Schmitt, the state of emergency/exception is characterized by the possibility of violence. The enemy is “in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible” (Schmitt 1996: 27). The only real condition of this enmity is that there is the *possibility*, were the conflict to intensify, for it to become violent (Schmitt 1996: 39). Thus, the number of conflicts is actually irrelevant; simply the potential for violence is enough to make the friend-enemy distinction a reality (Matusek 2005: 1). Schmitt is explicit about this: for him, combat implies a “means of physically killing human beings” (32-33). War is the existential negation of the enemy and is the most extreme consequence of enmity (33). Schmitt qualifies that war does “not have to be common, normal...or desirable. But it must nevertheless remain a real possibility

for as long as the concept of the enemy remains valid” (33). In the EU we can argue, that outside of populist discourses of a fear of Turkey’s less secure periphery, that the possibility of physical violence between the EU and Turkey is extremely marginal. Democratic societies rarely go to war⁵¹, and economic integration has really precluded the possibility of war, but the state of exception lives on in other forms.

The EU, in managing its relationship with its neighbourhood and in particular its relationship to Turkey, has developed a “wait and see” policy that never fully accepts or rejects Turkey’s EU membership. Instead, Turkey’s EU accession remains always in the realm of possibility. This deferral is in many ways a complete rejection of Schmitt’s and Agamben’s sovereign decision, but rather than conceive of it in such terms, I see it rather as a new take on Schmitt and Agamben’s ideas of sovereign decision. Exclusion or sovereign decision would achieve what Schmitt envisioned, namely, the solidification of the identity of the political community through the delineation of its enemies. Of course, the cost of making such a distinction is profound economically, politically, and socially. And it has profound costs for both those for and against Turkey’s accession. It is not necessarily a sovereign decision that would unite the ‘European’ people (or help identify that community), for there would be profound repercussions. The move to fully include or exclude Turkey is not just significant for Turkey itself, but it would more firmly

⁵¹ Morgan, T. C.; Howard, S. 1991. “Domestic Structure, Decisional Constraints, and War: So Why Kant Democracies Fight?” *Journal of Conflict Resolution* 35:2 187-2111.

establish the limits and bounds of European identity and European possibility. It would establish the contingencies of Europeanness.

Deferral, rather than sovereign decision or exclusion, has been *more* useful with regards to the EU's negotiations with Turkey. In an uncertain political climate where the EU is still negotiating its identity, and in sometimes competing and contradictory ways (using both exclusivist and inclusivist understandings of European identity at the same time), deferring Turkey's EU accession and its Europeanness leaves the door ajar to membership but does not necessarily 'rhetorically entrap' the EU to acquiescing to the accession of Turkey.⁵² It also avoids the potential social, economic and political repercussions of definitively excluding or inviting Turkey in. It has been to this point, more successful than authorising an absolute decision with regards to Turkey's accession because Turkey is essentially a litmus for European identity: to include Turkey in the EU constructs the EU as inclusive, multicultural, and as a rights-based community, whereas to exclude it solidifies European identity as based in particular set of values, religions and cultures. The EU has utilized both narratives in the construction of its identity, and these understandings remain diffuse and hybrid while being at odds.

Schmitt quotes Kierkegaard in arguing that, "[t]he exception explains the general and itself. And when one really wants to study the general, one need only look around for a real exception. It brings everything to light more clearly than the

⁵² See Schimmelfennig, F. 2001. "The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union," *International Organization* 55, Winter 2001: 47-80.

