

TURKEY–EUROPEAN UNION RELATIONS IN WORLD POLITY

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Declaration of Authorship

I**MAKBULE DIDEM BUHARI**... hereby declare that this thesis and the work presented in it is entirely my own. Where I have consulted the work of others, this is always clearly stated.

Signed: _____

Date: ____18 September 2012____

ABSTRACT

By ‘bringing in’ the global dimension, this thesis aims to explain the main reasons for Turkey’s failure to comply with EU conditionality. Existing studies in the field either look at the hardships in Turkish-EU intergovernmental bargains or at the ‘cultural mismatch’ that triggers opposition in the conservative circles of both Turkey and Europe. Such tendencies mislead many students to miss the ‘bigger picture’; in other words, the global legitimation processes underlying Turkey’s interactions with the EU. By introducing World Polity theory, an innovative sociological institutionalist theory developed by a Stanford University sociologist, John W. Meyer, since the 1970s, this thesis promises a fuller analysis of the difficult relations between Turkey and the EU through the study of three key sectors where EU-led reforms prove particularly problematic: foreign land ownership, ombudsmanship, and Turkey’s Cyprus policy. Benefiting from original interview and survey findings, the thesis demonstrates that the likelihood of EU-led reform depends on the extent to which it is perceived as globally legitimate in the candidate country, Turkey. The main argument is that Turkey-European Union relations should be considered within the context of a wider global cultural environment in which they are deeply embedded and which constitute their agency. This argument is innovative in three ways. First, it adds the global context, which is severely neglected in the prevailing studies on EU-Turkey relations, as a constitutive element to the analysis. Second, it offers new analytical tools to rethink the EU as an ‘organizational carrier’ of world models and better explain the domestic motivations behind compliance with EU conditionality. Finally, it contributes to World Polity research that is increasingly criticized for having a top-down approach and lacking in-depth case studies on how world models spread.

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INTRODUCTION

On 29–30 March 2012, a number of leading Europeanization scholars—including, Claudio Radaelli, Robert Ladrech, Gerda Falkner, Sabine Saurugger, Mario Telò, and Antoaneta Dimitrova amongst others—gathered in an international conference at the Free University of Brussels in order to discuss whether ‘we [researchers on Europeanization] still miss the big picture’. Although the central focus of the conference was on the interactions between the European Union (EU) and its member states, one panel was specifically devoted to the ‘external dimension of Europeanization’—that is, the effect of EU membership conditionality in candidate states—in order to ‘move beyond the inward-looking focus of contemporary studies on the EU’s effects on the member states, and propose a framework for analyzing its external effects on non-EU member states’ (Lavenex and Uçarer 2009: 417). The relationship between the EU and its candidate countries is often described as remarkably asymmetrical: unlike EU member states, candidate countries lack the capacity to contribute to the decision-making process at the EU level and are expected to comply with the EU’s external conditional pressures in economic, social, and political domains (Börzel and Risse 2012: 195). The assumption which attracted the strongest support at the end of the conference was that there was an urgent need to examine the EU in a broader context allowing the treatment of Europeanization and European integration as mutually reinforcing processes rather than separate phenomena. A similar suggestion (to grasp the ‘bigger picture’ in EU studies) was put forward by Jeffrey Checkel, a leading EU scholar, who suggested that recent studies on the EU’s norm entrepreneurship had overlooked the ‘need to integrate structure into the explanation’ (Checkel 2012: 2).

This study examines the external dimension of Europeanization by studying a ‘hard case’, Turkey’s EU bids. Turkey signed an Association agreement with the European

Economic Community in 1963, made an official application for membership in 1987, was granted official candidate status in 1999, and eventually started accession negotiations in 2005. Although it undertook substantial reforms in line with the EU membership criteria, its accession negotiations have been partially suspended since 2006 due to Turkey's failure to comply with the EU-led reform regarding Cyprus policy. It would be misleading to think that Turkey's compliance with the EU's Cyprus policy would put a decisive end to the current impasse in Turkey's EU membership process. Not only the incessant failures of Turkey to adopt several other EU-led reforms and implement them, but also a burgeoning European cultural opposition against the membership of an Islamic country have reinforced the uncertainty around Turkey's EU membership prospects. The current stalemate in EU-Turkey relations is likely to endure even after Turkey's compliance with the EU's Cyprus conditionality. In this context, the prevailing scholarship on Turkey-EU relations tends to treat the Turkish case as *sui generis*, due to the remarkable contestations and delays in its EU membership process (Börzel and Soyaltın 2012). Rather than treating Turkey as a *sui generis* case, this study suggests benefiting from the Turkish case in order to expand the theory of Europeanization and domestic reform. Accordingly, the main research question is: 'What explains the variation in Turkish responses to EU conditionality?' Conditionality is defined as 'the use of fulfillment of stipulated political obligations as a prerequisite for obtaining economic aid, debt relief, most-favored nation treatment, access to subsidized credit, or membership in coveted regional or global organization' (Schmitter 2001: 42). EU membership conditionality is known as the 'Copenhagen criteria':

Membership requires that candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union (EU Council 1993).

In this context, the main objective is to contribute to the prevailing Europeanization literature and scholarship on Turkey-EU relations by 'bringing in' the global dimension. In this respect, the study adopts a maximalist conception of

Europeanization (Featherstone 2003), indicating that accession countries are influenced not only by EU membership conditionality, but also by non-EU external forces—including the United Nations (UN), international non-governmental organisations (INGOs), and other world-level pressure groups, norms, and scripts—which both inform and legitimate domestic attitudes. Hence, it acknowledges that establishing causality between EU conditionality and domestic reforms in candidate countries is inherently complex. There is a need to ‘rethink’ Europe in a broader global context (Delanty and Rumford 2005; Axford 1995) as well as from the point of view of sociology (Saurugger and Mérand 2010). Accordingly, the study suggests revisiting EU–Turkey relations in light of a macro-sociological institutionalist approach – generally known as the World Polity or World Society School, if not the Stanford School of Sociological institutionalism – developed in the 1970s by Stanford sociologist John W. Meyer and his colleagues, including Gili Drori, George Thomas, John Boli, Francisco Ramirez, amongst others. In simplistic terms, the main argument put forward by the World Polity School of Sociological institutionalism is that domestic attitudes and behaviour reflect ‘universalistic blueprints’ which are enacted at the global or world-polity level (Meyer et al. 1996; Drori and Krucken 2009). Although Meyer and his colleagues have not published extensively on the EU, their theoretical insights are promising in terms of introducing a much-needed global social context to the analysis of Turkey–EU relations.

Instead of *World Society*, this study uses the term *World Polity*, not only to emphasize its relevance for students of politics and international relations but also, to avoid confusion with other macro-sociological approaches to World Society which have been used in research on contemporary European social and political issues (Albert 2002; World Society Research Group 2000: 1-19). In this sense, unlike some scholars (Schofer 2003: 738, note 14; Cole 2005: 477, note 9) who suggest defining *World Polity* as a more centralized and state-controlled structure in comparison to *World Society*, the study does not discriminate between those terms. In other words, *World polity* and *World Society* are interchangeable in terms of indicating an ontologically prior global structure which is not fully controlled by any power and rather is able to enact legitimate actorhood through the spread of its universalistic templates and scripts (Meyer et al. 1997: 169; Meyer and Jepperson 2000). Meyer (1980: 111-2) defines *polity* as a ‘system of creating value through the collective conferral of

authority'. A system consists of universally applicable 'blueprints', norms, scripts, and models which do not directly reflect the preferences of national governments. Actors (including nation states, regions, groups, and individuals) in a system are 'entities constructed and motivated by enveloping frames' or global models on legitimate actorhood and action (Boli and Thomas 1997: 172). The introduction of world polity may help to solve a puzzle that has long intrigued Europeanization scholars: what determines the direction of change in an EU candidate country if it is not the EU membership conditionality? However, despite the rise of neo-institutionalist approaches in EU studies (Pollack 2004; Schneider and Aspinwall 2001; Pierson 1996), the World Polity School is still uncommon. According to Thomas (2009: 118), the mainstream's tendency to overemphasize agency at the expense of structural factors in social and political science has been an important obstacle against the development of the World Polity School. Meyer (2001) reiterates that the introduction of the World Polity School into EU studies would put serious challenges to the mainstream EU studies, which tend to treat the EU as a primary actor with the capability to shape the world.

Chapter II, which explains the central tenets of the theoretical framework guiding this study, discusses the implications of some concepts put forward by the World Polity School—such as world polity, ritualized rationality, and disinterested actorhood—on EU studies in terms of rethinking the EU's agency and the EU's relationship to its global environment. Transcending the usual 'either/or' debates, the study treats the relationship between the EU and the global arena as co-constitutive. Accordingly, the study suggests an alternative reading of the EU: rather than an insulated and self-interested actor which plays the role of a 'gatekeeper' against global flows, the EU is constituted and legitimated by world polity and acts as an organizational carrier of and a 'gateway' to the global cognitive scripts enacted by world polity. By putting the main emphasis on the global structure in which EU agency and conditionality operate, the World Polity School is promising in terms of grasping the 'bigger picture' and transcending unidirectional top-down accounts of Turkey's Europeanization. Thus, the emphasis is no longer on EU conditionality. Instead, the study suggests a 'bottom-up' approach (Radaelli 2003), indicating the significance of domestic factors in explaining how the EU's conditional stimuli are received in the target country. Nevertheless, the main difference of this study is the introduction of the 'global

legitimacy' factor into the analysis. *Global legitimacy* is defined as a generalised perception or assumption that the EU's conditional pressures are globally endorsed. In this sense, the study develops a new bottom-up approach which draws attention to the domestic perceptions of the interactions between the EU and world polity. In other words, the level of (perceived) congruence between EU conditionality and the prevailing models, norms, and scripts of world polity is considered a key factor in explaining the variation in domestic responses to the EU's conditional stimuli. In this context, the study aims to transcend both the 'sender-receiver' accounts of Europeanization which relegate a candidate country to a passive role and the 'goodness of fit' approaches which focus on the 'level of misfit' between the EU and domestic policies or norms.