general itself... If the [exceptions] cannot be explained, then neither can the general be explained” (2005: 19). Schmitt is suggesting that European identity itself cannot be understood without understanding the exception. Rather than European identity itself having essential proportions, it is Turkey and the other that explain Europe. It is Turkey that elucidates the whole problem of European identity and enlargement, and it is Turkey that illuminates an existential crisis in Europe over its identity and where it sees itself in its present and future. Thus while the debate of Turkey’s accession is framed around Turkey itself, an assessment of Schmitt and Agamben allow us to see how Turkey’s accession is less a question over whether Turkey is a legitimate member of the EU, and more of a question of what Europe is itself. Stocker (1999), in writing of Kierkegaard’s understanding of the possibility of decision, notes that “[t]he individual subject who decides is defined by the capacity to make a decision, because it is that capacity that defines a subject” (Stocker 1999: 27). There must, first and foremost, be a subject to make the sovereign/absolute decision, and their identity and subjectivity are defined through their ability to *authorize an absolute decision*. Their subjectivity is thus asserted in the very process of the decision. If we relate this back to the discussion in this thesis, a politics of deferral has defined the accession process between Turkey and the EU. It has remained beneficial in some ways for the EU to continue to lead Turkey towards EU membership and accession while deferring Turkey’s accession and Europeanness because it has meant that the EU can still encourage reform without the implications of wholly accepting or rejecting Turkey. It also allows European identity to continue to have fluid and diffuse meanings, sometimes exclusionary

where Turkey must be an 'other' to European identity construction, and other times, Turkey is depicted as European in more cosmopolitan understandings of European identity and culture.

Certainly, Schmitt and Agamben would agree in the respect that the sovereign/absolute decision relationally defines the identity of the community: by defining who is 'out' it helps demonstrate who is 'in'. However, as Agamben (1995) argues, that in "[o]rder ... for juridical order to make sense [...a] regular [or 'normal'] situation must be created, and sovereign is he who definitely decides if this situation is actually effective" (quoted in Agamben 1995: 16). It is actually the construction of the 'normal' case which frames who is excluded. Thus the exception actually tells us more about the 'normal' case than the exception: we learn more about Europe in the process of the sovereign decision to exclude or defer Turkey's accession. Turkey's EU candidacy actually illuminates the state of emergency in the EU in terms of its identity and culture.

Kierkegaard's examination of decision helps explicate the state of emergency in the EU. He argues that the very *capacity* to be able to make a decision defines identity and subjectivity. What is implied when a political community does not authorize an absolute decision? The EU is unable to make an absolute decision with regards to Turkey precisely because its own identity and culture are so fragile.

As the exception proves the rule, the EU is unsure of its identity and where to draw the lines and boundaries of Europe and European identity and culture. It prefers to trace them lightly than to draw them indelibly. The danger of deferral is that it cannot remain a permanent state of affairs. A decision must eventually be made to break the deferral.

Turkish Accession: Perpetual Deferral or Impossibility?

This thesis has explored the proposed accession of Turkey to the European Union as the most exceptional to date, and has attempted to elucidate why it is and will continue to be so problematic and undecidable. Rather than being definitively included or excluded from EU membership, Turkey's EU bid has remained deferred, always contingent on Turkey's Europeanness or propensity to develop a European identity. By situating this thesis in post-structuralist literature, we can understand how this deferral has and is being operationalized. Using conceptual and theoretical terms including governmentality, sovereignty and the state of exception, this thesis has opened up an analysis of how technologies of power and exclusion are imbedded in the construction European identity, and how exclusionary practices can actually seep into and become a part of the law. This means that the enlargement process will not follow a logic of merit or be in good faith: the accession itself comes down to sovereign decision. This is certainly the case with the *acquis*, which cannot be closed without approval by member states. The accession negotiation itself will at its end (if there is one) come down to a decision by member states of whether to include or exclude Turkey. Each chapter of the

acquis and the accession itself will still come down to sovereign decision rather than merit.

The implications of this are monumental because the exclusionary practices that delay and defer Turkey's accession are actually more endemic and systemic than we currently perceive. This suggests that a shift in policy, or good faith on the part of both Turkey and the EU to move the accession process forward may not be enough in the end for Turkey to accede to the European Union.