Overall, by bringing in the global dimension, this study aims to explain the main reasons for Turkey's failure to comply with EU conditionality. Turkey's EU membership process offers a new point of departure for considering the mutual interaction between Europeanizing and globalizing processes. This study explores Turkey's responses to the EU's conditional pressures with respect to three topics—Cyprus policy, foreigners' rights to own land, and ombudsmanship—which witness both radical reforms and oppositions for reasons different from those encountered elsewhere in the literature on EU enlargement. Existing studies miss the 'big picture'; in other words, the global legitimation processes underlying Turkey's interactions with the EU. To put it simply, the EU conditionality that is perceived as globally legitimate triggers compliance in Turkey. Otherwise, it tends to trigger domestic opposition in the Turkish candidate. This argument is innovative in three ways. First, it adds the global dimension as a constitutive element (rather than a merely constraining structure) of Turkey-EU relations and offers new analytical tools to rethink the EU's role in Turkey as an 'organizational carrier' of World Polity models. Second, it refines the dichotomous thinking on the EU's effect on candidate countries — coercive versus normative Europeanization — by highlighting the ritualized nature of domestic compliance with the EU. Rather than domestic cost-benefit calculations in respect to Turkey's EU membership or a 'cultural mismatch' between Turkey and the EU, the responses reflect the available global models, norms, and scripts. Third, it contributes to the existing World Polity research that is often criticized for having a top-down approach and lacking in-depth case studies on the (often conflictual)

processes through which world polity intervenes in the domestic arena (Drori and Krücken 2009; Finnemore 1996; Boyle 2002).

Official relations between Turkey and the European Union (European Economic Community-EEC) started with the signing of Ankara Association Agreement in 1963, which determined three phases for Turkey's gradual accession to the European Common Market: a preparatory phase between 1964 and 1970, a transitional phase from 1973 to 1995, and a completion phase (1996 to full economic integration). A pro-liberal Turkish government (led by Turgut Özal) applied for full membership in 1987. In 1990, Turkey's eligibility for membership was accepted by the European Council, however it was not granted official candidate status due to its failure to meet economic criteria as well as its existing political problems with Greece and Cyprus. Turkey signed a Customs Union Agreement, which took effect in January 1996. Accordingly, it abolished customs duties for industrial goods. The European Council of December 1999 officially recognized Turkey as a candidate country, which started to undertake substantial reforms in a wide range of policy areas, including non-economic ones (such as human rights, cultural rights, and civil-military relations). Upon the decision of the EU Council of 2004, accession negotiations between Turkey and the EU have been launched on 3 October 2005 and they involve the examination of Turkey's compliance with the EU legislation (i.e. 'screening process') in 35 chapters. However, the EU decided on 14-15 December 2006 to suspend the negotiations of eight chapters (Free movement of goods, Right of establishment and freedom to provide services, Financial services, Agriculture and rural development, Fisheries, Transport policy, Customs union, External relations) until Turkey extends its customs union agreement to the Republic of Cyprus. The subsequent European Commission Progress Reports of 2006, 2007, and 2008 indicated that the pace of the EU-led reform process in Turkey had 'slowed down' since 2005. Moreover, the appointment of Ahmet Davutoğlu, a Turkish intellectual who supports an autonomous and multi-faceted foreign policy doctrine, as Foreign Minister of Turkey was interpreted as an evidence for a growing disinterest in Turkey's EU bids. For instance, Öniş (2008) argued that Davutoğlu's foreign policy doctrine advocated 'loose' Europeanization rather than a strong commitment to compliance with EU conditionality. Kale (2009) similarly argues that since 2005 both Turkey and the EU have failed to demonstrate a clear commitment to accession negotiations due to

several factors, including frequent economic and political crises in both Turkey and Europe.

The first chapter provides critical reviews of the literature on Europeanization, scholarship on Turkey–EU relations and the World Polity School of Sociological institutionalism, and suggests that there is a need to include a global cultural dimension in studying Turkey–EU relations from a World Polity perspective. The second chapter discusses the major implications of an approach based on world polity for Europeanization studies in general, and then provides a general theoretical framework to grasp the variation in Turkish responses to EU conditionality. It argues that a model based on global legitimacy, indicating a ‘generalized perception that a reform is appropriate within a globally constructed system of norms, values, beliefs, and definitions’ (adapted from Suchman 1995: 574), constitutes a strong alternative to previous research. The third chapter explains the research design based on case study and mixed methodology and provides justifications for the methodological choices, such as data collection methods and sampling: in addition to the review of parliamentary minutes, the research is based on a survey conducted by the author with 261 Turkish bureaucrats, professionals (lawyers, economists, academics), and NGO members; and 23 follow-up face-to-face interviews with Turkish informants, including 16 Turkish parliamentarians (leading the External Relations and the EU Harmonization committees of the Turkish Grand National Assembly), 1 political advisor to Turkey’s chief negotiator to the EU, 3 bureaucrats, 1 academic, 1 NGO leader, 1 lawyer who was at the time of the interview the head of the EU section of the Ankara Bar association. In light of the empirical findings, the following three chapters (Chapter IV, V, and VI) will deal with three reform areas in Turkey–EU relations which have proved to be difficult, as they touch upon well-established threat perceptions:

- Establishment of ombudsmanship (fear from ‘domestic threats’ such as ethnic and religious minorities finding new channels for expressing political dissent),
- Foreign land ownership (fear from foreign invasion: ‘Sèvres syndrome’), and
- Turkey’s Cyprus policy (based on historical Turko-Greek conflicts and suspicions).

The concluding chapter provides a tentative analysis of the findings derived from the studied cases and suggests that EU conditionality is a necessary but not sufficient condition for domestic reform in Turkey. While strong conditional pressures exerted by the EU have failed to change the *status quo* in Turkey's Cyprus policy or to alter Turkey's foreign land ownership policy, weaker EU pressures have been followed by domestic reform—for instance, the establishment of Turkish ombudsmanship. EU conditionality accelerates the discussion of particular reforms in the domestic arena but does not necessarily determine the nature of domestic response (whether domestic response is negative or positive) or the direction of domestic change (whether domestic reform reflects a model advocated by the EU or adopts an alternative global template). It is the universalistic character of the reforms in question which makes them acceptable in the Turkish arena. Overall, the study suggests a 'missing link' between domestic transformations and the global (constitutive) structure.

CHAPTER I: LITERATURE REVIEW

1.1. The Limitations of Europeanization studies

Europeanization is a relatively new concept that has become popular in contemporary EU studies due to its emphasis on the ‘European sources’ of domestic reform (Vink 2002: 3). By assuming that ‘Europeanization proceeds independently of European integration’ (Clark and Jones 2008: 304), it diverges from the mainstream EU studies centred upon integration. The latter is criticized for overemphasizing the notion of cohesion and overlooking the difference between a process (Europeanization) and its possible outcomes (including for example, integration, convergence or harmonization) (Radaelli 2000). Therefore, Europeanization is presented as a useful concept in order to investigate the processes that explain the asymmetrical effects of the EU on countries, policy sectors, and geographic regions (Featherstone and Papadimitriou 2008: 23). In this context, Europeanization shifts the central focus from the internal processes of integration to the external effects of the EU, indicating policy change, administrative innovation, cultural change, and new identity formation (Bauer et al. 2007; Schimmelfennig and Sedelmeier 2005; Cowles et al. 2001; Knill 2001; Goetz and Hix 2001; Mény et al. 1996). In this sense, it does not only focus on the institutional adaptation of national and sub-national polities to the EU or on institutional expansion (deepening) within the EU, but also, it involves territorial expansion (widening), diffusion of EU rules and norms abroad, and finally, European political unification as a global actor (Olsen 2002). By introducing an ‘external dimension’, Europeanization studies have become increasingly popular amongst the researchers on the domestic transformations in EU candidate countries in general, in Turkey in particular. However, the Europeanization literature in that domain is still developing and thus, suffers from serious limitations. The following section provides a selective review of the literature with special emphasis on two main limitations: a dual tendency to resort to dichotomous thinking in explaining domestic responses to

the selected EU conditionality and to overlook the global legitimating processes underlying domestic and regional transformations.

First of all, against a tendency to use Europeanization interchangeably with convergence, harmonization or integration, it is necessary to provide a clear definition of Europeanization. Otherwise, the term loses its innovative character and becomes meaningless (Howell 2004; Vink 2002: 5). EU studies have long been centred on the concept of *integration*, defined as an establishment of new policies, institutions and norms at the EU level (Rumford and Murray 2003). It is suggested that if European *integration* is about the development of supranational institutions at the EU level, Europeanization could be defined as the ‘feedback process of European integration at domestic level’ (Vink 2002: 6). According to Radaelli, a comprehensive and acceptable definition of Europeanization should emphasize:

processes of (a) construction, (b) diffusion, (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’, and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies (Radaelli 2000: 4).

Europeanization is mostly viewed as an incremental process of change rather than a radical or abrupt transformation in member states (Ladrech 1994; Bulmer 2007). It implies peaceful change in candidate states through conditionality (Schimmelfennig and Sedelmeier 2005). Furthermore, it emphasizes that the EU is capable of altering the prevailing domestic opportunity structures and thus, power hierarchies in the domestic arena (Börzel and Risse 2003); and also, the EU has a potential transformative power on identities, norms, and ideas (Radaelli 2004; Checkel 1999; Risse 2001). It is crucial to note that Europeanization does not necessarily lead to a *convergence* of policies and regimes, which may happen for reasons not related to the EU, such as globalization or governmental change (Vink 2002: 5). Moreover, it cannot be defined as *harmonization* because of the complex nature of Europeanization, which ‘is typically incremental, irregular, and uneven over time and between locations, national and subnational’ (Featherstone and Kazamias 2001: 4).

The EU's enlargement to the Central and Eastern European Countries (CEECs) in the mid-2000s has provoked much academic interest in the 'external dimension' of the EU (Grabbe 2003; Vachudova 2005; Schimmelfennig and Sedelmeier 2005). The transition of the CEECs to liberal economy and democracy has been presented as a useful case for testing the transformative effect of EU membership conditionality (Schimmelfennig and Sedelmeier 2005: 3). In this context, a potentially useful concept is *policy transfer* defined as a 'process in which knowledge about policies, administrative arrangements, institutions and ideas in one political setting (past or present) is used in the development of policies, administrative arrangements, institutions and ideas in another political setting' (Dolowitz and Marsh 2000: 5). Hence, Europeanization involves (at least) two types of policy transfer: first, a horizontal (normative) process where nation states voluntarily seek national adaptation to EU standards through lesson-drawing or mimicking; and second, 'explicit or vertical Europeanization' indicating a coercive and direct imposition of EU requirements (Howell 2004). So, the main challenge is to explain the effect of the EU conditionality without reducing Europeanization to a top-down process of policy transfer reflecting power hierarchies (Bomberg and Peterson 2000).

1.1.1. Understanding the differential impact of EU conditionality

It is argued that there are two major types of Europeanization studies in the prevailing literature: *Sender-receiver* models focus on the top-down processes of Europeanization and treat the target country as a 'consumer', whereas the *Goodness of fit* studies take a bottom-up perspective and establish a 'missing link' between EU conditionality and domestic outcomes (Dyson and Goetz 2003; Bache, George and Bulmer 2011). According to Börzel and Risse (2009), Europeanization studies that adopt a top-down perspective overlook the cases of serious opposition to EU-led reforms in the domestic arena. Europeanization is not unidirectional since 'ideas and pressures flow in both directions' between the EU and its member states (Featherstone and Papadimitriou 2008: 1). Moreover, the EU and domestic politics are interdependent through 'vertical and horizontal networks and institutional linkages' (Featherstone and Kazamias 2001: 1). In this context, the 'goodness of fit' studies which claim that the congruence between domestic and EU policies, norms, and institutions determine domestic compliance, are better positioned in terms of taking

domestic factors into consideration (Mastenbroek 2006; Héritier et al. 1996). However, they are criticized for overlooking the dynamic nature of both the EU and the domestic arena and taking the ‘goodness of fit’ as a static and measurable phenomenon (Featherstone and Kazamias 2001: 16; Radaelli 2003). Besides, by emphasizing on institutional constraints as a major determinant, the ‘goodness of fit’ studies seem to reduce domestic political actors to ‘mediating factors’ (Jacquot and Woll 2010).

In this context, there are two main tendencies among Europeanization researchers who attempt to grasp why EU stimuli fail to trigger domestic compliance: Sender-receiver models highlight the nature and strength of the EU’s conditional pressures (direct/indirect, hard/soft) as the main cause of variation in domestic responses. Accordingly, Featherstone and Papadimitriou (2008: 4) suggest that stimulus for domestic change is stronger in cases where the EU acts on the basis of ‘hard law’, i.e. Treaty competences and legislative directives, in comparison to the cases where the EU rules are ‘soft law’, which means non-enforceable. Furthermore, Knill and Lehmkuhl (1999) suggest that the type of the EU policy that is transferred abroad is also crucial: positive integration directly addresses the institutional system at the national level, negative integration redistributes power and alters domestic actor constellations, and ‘framing’ integration transforms beliefs and expectations of domestic actors. The second tendency is to stress the variation in domestic resources, capabilities, historical past and institutional structures among states (Mastenbroek 2006; Héritier et al. 1996). In this context, there are at least three variables that are advanced to explain different national responses to EU conditionality: national identity, political ideology, as well as domestic perceptions on socio-economic costs associated with EU-led reforms.

First, the EU-led reforms which are perceived as antagonistic to national identity — defined as shared ideas with a sense of community that distinguishes one from other social groups (Marcussen et al. 1999: 616) — trigger domestic opposition. For instance, the legalization of abortion in line with EU conditionality was seen as a threat to national identity strongly linked with Christian values in Malta, Poland, and Ireland (Hilson 2008: 190-192). Second, political ideologies, in particular, the left-right dyad, are put forward in order to explain variations in party positions towards

the EU (Gabel and Huber 2000). According to Aspinwall (2004: 39-44), while the centrist ideology supports the EU membership for pragmatic reasons (stability and prosperity), both the left and the right tend to oppose the EU for different reasons; for instance, according to the leftist parties, the EU undermines the national welfare state system, whereas the rightist parties tend to perceive the EU as threatening to national identity and security. Third, costly reforms advocated by the EU tend to get rejected in the domestic arena. For instance, the EU's interferences in strategic sectors (such as natural resources and energy) are likely to trigger nationalistic resentment. There are also sunk costs associated with policy stability (Tsebelis 2002). If the EU demands reform in a well-established domain, changing the established patterns of behaviour and distribution of authority may bring additional difficulties.

Although candidate and partner countries do not have the capacity to directly influence the EU's decision-making processes by 'uploading' their preferences to the EU, it would be misleading to assume that they readily and passively 'download' EU policies (Howell 2002: 20). From an institutionalist perspective, Olsen (2002: 3) argues that:

...diffusion will be affected by the interaction between outside impulses and internal institutional traditions and historical experiences. Diffusion processes are unlikely to produce perfect cloning of the prescriptions offered. What is diffused is likely to be transformed during the process of diffusion.

Accordingly, Europeanization involves a process through which EU stimuli are received, translated and adopted or rejected. In this framework, Europeanization scholars increasingly resort to neo-institutionalist approaches in order to identify institutional mechanisms underlying domestic change and continuities, including institutional facilitators or veto players in the context of Europeanization. The following section intends to provide a summary on the three types of neo-institutionalist approaches that have guided Europeanization research. It should be noted that although it is a variant of Sociological institutionalism, the World Polity School has been largely overlooked in Europeanization debates.

1.1.2. The rise of Neo-institutionalism(s)

Neo-institutionalist approaches provide a promising alternative to the mainstream theories on the EU for several reasons. First, unlike neo-functionalist and intergovernmentalist approaches that tend to limit their focus to European integration, neo-institutionalist approaches bring into the analysis an interaction between domestic and institutional spheres and thus, take into consideration the mediating effects of domestic institutions within the context of European integration (Pollack 2004). By doing so, they uncover a number of intervening variables and processes that go unnoticed in the conventional accounts that focus on solely the ‘start’ and ‘finish’ of a phenomenon (George and Bennett 2005: 7). They break the hypothetical boundaries between Comparative Politics and International Relations and provide testable hypotheses that the traditional EU literature seems to lack (Pollack 2004). Last but not least, neo-institutionalism is useful for Europeanization scholars because it provides analytical tools to grasp differential patterns of national behaviour vis-à-vis EU pressures (Harmsen and Wilson 2000: 76). For instance, it is argued that:

Differing national senses of appropriate institutional forms, coupled with path-dependent logics of adjustment, account for the persistence of national politico-administrative models in the face of what many have presumed to be growing pressures for institutional convergence (Ibid.).

Following Hall and Taylor’s suggestion, Europeanization scholars generally assume that there are three main variants of neo-institutionalism: (i) Rational Choice institutionalism, (ii) Sociological institutionalism, and (iii) Historical institutionalism (For reviews, see Schneider and Aspinwall 2001; Featherstone 2003; for an alternative, see ‘discursive institutionalism’ in Schmidt 2010). According to Hall and Taylor (1996), Rational Choice institutionalism suggests that decision-makers are ‘utility-maximizers’ driven by ‘calculus logic’: in other words, decisions reflect cost-benefit calculus. Alternatively, Sociological institutionalism argues that decision-makers are ‘satisficers’ driven by ‘cultural logic’: in that case, decisions reflect normative and cultural templates. Historical institutionalism is suggested as a third variant of neo-institutionalism. However, due to its eclectic nature, it reinforces the assumption that it constitutes a ‘middle ground’ between two diametrically opposed extremes, i.e. Rational Choice and Sociological institutionalisms. Historical

institutionalism is similar to Rational Choice institutionalism in terms of emphasizing the calculus logic of actors. However, similar to Sociological institutionalism, it defines the institutional environment broadly. It has proved to be particularly useful to explain the path-dependent and ‘lock-in’ mechanisms associated with the EU (see for instance, Pierson 1996). However, it has attracted serious criticism that it overemphasizes institutional persistence at the expense of domestic agency and thus, is insufficient to explain domestic reform (Checkel 2001).

Rational Choice institutionalism focuses on the constraints put by formal institutional structures on decision-makers whereas Sociological institutionalism defines institutions broadly (to include cognitive scripts, norms, and symbol systems) in order to conclude that institutions have not only constraining, but also constitutive effect on decision-makers’ interests and identity (Bache et al. 2011: 22-27). In this context, Rational Choice and Sociological institutionalism disagree on the extent and nature of the EU’s effect. By focusing on formal EU conditionality, Rational Choice institutionalists claim that the EU’s transformative power is limited by domestic veto players who oppose costly reforms (Schimmelfennig and Sedelmeier 2005). On the other hand, Sociological institutionalists include ideational, normative and cognitive factors to the definition of EU institutions and see the EU as a model or promoter of socialization and norm diffusion (Checkel 2001; Jupille et al. 2002; Checkel 2005; Risse 2001). The categories ‘Thin’ and ‘Thick’ Europeanization put forward by Vink (2002: 12-13) illustrate the difference between them. *Thin Europeanization* indicates a limited and behavioural change triggered by formal EU pressures (as suggested by Rational Choice Institutionalism), whereas *Thick Europeanization* reinforces the notion that the transformative impact of the EU on candidate countries is not limited to official EU criteria and the EU could instigate normative and cognitive transformations in the domestic sphere (in line with Sociological Institutionalism).

However, Hall and Taylor’s distinction between cultural and calculus logic is criticized for overlooking the blurring of the boundaries between norm-driven and interest-driven decisions. For instance, a norm-driven compliance (assumed to reflect cultural logic) may result from calculus logic, i.e. fear from social sanctions. In this regard, EU studies increasingly resort to an alternative dichotomy put forward by March and Olsen (1989): the logic of consequentiality versus the logic of

appropriateness. While the logic of consequentiality emphasizes that decision-makers adjust their attitude and behaviour in line with the expected consequences of their decisions, 'the logic of appropriateness' indicate the tendency to avoid normatively inappropriate decisions. Dichotomous categories are used to grasp the logic driving domestic transformations under EU conditionality (for example, see Kubicek 2003). According to the 'calculus/consequentiality' camp, the key aspects of the EU conditionality in candidate countries consist of the EU's financial assistance and the eventual economic benefits of membership (Mattli and Plumper 2002; Grabbe 2002; Spendzharova 2003). In this sense, they focus on the EU's 'compulsory impact' based on incentive and sanction mechanisms (Diez et al. 2006: 571). In the case of candidate countries, the EU sanctions non-compliance by withdrawing rewards (Schimmelfennig et al. 2002). Alternatively, the 'cultural/appropriateness' camp emphasizes the 'enabling' and 'constructive' impact of the EU in terms of adding external legitimacy to domestic attitudes and behaviour and/or transforming their identity and interests through socialization, learning, and norm diffusion (Diez et al. 2006: 571; Checkel 2001: 562; Risse 2000: 19). While some view those camps as complementary in terms of explaining the different stages of domestic change (Finnemore and Sikkink 1998, Checkel 2001: 196), others think they are mutually exclusive (Vink 2002).