Exclusionary practices and technologies have come to be codified in European law in both European cultural policy, which disciplines European identity and culture, and through the accession negotiation where exclusionary practices have become seamlessly included in the realm of the legal. The movement of the legal order to incorporate the political and that which is not contained in the law into the law is precisely the site of what Agamben describes as 'topographical blurring', where the limits of the juridical order become increasingly indistinct. What this means is that there exists no proper 'inside' or 'outside' of the law: "the modern state of exception is instead an attempt to include the exception itself within the juridical order by creating a zone of indistinction in which fact and law coincide" (Agamben 2005: 26). Therefore, while there is no official discursive space or way to exclude Turkey from European membership, alternate ways are being found to exclude Turkey. This happens both on a legal level where exclusionary practices becomes

imbedded in law, and also at the level of the constant conjuration of an emergency situation that defers Turkey's EU accession.

What is particularly revealing about Turkey's EU bid is that there is no way to exclude Turkey from membership based on its culture or identity. It's invitation cannot be suddenly revoked because Turkey has been deemed inadequately European. Other sites of exclusion have been found to exclude Turkey.

The question of Turkey's EU accession continues to be framed in terms of its Europeanness. The question of Europeanness and thus Turkey's EU legitimacy to join the EU was technically answered by Walter Hallstein in 1963, and was never raised as a significant issue during the course of the customs agreement and application for membership. It is almost erroneous to be raising the issue of Europeanness now, yet questions of European identity have become more pronounced in EU discourses in recent years – particularly with the TCE and Lisbon Treaties. The advent of culture and identity in discussions of the EU is a relatively recent phenomenon, but has been historicized as if it has always been on the European agenda. The result of this historicization is that there is actually no space to productively engage with these questions in the debate on European integration. As well, there is no space in the *acquis* for the negotiation of Europeanness. If Turkey truly is not European enough to join the EU, there is no way to formally exclude it, except for the slow movement and delay of accession negotiations. This is even more complicated given that this thesis has demonstrated

that the essential question with regards to Turkey's EU accession has been its Europeanness or propensity to develop a European identity, yet this question is unanswerable.

Turkey's accession, through this lens, is at an impasse. Derrida's notion of undecideability has shown how it is unlikely that Turkey will be definitively included or excluded. Undecideability allows a problematization of the binary between Europeanness and non-Europeanness, but as long as Turkey's Europeanness must be decided for its candidacy to be legitimate, the accession process is likely to be fraught with tension. Rather than the question of Turkey's Europeanness being about Turkey, it is more a question of what 'Europeanness' actually is, and what Europe is.

The analyses of cultural policy through governmentality and of Turkey's EU candidacy through Schmittian sovereign decision paint a very bleak possibility of an accession of Turkey, or of the possibility of a situation that is amenable for both Turkey and the EU. I believe that Turkey's accession is more complicated than we even perceive: it may not even be a question of political will which will move the accession negotiations with technologies of power and exclusion so deeply imbedded. Rather than solely being fraught with tension, this examination of EU-Turkey relations through EU cultural policy and the accession negotiation suggests that Turkey's accession is not just problematic; it may in fact be impossible.

Conclusion

To close, an uncertain future lies ahead for Turkey and the European Union. The accession negotiation may never bear fruit and could continue indefinitely without a decision being made to accept or reject Turkey as an EU member. The question of Turkey's accession, much like the question of Europeanness, is undecidable. The question of accession or its non-event lie in binaric opposition to each other, dependent on the question of Turkey's Europeanness being answered. If the question of Turkey's Europeanness is not discernible definitively, then neither is the accession process able to be decided definitively. This thesis has substantiated the fact that in the current framework of accession negotiations, Turkey may never accede to the Union. Derrida's ethics of hospitality departs dramatically from the current logic of enlargement that is dependent on this undecidable notion of Europeanness, and opens the possibility of Turkey's accession negotiation *as Other*. The conclusion of such an analysis opens the possibility of a forever changed EU. The ethics of hospitality would mean that the exclusivist practices of identity construction could not be used to construct European identity--something that would imply a 'leap of faith' to again borrow from Kierkegaard.

However promising an ethics of hospitality is, what is first required is a better understanding of the processes and technologies of exclusion that operate in the enlargement debate, and their deficiency in being able to negotiate the exceptional case. What is also needed is an understanding that rather than the exception being Turkey, the emergency is in fact in Europe. Hopefully this new understanding does not come before the possibility of Turkey's accession has passed.

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