In addition to dichotomous thinking, there are methodological issues associated with the general tendency to neglect extra-EU factors in studying domestic reform. Europeanization scholars often resort to positivist methodology and case studies, specifying the EU conditionality as an independent variable and 'domestic change' as the dependent variable, in order to claim a causal relationship between them (Checkel 2001). However, they tend to select cases where the independent variable ('the EU effect') is invariably present, which makes it difficult to separate the effect of the EU from those of domestic and global forces on the national arena (Haverland 2006). As a remedy, Europeanization scholars suggest using process-tracing in order to distinguish the EU's effect from other factors through a careful analysis of timing (Checkel 2001). Process-tracing may be useful to uncover the mediating role of some domestic factors (such as domestic veto players and political culture) but cannot dissipate the risk of 'analytical oversight': in other words, it fails to grasp the effect of the wider global forces that may overshadow the EU's effects (Haverland 2006). For

example, domestic actors often use Europeanization as an ideological force for modernization and thus, attempt at transposing the EU conditionality into a wider reform paradigm (Featherstone and Papadimitriou 2008:28). For instance, although the EU does not require reform in the ownership structure of the state enterprise, Greek domestic actors used the EU agenda to promote further privatization in national airlines (Featherstone and Papadimitriou 2008:30). A methodological remedy is to ensure that the selected cases (countries, sectors, institutions etc.) demonstrate significant variation in the EU variable. For instance, it is suggested to compare the sectors that are under direct EU pressure with those where the EU influence is absent (while controlling for all national factors). However, finding suitable cases where the EU effect varies but other variables are similar is challenging. Moreover, it is difficult to ensure that the 'EU effect' varies among the cases, as the EU may have been indirectly influential on the control case (where the EU effect is hypothetically absent) through diffusion, learning and mimicking (Haverland 2006). If the sectors that are similar are chosen, it is necessary to consider the blurring of sectoral boundaries and the potential 'horizontal effects' of the EU between sectors through adaptation and learning. Furthermore, the variation in outcomes may be caused by sector-specific factors rather than the EU effect. Radaelli (2003, 2006) suggests a 'bottom up' research design, investigating the 'causes of effects' instead of the 'effects of causes': rather than taking the EU conditionality as the main point of departure and studying its effects on the domestic arena, the research starts from the domestic arena in order to assess whether, how, and to what extent the EU has been influential on domestic decisions. 'Bottom up Europeanization' is an important attempt to refine the prevailing 'sender-receiver' accounts in terms of providing a 'bigger picture' by adding extra-EU factors into the study. However, the review of the literature on Turkey-EU relations demonstrates that Europeanization is often used as a descriptive device to indicate top-down processes led by the EU in Turkey since 1999, the date of officialization of Turkey's EU candidacy.

1.2. Turkey-EU Relations

1.2.1. From Geopolitics to Europeanization

Turkey's formal relations with the EU (previously, European Economic Community, then European Community) date back to 1963 but the study of Turkey-EU relations remained atypical until the end of the Cold War. This is due to two mutually-reinforcing assumptions. First, until the dissolution of the Soviet Union, the 'West' was perceived as a unitary bloc (incorporating America and Europe as well as Japan, Australia, Canada, and New Zealand). In other words, Europe was not thought as distinguished from the United States of America (USA) in terms of ideology and political preferences. Second, given its self-proclaimed pro-Westernism, Turkey was assumed to be an effective barrier against the spread of communism in the Middle East and Caucasus ('green belt' in Ergil 2000, 'pivotal state' in Larrabee and Lesser 2002). In particular, the Soviet invasion of Afghanistan in 1979 and the Islamist coup in Iran increased the strategic value of Turkey in the eyes of the West (Öniş 1998:416; Larrabee and Lesser 2002). Therefore, the literature dealing with Turkish politics in the Cold War era tends to overemphasize Turkey's strategic location and avoids an analysis of socio-economic and cultural differences between Turkey and the West. However, in the post-Cold War era, both assumptions have been deeply challenged, problematizing Turkey's relations with the West in general, and with Europe in particular. First of all, with the dissolution of the common Soviet enemy, the 'West' splitted into two; in other words, two different 'Wests' emerged (Habermas 2006; Kagan 2003; Ateşoğlu Güney 2007). Assuming full responsibility for their security and political choices, Europeans transformed their economic Community into a political Union by concluding the Maastricht Treaty. Accordingly, the EU set itself as an alternative political entity with distinctive choices on a wide range of policies from socio-economic preferences to normative concerns (Manners 2002; Lucarelli 2006:39). This has had serious implications for Turkey-EU relations since many issues that were not on the agenda of Turkish-Western/European relations during the Cold War (such as Turkey's approach to minority and human rights) have become potential sources of conflict (Hale 2000: 180).

Furthermore, as the EU started to distinguish itself from the USA, Turkey's close alliance with the USA turned out to be an obstacle against its rapprochement with Europe. American support for Turkey's EU membership has often been perceived as an American strategy to introduce a 'Trojan horse' (Turkey) to the EU in order to influence political decision-making within the EU (Fuller 2004). Turkey's refusal to open its bases to the use of the American military during the second Iraqi war, has been interpreted as an evidence of Turkey's affinity with the EU (Sever 2007). In this respect, Turkey is assumed to be 'caught between two Wests' and eventually forced to make a decision between them in the future (Mowle 2007: 30).

Secondly, with the disappearance of communism, Turkey's role defined as a barrier against communism vanished in favour of a role of 'bridge' between Eastern and Western civilizations. Previous emphasis on Turkey as a 'barrier' reflects narrow understanding of Turkey's relations with the West in predominantly strategic terms. Following a state-centric and elitist approach to international relations, many Cold War scholars emphasized Turkey's strategic importance in preventing the spread of communism and did not problematize Turkey's alliance with the West at cultural and societal level. However, with the end of the Cold War, the strategic importance of Turkey had become deeply challenged. Hence, as an attempt to respond to this challenge, the literature follows – albeit superficially – the 'cultural/sociological turn' in International Relations, indicating a necessity to include social and cultural elements into the analysis of international political developments. Accordingly, Turkey's role in world politics was redefined as a 'bridge' between Eastern and Western civilizations, under the influence of Samuel Huntington's 'Clash of civilizations' thesis (Heper 2004; Tekin 2005).

Therefore, Turkey's strategic importance was assumed to continue in the post-Cold War era, as Turkey could contribute to the reconciliation of two oppositional cultures whose disagreements are seen as a major source of world-level crises (Erdoğan 2007). Although the shift from 'barrier' to 'bridge' in determining Turkey's place in the post-Cold War order implies the welcomed introduction of certain cultural notions instead of purely strategic analyses, it does not provide a better analytical framework for understanding Turkey-EU relations. The 'bridge' approach is built on the perception that the West is a single camp (as 'Western civilization') and thus,

overlooks the differences between the USA and the EU. In particular, the emergence of a 'post-Western' Europe and its implications for Turkey-EU relations are neglected (Rumford 2008; Rumford and Turunç 2010). The term 'post-western' indicates that in the global era, the East/West divide has become passé and many reference points for Europe, such as Christianity, are no longer valid (Delanty 2003; Delanty 2006: 1). Also, it is problematic in the sense that it assumes Turkey as a 'bridge' rather than a part of the West or Europe. If Turkey is bridging two assumedly divergent, if not oppositional civilizations, it is a *sui generis* country (or a 'torn country' in Huntington words) rather than a member of Western civilization. Therefore, the 'bridge' assumption fails to explain Turkey's efforts and claims to be a European country. Academic efforts to find analytical tools to grasp both the ideational change in Turkey in the direction of democratization, liberalization, and advancement of human rights and an emerging cultural opposition to Turkey's membership to Europe resulted in the proliferation of Turkey's Europeanization studies.

Studies on Turkey's Europeanization abounded following the officialization of Turkey's EU candidacy in 1999 (Bölükbaşı et al. 2010: 465). Since then, Turkey has enacted significant reforms in a wide range of policy domains. According to Öniş (2003: 13) 'a change of this magnitude would have been impossible in the absence of a powerful and highly institutionalised EU anchor in the directions of full membership'. Similarly, Sarıgil (2007) concludes that the EU has been the 'main trigger' of the democratization process in Turkey. An alternative view is that the EU is only one actor amongst others in leading the Turkish reform process. For instance, Keyman and Aydın Düzgüt (2007: 74) suggest that the EU's effect on Turkey's democratization is 'undeniable' but it would be misleading to overemphasize its conditionality and ignore the importance of other endogenous and exogenous developments that may have led Turkey's democratic transformations. Studies of Turkey's Europeanization suffer from several deficiencies, reflecting the limitations of the general Europeanization literature discussed in the previous section.

1.2.2. Europeanization: the Turkish case

The literature on Turkey's Europeanization reflects a general confusion over the definition of Europeanization. Based on a systematic review of the post-2008 publications on Turkey's Europeanization, Bölükbaşı et al. (2010) find that there is a significant tendency to use 'Europeanization' as a descriptive device to indicate domestic change under EU membership conditionality. There are at least three meanings implicitly (if not explicitly) attached to Europeanization within the existing literature on Turkey's Europeanization. Two of them are connected with the logic of consequentiality and thus, tend to explain domestic responses to EU conditionality with cost-benefit calculus. Moreover, they see membership negotiations as purely technical (Jørgensen 2007:17). In this sense, they fail to differentiate between EU-ization that is formal adoption of EU *acquis* and Europeanization which is a wider and deeper cultural process (Kaliber 2012: 229).

First, Europeanization is defined as an instrument to maximize domestic short-term economic and strategic interests of Turkey (Dyson 2007: 54; Çamyar and Tagma 2010: 374). This is an agent-centric Rational Choice account which assumes that domestic decisions are driven by calculus logic (or the logic of consequentiality). In this context, it assumes that domestic decision-makers adopt an EU-led reform if they are convinced that the expected -predominantly, economic and strategic- benefits outweigh the costs of compliance (Park 2000; Avcı 2005; Patton 2007; Çelenk 2009). If the reform is perceived as too costly, it is rejected (Schimmelfennig 2008). Second, Europeanization is defined as part of an overall project of Modernization, which intends to reach the level of industrialized nations in technological and scientific terms, not in cultural terms (Kaya 2012: 9; Çamyar and Tagma 2010: 377). In this context, it is argued that there are long-term interests at stake: Turkey complies with EU conditionality in order to become a high-technology provider, to become industrialized and urbanized (Fuller 2008). However, the EU does not only provide scientific and technological know-how but also cultural mores, norms, principles, values and institutions such as environmental concerns, gender relations, and human rights. Therefore, there is a need to 'bring culture back in' Turkey-EU relations and

reject the assumption that negotiations between Turkey and the EU are ‘anything else but ‘cultural’ (Jørgensen 2007: 17).

The third tendency in the relevant literature is to define Europeanization as an identity-building (Westernization) process transforming Turkey into a Western and European country (Çamyar and Tagma 2010: 375; Eralp 2009). In this sense, the emphasis is put on the EU’s normative transformative impact on non-economic policy areas, including secularism, liberalism, democratic principles, minority and human rights (Müftüler-Baç 2000; Emerson and Tocci 2004; Schimmelfennig 2009). However, neither Turkey’s identity nor the EU’s culture is predetermined and fixed. There is an apparent confusion about Turkey’s own identity: the rise of Islamism in Turkey is perceived as a counter-process (i.e. ‘Middle Easternization’) to Europeanization, but Turkey’s Islamists are paradoxically pro-European (Öniş 2007: 248; Çamyar and Tagma 2010: 375). Besides, there is no consensus on the EU’s identity. There are at least five interpretations, namely (1) liberal nationalist Europe, (2) wider Europe as a community of values, (3) Europe as a democratic and socialist alternative between capitalism and communism, (4) modern Europe as part of the Western community based on liberal democracy and social market economy, and (5) Christian Europe (Marcussen et al. 1999). In this context, it is misleading to take the EU as a culturally or morally superior system that would radically transform Turkish society and politics through a top-down process (Müftüler Baç 2003). For example, Kirişçi (2006) claims that Turkey’s compliance with the EU indicates a radical shift from Turkey’s traditionally Hobbesian, i.e. conflictual and zero sum-game, view of the world towards a Kantian vision that is based on cooperation and mutual interdependence. A competing view is that it is Turkey’s EU membership which would transform the EU into a cosmopolitan and multicultural polity (Baban and Keyman 2008).

All three tendencies generally consider Turkey-EU relations as separate from the global cultural environment. Therefore, they take for granted that the models, policies and institutions propagated by the EU are exclusively ‘European’. Several studies on Turkey’s Europeanization tend to embrace a top-down approach, considering Europeanization as a simple policy transfer from the EU to the host country, Turkey (Bölükbaşı et al. 2010: 473). Accordingly, domestic reform in Turkey is explained

with both the determinacy of conditional pressures and the credibility of membership prospects (Ibid.). Johansson-Nogués and Jonasson (2011: 114) criticize prevailing studies for embracing top-down accounts that exaggerate the EU's role in Turkey's reform process and treat Turkey 'as a secondary actor in its own reform undertakings'. As a remedy, they suggest taking domestic factors more seriously. 'The actual reform process ... is largely endogenous and responds to the interplay of internal contradictions and actors inside Turkey' (Johansson-Nogués and Jonasson 2011: 127). Domestic factors cited in the literature include the high degree of centralization in Turkish state structure, the politicized nature of Turkish bureaucracy, and the weak organization of Turkish civil society (Bölükbaşı et al. 2010; Çelenk 2009; Dulupçu 2005). In this context, the discussion of both the origination of the EU models and the impact of extra-EU international institutions on Turkey is limited. Efforts to consider domestic and extra-EU factors as explaining reform in Turkey are promising in terms of transcending EU-centrism in contemporary Turkish studies. Keyman and Aydın Düzgit (2007: 74) suggest moving beyond EU-centrism but their definition of external factors is limited to constraining factors such as international economic crises or international conflicts. Similarly, while arguing in favour of a difficulty to disentangle Europeanization processes from globalization in Turkey, Dyson (2007: 66) narrowly defines the latter as economic forces of open trade and market liberalization.

Nevertheless, there is an emerging scholarship that adopts the English School of International Society in order to contextualize Turkey-EU relations in a broader system and explain 'what went wrong' in Turkey-EU relations (Stivachtis 2007; Rumelili 2011). For instance, Stivachtis (2007: 17) argues that Turkey's historical participation to the 'European international system' through formal treaties and arrangements does not automatically lead to Turkey's admission to the 'European international society' which is based on social and cultural affinity. Rumelili (2011: 238) suggests that the EU is a 'critical transmitter of a European "standard of civilisation"'. In this context, the EU's conditionality is not only about the EU's enlargement ('particularistic aspirations') but also, it represents a broader system of norms ('universalistic aspirations') advocated by multiple organizations, such as the Council of Europe and the European Court of Human Rights (Ibid.). Therefore, tensions between Turkey and the EU are explained with 'the outgrowth of the rather

uncomfortable positioning of European identity between universalism and particularism that manifests itself in many realms of EU policy' (Rumelili 2011: 239).

This section reviewed Europeanization in general, and Turkey's Europeanization in particular and found that both suffered from theoretical and methodological limitations associated with a dual tendency to overemphasize EU conditionality at the expense of domestic and global factors and resort to dichotomous thinking in explaining domestic motivations for compliance. This study suggests following a bottom up approach that takes the domestic and the global more seriously. Furthermore, it assumes that there is a need to move beyond the conventional 'either/or' debates in Europeanization studies based on binary oppositions, including agent versus structure, cultural versus calculus logic, appropriateness versus consequentiality, top-down versus bottom-up, Rational Choice versus Sociological institutionalism, amongst others. The following section aims to review the World Polity literature in order to discuss its main assumptions and findings. This study suggests that the World Polity School provides analytical tools to introduce a global dimension and transcend binary thinking in the study of Turkey-EU relations, and thus, helps to refine the existing accounts of Turkey's Europeanization that relegate Turkey to 'passive consumer'.

1.3. World Polity School

Originally from Organizational Sociology of the 1970s, the World Polity School points to the rise of isomorphisms and interdependencies in the post-WWII era: despite the striking differences in their socio-economic conditions and cultural characteristics, modern actors paradoxically adopt similar policies and institutions (Meyer 2001a: 4). For instance, national constitutions, national data systems, education curricula and policies, laws, gender policies, the definition of national progress, the conception of virtue amongst many others are very similar in highly dissimilar countries and change in similar directions (Ibid.). The spread of common definitions, concepts, norms, and standards in all levels of social and political life is not necessarily a response to domestic demands. It may take place in spite of significant public opposition. In her study on female genital cutting, Boyle (2002)

demonstrates how the Egyptian government chose to comply with INGO campaigns and legally banned female genital cutting which was a popular traditional practice that had become a taken-for-granted element of Egyptian national culture. Accordingly, exogenous stimuli have a significant influence upon states and their influence is not necessarily driven by formal conditionality. They do not directly reflect parochial interests of powerful states either. Soysal's (1994) comparative study finds that the rights of guest workers in Europe expanded in line with the culture of human rights at the expense of a nationalist cost-effective logic. It is difficult to explain the general tendency to embrace human rights, education, science, or environmental standards with efficiency concerns or conditionality.

In this context, the World Polity thesis suggests moving beyond the mainstream interest-based and power-centric accounts, and focusing on the rise of 'world models' (Meyer et al. 1989: 15). The idea of world model indicates that the common elements that are observed in dissimilar contexts and countries are constitutive of modern actorhood. No place in the world escapes them. They are not adopted for their success in solving particular problems. Otherwise, all reforms would be put into practice after their formal adoption. They are neither designed purposefully by a world hegemonic power. The structure associated with nation-state system is generally defined with the absence of such a hegemon or centralized government at the global level. According to the World Polity School, world models are cultural interpretations of the world and determine how actors define their identity and interests in the modern world. They are universalistic in the sense that they have lost their contextual meaning (Thomas 2009).

Rejecting the mainstream accounts based on purposive choices and parochial perceptions (Meyer et al. 1989: 15), the World Polity School suggests that social and political phenomena reflect exogenous cultural scripts rather than cost-benefit calculus (Meyer 2007: 800). This implies the existence of a broader cultural structure which is ontologically prior to agency—that is, 'World Polity' (Meyer et al. 1997a). In this regard, World Polity School is a critique of the Rational-Choice models that assume egoistic actors in a controllable environment (Meyer et al. 2006: 262). Alternatively, the World Polity School emphasizes the constructed nature of agency and the ritual character of action (Meyer et al. 1989: 14). Therefore, from a reading

emphasizing agency, the World Polity School puts forward three major theoretical innovations in studying social and political phenomena. First, it problematizes the relationship between actor (or agent, or a decision-maker in social and political life) and its environment (or context, or system, or structure). Second, it reverses the unidirectional causality between actor and action. Last but not least, it introduces disinterested agency into the analysis.

The relationship between actor and its environment has been generally conceptualized as strategic in nature by Rational Choice approaches; in other words, an agent which is assumed to hold *a priori* interests faces a constraining environment, narrowly defined as a set of strategic resources. Alternatively, the World Polity School suggests that the environment is broader than a strategic context and rather, involves cultural processes that not only constrains but also constitutes a modern actor (Meyer 1999: 138). A constitutive global environment indicates a ‘shared and binding set of rules exogenous to any given society and located not only in individual or elite sentiments but also in many world institutions such as the United Nations’ (Meyer 1980: 117). Here, it is notable that the World Polity School (and this study) defines *culture* in cognitive and instrumental terms and thus, *culture* consists of ‘cognitive models of and blueprints for reality in which identities are enacted and interests pursued’ (Thomas 2007: 89). In this sense, it should not be mistaken for *expressive culture* associated with language, music, food, art and dress. (Meyer 2000: 242). In the World Polity literature, culture is associated with global processes rather than local peculiarities (Meyer 1999: 138). It is not limited to particular values and norms; it is rather deeply connected with universal processes of rationalization, resulting in the expansion of scientific analysis, education, and the individual self (Meyer 1999: 125; Meyer 2001a: 882; Meyer 1986: 260).

According to the World Polity School, agency is not autonomous but it is ‘constructed, scripted, legitimated’ by the global cultural system (Meyer and Jepperson 2000: 101-103). Therefore, both the rationality and the actorhood of a modern actor derive from world polity:

If the modern expanded organization derives its sovereignty, purposes, control systems, technology, and resources from standardized and standardizing rules in its environments, *in what*

sense is it a real actor, and in what exact sense can it be said to be rational? (Meyer et al 2006: 269 emphasis added).

In this context, the World Polity School emphasizes the fuzziness of the boundaries between actors and world polity. Actors are open systems in that they have a tendency to internalize and take for granted cultural models deriving from world polity. The constitutive meanings and rules operate at the world level, trespassing the level of local negotiation (Meyer et al. 1989: 25). Thus, compliance with exogenous culture does not follow ‘continuous negotiation, communication, and exchange of meaning’ (Meyer et al. 1989: 23). Rather, exogenous scripts are embraced through cognitive and mimetic processes. World Polity models spread to dissimilar societies due to their taken-for-granted character (Meyer et al. 1989: 21). However, the World Polity School’s focus on the rise of global isomorphisms should not be mistaken for a structuralist top-down approach to social and political life. On the contrary, it rejects structuralist depictions of a society ‘without people in it’ (Meyer et al. 1989: 13). It rather puts the emphasis on the dialectical processes through which individuals define their selves as ‘individuals with universal rights and responsibilities’ and their action as a ‘rational choice’ under the constitutive effects of world polity (Ibid.). In this context, actors resemble ‘enactors of multiple dramas whose texts are written elsewhere’ (Meyer 1999: 137) because they do what they are supposed to do according to the globally recognized definition of actorhood (Meyer et al. 1989: 22). Actor is thus constituted by action and spends much more effort to be recognized as an actor than in acting itself (Meyer 2007: 803). This indicates that the relationship between actor and action is not unidirectionally causal: it is tautological (Meyer 2007: 794). In other words, modern actors tend to follow moral principles or ‘general truths’ rather than parochial interests (Meyer and Jepperson 2000: 108). In this context, social behaviour is both an action within a frame and a theory of the frame itself (Meyer 1981). Finnemore’s (1996b) study on the spread of the United Nations Educational, Scientific and Cultural Organization (UNESCO) policies on education and science is instructive: UNESCO policies are embraced not because they have proved beneficial to maximize national interests, but because they are believed to reflect globally legitimate ‘ways of doing things’.

Similarly, rationality is a global cultural model rather than an inherent property of a modern actor. The notion of rational choice resonates with Tocqueville’s account of

an ‘American individual’: rather than an inherent property, it is a controlled role (Meyer et al. 2006: 270). Cultural myths of rationality are followed because they facilitate recognition as a legitimate modern actor (Meyer and Rowan 1977). ‘Even strategic thinking, like other social action, is rationalized rather than rational’ (Drori and Krücken 2009: 22). In fact, the abundance of decoupling (between policy and action, or formal structure and practice and so on) demonstrates that reforms are often undertaken due to exogenous cultural stimuli rather than domestic cost-benefit calculus. Consequently, governments ban local practices despite popular resistance, and fail to put many reforms into practice despite their initial efforts to undertake them. Meyer argues that had those reforms been developed out of internal processes (for instance, as a response to particular domestic needs), there would be few cases of ‘implementation deficit’ and reforms would be naturally put into practice. So, why do actors embrace reforms that they do not implement? A rationalist ontology is limited in that it explains implementation deficits with insufficient coercion (Meyer 2007: 804). An alternative argument based on world polity is that decoupling is inherent in the global structure: actors undertake reforms that they are not capable or willing to put into practice (Meyer and Rowan 1977). They adopt reforms despite their lack of sufficient will and resources to put them into practice because they understand the reforms in question as constitutive elements of legitimate actorhood in the modern world (Ibid.). In this sense, from a World Polity perspective, the relationship between actor and action is reversed in the sense that action improves actorhood.

Where do world models come from? World Polity School puts forward the notion of disinterested agency in order to point to the cultural authority of social behaviour that is not apparently driven by selfish interests. Since the end of the WWII, the modern world has been mainly described with an increasing number of non-governmental associations, consultants, and scientists disseminating new ideas, definitions, problems, and solutions applicable to all. They can be compared to ‘scriptwriters’ who decide on how modern actors should think and act (Meyer 1999: 127). Their suggestions are generally adopted due to their claim of representing the collective good rather than self-interests (Meyer 2007: 799). Meyer calls them *disinterested actors* (or disinterested others) and describes their work as constant creation of new problems and solutions for modern actors (Ibid.). Disinterested actors benefit from the lack of a centralized government at the world level because a hegemonic world state

may have put an abrupt end to the activities of disinterested actors by imposing explicit rules and penalizing free riders.

In brief, the main arguments can be summarized as follows. First, agency is constructed by global cultural models and thus, rather than local needs or an unequal distribution of power, social actors and action reflect institutionalized scripts in standardized ways. Moreover, frequent cases of decoupling highlight the ritualized character of rationality in the modern world. Reforms are adopted because they increase legitimacy. Finally, disinterested agency is significant in enacting and carrying exogenous culture. These are not only significant claims with respect to themes of nation-state and globalization but also with regard to such basic themes as authority, agenda-setting, reform, compliance and resistance. The following part reviews the main findings of the World Polity School of Sociological institutionalism with a particular emphasis on its relevance for students of politics and international relations.

1.3.1. Main Findings and Responses to Criticisms

The main *problématique* relies upon the fact that despite striking differences in socio-economic conditions and cultural particularities, modern states paradoxically adopt similar policies and institutions (Meyer 2001a: 4). For instance, in many countries, which do not share common characteristics, national constitutions outlaw ethnic/racial discrimination, embrace similar understanding of national progress (mainly in liberal capitalistic terms) and expand state responsibilities toward justice and equality (Ibid). This can be explained by a world polity that is ontologically prior to nation-states. From an interdisciplinary perspective, the World Polity School touches upon a wide range of socio-political aspects of the modern society, including the changing role of nation-state, the transformative effects of globalization and the rise of non-governmental actors at the local and global levels. These assumptions can be translated into world politics in several ways. First, states are dependent upon a constitutive world polity. Second, the assumption that states are inherently rational actors is misleading. Nation-states are deeply embedded in a global cultural system (Boli and Thomas 1999: 258). Neither autonomous nor purely rational, states rather depend on external legitimation and thus, they are largely exposed to exogenous cultural flows (Meyer et al. 1997b). Rather than its architects or members, states can

be treated as the products of world polity which creates and ‘tames’ them (Ibid.). States comply with world polity because this expands their legitimacy. Schofer and McEneaney (2003) suggest that there are two branches of World Polity research: while the first branch investigates the processes through which world polity has emerged, expanded and taken shape over time, the second branch examines the interventions and effects of world polity in the domestic sphere.

1.3.2. World-level Research

Instead of international anarchy, there is a diffuse social control system based on culture in the global sphere (Meyer 1999: 126). As McNeely (1995) demonstrates, states depend on world polity to define themselves, their roles, objectives, and the appropriate means (Ibid.). States conform to world standards because non-compliance is unthinkable. Hence, the view that institutionalization and change occur through purposive action is misleading (Meyer et al. 1997a: 167). Therefore, the rationality and autonomy of modern nation-state is an institutionalized myth rather than an inherent reality. Nation-state which is assumed to be both internally and externally sovereign is at the core of world polity (Ramirez 1987: 323; Meyer et al. 1997a). Rather than the decline of the state system, world polity implies its reinforcement via the myth of nation-state sovereignty (Meyer et al. 1997b: 157; Robertson and White 2007: 60). Therefore, although they lack the capacity to manage their territories, many African (failed) states have been recognized as nation-states (Meyer 1999: 126; Hironaka 2005). In this regard, the level of world polity structuration predicts national behavior (Schofer and McEneaney 2003: 61). For instance, Hironaka’s (2005) research on civil wars during the Cold War demonstrates how the global myths of sovereign equality, decolonization discourse, and bipolar structure transformed the ways of explaining, conducting and intervening in civil wars.

According to World Polity thesis, the global cultural structuration started in the late 19th century as the system of nation-states has expanded worldwide through trade, diplomatic visits, and was consolidated in the post-WWII era, through international conferences, treaties, INGO and activities of UN agencies (Frank et al. 2000b: 122; Schofer 2003). World Polity is expanding due to globalization which contributes to the diffusion of cognitive scripts and structural forms by facilitating communication

and transport (Meyer et al. 2006: 262). Furthermore, global consciousness (Robertson and White 2007: 64) indicates that entities and activities lose their contextual meaning and become universal abstractions in line with world polity structuration (Frank et al. 2000a: 109).

As regards the origins of world polity, Meyer (2007: 806) argues that the global institutionalization of particular models is not necessarily promoted by conditionality; and world polity models do not necessarily serve the parochial interests of national states from which they might have originated. World polity enacts cultural scripts that are universalistic –not universal– in character (Lechner and Boli 2005). Originally, world cultural elements can be understood as secularized versions of Western cultural elements (particularly, those of Reformation and Enlightenment era) but they transcend the latter (Boyle 2002). For instance, environmentalism and human rights originated from the values of American society but the USA government has been reluctant to endorse their global institutionalization (Meyer 2007: 802). In this sense, world polity transcends westernization and/or modernization. Besides, it is hard to demonstrate the benefits particular nation-states get from the spread of female education, science, and animal rights across nations. Finally, inter-state pressures do not necessarily explain global isomorphisms. For instance, while studying the global spread of science ministries, Jang (2003) finds no significant role for peer pressures from states that already established a science ministry. Here, Robertson's (1990: 26) analysis is useful to trace the historical evolution of global structuration under five major phases from the emergence of the concept of individual and humanity to the rise of interest in world citizenship and global civil society. Over time, two other large-scale cultural processes, rationalization and individualization, have become important constitutive elements of global culture (Frank et al. 2000a: 109). Consequently, entities and activities have been redefined in terms of cost-benefit calculus, scientific analysis as well as individualism and secularism (Ibid.). Accordingly, all actions contradicting such world-level trends have become illegitimate, leading states to redefine their responsibilities accordingly (Boli-Bennett and Meyer 1978).

World polity structuration is aided by three main groups: INGOs, international scientific communities, and professions (Boli and Thomas 1999: 73). These groups

are ‘disinterested others’, which enact and spread world society models to modern actors. INGOs defined as ‘not-for-profit non-governmental organizations mostly drawing their members worldwide from a particular occupation, technical field, branch of knowledge, industry, hobby, sport’, contribute to the spread of global culture through worldwide campaigns (Ibid.). International scientific communities determine the consensual definitions of means and ends, or problems and solutions, allegedly applicable everywhere in the world (Meyer 1999: 129). Finally, professions are seen as ‘receptor sites’, a term borrowed from biology to imply structures that receive and translate world models to national societies (Frank et al. 2000a: 103). Therefore, INGOs, scientific communities and professions pressurize states and societies to embrace globally legitimated models of behaviour and norms. In this context, the role of endogenous factors, including local needs, domestic social movements, public opinion, national polity characteristics and sector-specific peculiarities is limited to particular cases or to the short-term, as their significance tend to decline over time (Frank et al. 2000a: 111; Meyer et al. 2006: 261). For instance, domestic level of industrialization predicts the establishment of geology institutions in a country only until 1945 (Schofer 2003: 72). After 1945, the activities of INGOs and UN agencies explain the global diffusion of geology regardless of the level of national development (Ibid.)

However, world polity does not eradicate parochial cultures and identities. Rather than victim of world polity, diversity is a product of it. Institutionalized contradictions within world polity allow modern actors to assert diverse culture and identities. In other words, world polity does not put forward a unitary and coherent set of norms, values, or cultural standards. On the contrary, it largely consists of contradictory and impracticable models (Lechner and Boli 2005). For example, global environmentalism and capitalistic understanding of development are global models that are well-established in world polity and compete with each other in terms of determining national policies (Frank et al. 2000b: 125). Such competition may yield to merger in the long-term. For instance, in the case of competition between environmentalism and capitalism, environmentalist notions have replaced destructive capitalistic practices over time (Frank et al. 2000a: 100). In the case of debates on family versus individual, universal individualism has become more dominant and led to the rise of nuclear families (Boyle 2002). In other cases, new compromisory

models arise from mutual adaptations between originally competing models. For instance, the incorporation of environmental sensibilities into capitalistic understanding of development has paved the way for a new concept, namely 'sustainable development' (Frank et al. 2000b: 126). Boyle (2002) argues that changes in world culture are not random, and involve a historical process whereby a secularized version of Western Christian culture has promoted universalistic individualism. Meyer and Jepperson (2000) explain that the prevailing global cultural standards, models, and norms essentially derive from Western culture, in particular Christendom and Capitalism. According to Finnemore (1996b: 339), it is necessary to provide an elaborate account of how world polity and its global cultural standards come to reality and then, evolve. The main challenge is to explain structural patterns without reifying the structure. In other words, there is a need to avoid reinforcing the misperception that world polity represents a single version of modernity that derives from Western civilization (Delanty and Rumford 2005: 165; Drori and Krücken 2009: 20).

A serious criticism against the first type of World Polity research is about its strong emphasis on statistical analysis. World polity structuration is generally defined in terms of the number of international organizations that deal with the policy in question. According to Beckfield (2008), there is a serious risk of overlooking the qualitative differences among organizations. For instance, the EU and the International Meteorological Association are both statistically counted as one organization but they differ substantially in qualitative terms (Ibid.). Similarly, religious organizations could be mistakenly categorized as secular in statistical analyses (Bush 2007). Finally, some INGOs are more powerful than others in terms of influencing official decision-makers (Hughes et al. 2009). Furthermore, the distribution of resources and power amongst the nation states may be reflected in INGO agendas. Powerful countries are not only capable of influencing the agendas and the activities of non-governmental actors but also hold resources to resist exogenous pressures (Hughes et al. 2009: 1733). In sum, there is a need for more sophisticated methods to measure world polity structuration in order to incorporate both a dimension of power and qualitative differences between INGOs.

Besides, the World Polity School of Sociological institutionalism is open to criticisms for overlooking agency, due to a top-down understanding of global diffusion. As it starts from world culture that constructs agency, it risks reifying the cultural structure and turning the agency into a negligible element. Checkel (1998) criticizes the extant Sociological institutionalist literature for neglecting agency. Similarly, according to Hay (2000:512), it is the national context, thus the agency, which determines the effect of global economic, political and cultural pressures. Global pressures are filtered, mediated and reinterpreted in the local context. Consequently, exogenous pressures can only reinforce or challenge national models rather than diffusing a transformative global culture (Ibid.). Finally, domestic social movements are seen as carriers of exogenous norms and accumulators of political power necessary for diffusion (Schneiberg and Lounsbury 2007: 664). However, the World Polity School treats the latter as secondary because domestic social movements depend on world society/polity rather than domestic resources or demands (Frank et al. 2000b: 124). Otherwise, it would lose its institutionalist essence (Hall and Taylor 1998). Meyer (2009) suggests developing theoretical models that recognize first, the cultural construction of agency and second, the wider global environment from which domestic agency acquires scripts such as rationality. Even in contentious cases where global models are opposed, the resistance is often informed by world polity. For instance, in the case of nationalistic resistance to liberalism, both camps resort to global scripts (nationalism or liberalism) and there is a significant degree of cognitive consensus on the definition of the terms that justify opposition and compliance (Meyer 1983: 264).

1.3.3. Research at Nation-State level

The second type of World Polity research is less developed than the first one. It examines the effects of world polity on domestic society and politics through cross-country or cross-sectional comparisons over time. It starts with the assumption that as the analytical boundaries between domestic and international become moot, national decisions recognize implicitly, if not explicitly, global standards (Ramirez 1987: 327). As their linkages to world polity increases, modern actors adopt world cultural scripts more readily (Meyer et al. 1997a). The linkage to world polity can be via diffuse or specific links such as state membership to international organizations and multilateral

treaties or can be beyond the intergovernmental level (for example, citizens' attendance of international fora or internet usage) (Schofer and McEneaney 2003: 61). In this context, this branch of literature aims both to explain domestic motivations for adopting world models and to specify the linkages through which world polity influences state and society. Firstly, the World Polity School puts forward the concept of expanded actorhood, indicating that states inherently depend upon external legitimation by world polity and thus adopt world polity models 'without thinking' (Meyer et al. 1998). In particular, newly independent states are more vulnerable to global cultural pressures and tend to embrace global models formally, even though they lack the capacity to implement them, in order to consolidate their legitimate actorhood (Ramirez 1987: 319). In sum, states primarily seek recognition and legitimacy rather than material benefits. This crucial dimension is often ignored by realist accounts that overemphasize utility-maximization and fear from sanctions.

Secondly, global scripts do not expand solely through formal adoption. For example, the global rate of formal policy adoption does not explain the observed worldwide tendency for female student enrolment in higher education (Bradley and Ramirez 1996). A global cultural model 'flows in and around actors in wave-like patterns' (Meyer 2007: 807). Sub-units are separately under environmental control at different levels. On the one hand, if a government ignores authoritative global standards, domestic civil society, transnational groups, and individuals pressurize it to comply. On the other, governments induce top-down reforms in line with emerging global standards even against domestic public opposition. This suggests that modern society has numerous internal components that are originally decoupled from each other and separately exposed to direct pressures of a decoupled world polity (Meyer et al. 1997a). Hence, global cultural flows reach domestic arena through multiple channels and some states and social groups are more closely tied to world polity than others. For example, professionals are linked to world polity through schooling (Ibid.). States are thus, closely linked to world polity when their internal components – professionals, civil society actors, individuals – are highly shaped by their external environment through schooling and other types of connection. However, there is a need for further elaboration of the communication mechanisms between world polity and domestic actors (Schofer and McEneaney 2003). Finally, Meyer (2007: 806) notes that the spread of global culture does not necessarily involve external influence

or decision-making. Instead, it involves theorization —that is, the introduction of theoretical concepts, causal relationships, and frames that convince domestic veto players about the reform's legitimacy or its taken-for-granted nature (Strang and Meyer 1993: 492-500). Therefore, the World Polity School of Sociological institutionalism diverges from the developing constructivist scholarship on norm diffusion and socialization which focus on social exchange and communication, or point-by-point transmission of norms. Accordingly, rather than stressing the effect of a particular individual international organization or the role of direct social contacts and networks in transforming national behaviour, the World Polity School assumes that disinterested activities form a 'global social ether' (Drori and Krücken 2009: 19). This account is mainly criticized for overlooking the contestation of exogenous norms in the domestic arena (Finnemore 1996b: 340; Delanty and Rumford 2005: 165).

Here, it is notable that the World Polity School puts forward the decoupled nature of world polity as the primary cause for local contestations of reforms (Meyer 2007: 792). A decoupled world polity creates tension between an agent and the systemic environment surrounding it because it suggests individuals to free themselves from all ties while pushing their institutional environment to integrate further (Meyer 2009). Expanded rights at the individual, sub-state and state levels lead to overlappings and duplications; and inherent inconsistencies between rights and power or disharmony between ideal and actual world lead to disappointments and conflicts (Ibid.). Briefly, conflicts result from an uneven world polity structuration and differential connection of social actors to world polity. Nevertheless, conflicts tend to decline as common global definitions become institutionalized and diffuse more evenly (Frank et al. 2000b: 125). However, there is still need for investigating the processes through which conflicts affect the diffusion of world culture. Finnemore (1996b) claims that the World Polity School underscores cognitive and peaceful processes of diffusion at the expense of coercive transformations which are frequent in world politics.

Another criticism rests on the cases of non-implementation and reversibility of reforms, which is taken as an inherent feature of a decoupled world polity (Finnemore 1996b: 340; Boyle 2002). Decoupling implies that policies do not reflect what the world *is*, but what it *ought to be* (Boyle 2002: 7). However, the abundance of decoupling leads some (Strang 1994: 169) to suggest that world polity may be

rhetorical and thus negligible. Meyer (1999: 136) argues that even symbolic or rhetorical compliance with world polity models reinforces the legitimacy of world polity and facilitates its expansion. Moreover, it helps domestic social mobilization by providing to sub-state groups certain legitimacy and capacity to pressurize domestic policy-makers (Ibid.). Hafner-Burton and Tsutsui (2005: 1378) use the term 'the paradox of empty promises' to highlight that even though some states ratify international treaties for 'window dressing', they cannot escape from the fact that the ratified treaties provide a solid source of legitimacy and authority to domestic non-governmental actors to pressurize governments in line with global norms. Finally, Boli (2006) argues that although often feeble in the short-run, global scripts lead to large-scale social changes in the long-run. Therefore, non-implementation is considered as a 'defect in the actor' rather than in world polity (Boyle 2002: 10). Global standards persist despite violations. Multilateral arrangements suggesting universal standards on human rights and desecuritization are not always unanimously observed. However, deviants do not have the power to reverse them. On the contrary, deviants try to find excuses to justify their non-compliance, which demonstrates that these global norms have become a taken for granted reality. The authority of global cultural scripts is thus, expressed in the 'hypocrisy' of their violators (Boli 2006).

Furthermore, persisting local policies and practices cannot reverse the overall trend of global standardization. Rather, these are products of global forces as they are localized variations of world culture (Jang 2003: 197). This refers to 'glocalization', indicating the global support for diversity in local cultures (Robertson 1994). Glocalization has become an institutionalized norm in world polity and it thus, emerges out of a global cultural structure rather than parochial interests or particular histories (Jang 2003: 209). Hence, world polity empowers local communities in light of the standardized themes of glocalization (Meyer et al. 2006: 267-268). World polity simultaneously generates both homogenization and legitimation of certain forms of difference (Boli and Petrova 2007: 120). Boyle's (2002) seminal research on female genital cutting demonstrates how institutional contradictions within world culture – especially, between national autonomy and women rights – have simultaneously allowed for both a global opposition to the practice of female genital cutting and local resistance to forbidding it. Thus, 'particular institutions affect particular groups in different but predictable ways' depending upon their structural

location in world polity (Boyle 2002: 7). Nevertheless, there is still need to consider the differential development of loose coupling in particular contexts (Drori and Krücken 2009: 20). Hafner-Burton and Tsutsui (2005) highlighted this gap by introducing the term ‘radical decoupling’ which indicates that the ratification of human rights treaties may not lead to a decline in violations but on the contrary, may increase them. Similarly, Clark (2010) demonstrates that the ratification of human rights treaties does not correlate significantly with human rights practices (Ibid.). For example, Denmark and Colombia ratified the same amount of relevant treaties but their practices diverged substantially (Ibid.). Furthermore, the practices of the USA have been better than those of the states that ratified a larger number of human rights treaties (Ibid.).

Finally, the main challenge against the development of World Polity research is the mainstream’s tendency to reify agency at the expense of contextual factors (Thomas 2009: 118; Meyer 2007:795). Both Rational-Choice and World Polity accounts consider the effects of same variables but their interpretations diverge substantially (Meyer 2007: 802). For example, both emphasize the role of scientists in explaining the expansion of scientific activity, but while Rational Choice theory assumes self-interested actors and purposive behaviour behind the expansion of science, the World Polity School claims that rather than particular scientists, it is the scientific culture as a whole which is expanding globally (Ibid.). Therefore, the World Polity School faces significant methodological limitations. When decision-makers are interviewed on why they adopted a particular policy, under the constitutive effect of rationalization processes, they may tend to provide arguments driven by the logic of consequentiality even though their adoption was not a thought-out purpose (Meyer 2007: 795). In other words, they offer *post hoc* instrumental explanations for their scripted behaviour (Ibid.). Consequently, it becomes difficult to demonstrate whether Rational Choice theory or the World Polity School of Sociological institutionalism holds true (Meyer 1999: 135). For instance, Cole (2005) suggests that both rationalism and world polity explain ratification patterns of human rights treaties. He finds that states tend to avoid ratifying the treaties with strong enforcement mechanisms confirming rationalist expectations, but they also consider the ‘legitimacy costs’ of not-ratifying fundamental treaties of world polity (Ibid.). The following section deals with the ambitious task of locating the World Polity School within the IR literature in light of

Constructivist, Neoinstitutionalist, and Sociological turns. Finally, it discusses the directions deriving from the World Polity School of Sociological institutionalism for EU studies.

1.4. Locating the World Polity School in International Relations

World Polity School is strongly engaged with three interrelated trends in social and political sciences: Constructivism, Neoinstitutionalism, and Sociological turn. Respectively, it is profoundly embedded with constructivist ontology emphasizing the role of ideational factors in international politics. It is a sociological neoinstitutionalist approach stressing the constitutive impact of institutions on political outcomes. Finally, it applies the concept of society at the global level. However, it is distinct from the mainstream approaches derived from those trends in several ways, due to its emphasis on world polity and its quantitatively oriented methodology.

Constructivism involves an ontological challenge to the understanding of nation state as an insulated actor with pre-determined strategic interests. Accordingly, the *constructed* nature of international anarchy (Wendt 1992) and the possibility for normative change in international relations (Katzenstein 1996) highlight the explanatory power of norms, perceptions, culture and identity in accounting for political decisions. Hence, as against the mainstream approaches that only acknowledge the *regulative* effects of norms, culture, and ideas on political outcomes, constructivists argue in favour of a *constitutive* impact of ideational factors (Kowert and Legro 1996: 451). Accordingly, constructivists embrace the concept of 'constructed identity' as ontologically prior to state interests (Guzzini 2000: 152). Identity precedes interests because 'identities offer each state an understanding of other states, its nature, motives, interests, probable actions, attitudes, and role in any given political context' (Hopf 1998: 193). Hence, nation states are susceptible to identity change due to socialization, learning, and norm diffusion. Accordingly, constructivist literature provides a strong ontological support to the World Polity School of Sociological institutionalism, which emphasizes the role of ideational factors and the constructed nature of domestic agency. It emphasizes that interest-based accounts of world politics cannot explain the rise of Westphalian system, of

INGOs and the UN system, transnational social movements, or the general –albeit imperfect– worldwide observance of international law. However, the World Polity School diverges from the constructivist scholarship which emphasizes norm diffusion, value internalization, socialization, and learning (for example, see Cortell and Davis 2005; Checkel 2001). From a World Polity perspective, constructivist scholarship suffers from some important limitations. For instance, there is no consensus on how to distinguish norm from institution or differentiate between socialization and norm diffusion (for example, see Alderson 2001; Thies 2003). In addition, methodological difficulties vis-à-vis such abstract concepts as socialization, norms, identity and culture, are challenging. Constructivists resort to process-tracing and elite interviews but fall short of providing rigorous and generalizable findings. Moreover, the global cultural unit is largely excluded from the empirical analysis. Finally, overemphasizing the *normative* dimension of global processes, constructivists tend to overlook much significant *cognitive* processes underlying global cultural change. Another problem with constructivism is its selectivity vis-à-vis what norms to study. The majority of constructivists investigate ‘good norms’ whose spread would improve living standards and individual freedoms (Finnemore 1996b: 327). There are still very few studies like Fujii’s (2004) study of genocide as a spreading (bad) norm in Rwanda. Furthermore, it is important to ask whose norms diffuse and matter. This question has two main implications. First, it highlights the unequal distribution of political power, technology and scientific knowledge among states and societies. Second, it shifts the focus from the global norms to the local arena where exogenous norms are redefined before being internalized or rejected (Acharya 2004). World Polity School provides an alternative perspective in terms of its broader analytical scope and generalizable findings through its use of statistical methods such as event history analysis (Schofer and McEneaney 2003).

As opposed to Rational Choice institutionalists which emphasize formal organizations and strategic conditionality, the World Polity School embraces Sociological institutionalism which defines the institutional environment in cultural terms (Hall and Taylor 1996). Unlike those who focus on institutional specificities and path-dependence processes that reinforce national divergences (Hay 2000: 516), the World Polity School of Sociological institutionalism concentrates on rising isomorphisms among states (Finnemore 1996b: 327). Additionally, it criticizes the current tendency

in Sociological institutionalism to stress the institutional networks through which states are persuaded to adopt particular norms in the absence of explicit coercion. For instance, the UNESCO teaches appropriate behaviour to national elites who seek to enhance their international reputation (Finnemore 1996a). This is criticized by some (Checkel 1998) for providing unidirectional teacher-student accounts which overlook the social context. As a remedy, Checkel (2001: 563) suggests investigating other factors such as the novice status of decision-makers and their historical and cognitive baggage, the relationship between an agent and a persuader, the communication manner of persuader and the institutional setting underlying social exchange. World Polity School joins Checkel's criticism but argues that it is more important to consider the level of global structuration and the quality of the linkages between a domestic agent and world polity. From a World Polity perspective, it is suggested that an overemphasis on particular actors and communicative processes between them may result in 'missing the big picture' in accounting for domestic reform. Overall, the World Polity School of Sociological institutionalism differentiates itself from constructivist and Sociological institutionalist studies that use agent-centric approaches in both theoretical and methodological terms. A frequent use of elite interviewing by constructivists overemphasizes the individual elite level. A similar agent-centric and elite-focused approach is seen in the study of Cortell and Davis (2005:9) on the domestic salience of norms. They explicitly assume that it is the national elite which guides domestic society about how to understand new norms and thus, determines the outcome (Ibid.).

Finally, the World Polity School is distinct from other systemic approaches that consider the global dimension seriously. For instance, its focus on rising isomorphisms across open-system entities differentiates it from Luhmann's Modern Systems Theory which emphasizes the functional boundaries between societal systems and their environments (Drori and Krücken 2009: 25). In other words, unlike the Modern Systems Theory, the World Polity School stresses the cultural aspects of world society rather than its functional dimension (Thomas 2009: 116). It disagrees with Huntington's (1996) Clash of Civilizations thesis in the sense that it defines culture in instrumental terms and considers it as a major determinant of global isomorphisms rather than regional differentiation or conflicts. Moreover, the World Polity School differs from the English School of International Society in defining the

global structure. The thesis of International Society is criticized for defining the global system in narrower terms —as ‘little more than an association of states whose mutual relationships are norm-governed’ (Brown 2001: 5). It thus fails to escape state-centrism (Brown 2001: 5, 13; Buzan 2004). World Polity School assumes that global structure has ontological priority over state agency. In this respect, world polity is more than a society of states. Finally, the World Polity School is comparable to Wallerstein’s (1991) World Systems analysis. However, it falsifies the assumption that world politics automatically reflect global economic relations because rather than becoming subordinated to transnational forces, weak states grow internally (Meyer 1980: 114). Meyer (Ibid.) argues that three main observations refute Wallerstein’s assumption that economics dictate politics: the rising institutional isomorphisms among states regardless of their ‘class’ in the world economy, the stability of state boundaries, and the persistence of nation-state system. Indeed, economic forces are influential but they do operate within a cultural realm determined by world polity (Frank et al. 2000a: 111). Finally, despite their common emphasis on global structurationism, the World Polity School and Wallerstein’s World System Theory diverge in the sense that the latter confines the location of nation states within world system to economic dependency (Ramirez 1987: 325). In other words, Wallerstein assumes that global systemic forces are of capitalistic nature and thus, understates the cultural context in which the global system operates. World polity does not reject the role of material economic factors emphasized by Wallerstein, but suggests that it is reductionist to define the global structure in solely economic terms (Finnemore 1996b: 333). The following chapter introduces the theoretical framework of this study which is based on world polity.

CHAPTER II

THEORETICAL FRAMEWORK

‘RITUALIZED EUROPEANIZATION’

IN WORLD POLITY

This chapter aims to provide a theoretical framework introducing a World Polity perspective, in order to study the reasons underlying the variation in Turkish responses towards EU conditionality. By benefiting from the concepts advanced by the World Polity School of Sociological institutionalism – including ritualized rationality, expanded actorhood and external legitimation – the theoretical framework developed in this thesis emphasizes the ritualized nature of domestic compliance with EU conditionality and the significance of global legitimation processes as a key determinant of Turkey’s Europeanization. Therefore, the thesis intends to add the much neglected global dimension into the analysis of Turkey-EU relations in order to transcend EU-centric and state-centric approaches that attempt to explain the variation in domestic attitudes towards EU stimuli with EU-level and/or domestic factors. The chapter will first discuss the theoretical implications of World Polity approach for Europeanization studies in terms of rethinking the EU’s actorhood and its relationship to its global environment. Then, it specifies the variables that will be useful in order to grasp the variation in Turkish attitudes towards EU conditionality.

2.1. Rethinking the EU’s actorhood

Instead of a self-interested actor that operates in an anarchical international system, the EU is embedded in a global constitutive environment (world polity), which

expands and legitimates its actorhood as long as the EU reflects world polity models. The EU's cultural attractiveness or normative power overlooks the fact that the EU lacks a cultural centre (Meyer 2001; Biebuyck and Rumford 2011). Alternatively, the attractiveness of the EU mainly derives from its representation of 'general truths' – called global 'myths' by Meyer and Rowan (1977) due to their historicity and their inherent liberal bias – that are supported by scientific evidence and promise to be of benefit to collective interests. From this perspective, given its universalistic recipes to all types of actors, including national governments, regional policy-makers and individuals, the EU is a 'disinterested actor' (or disinterested Other) in terms of both 'enacting' and 'carrying' world polity models (Boli and Thomas 1999). The recipes that the EU suggests are 'universalistic' in character, which means that they are thought to be applicable everywhere in the world despite national, cultural, and socioeconomic variations that distinguish nations, societies, and individuals (Manners 2008). Lechner and Boli (2005) differentiate between universal and universalistic. While a 'universal' norm is produced by everyone's participation, 'universalistic' norm indicates theoretical applicability of the norm to all people in the world regardless of their differences. In this context, European countries might be at the origin of universalistic norms, standards, and scripts but the latter have gradually detached from their European/Western origins and gained a global character.

Disinterested agency is only possible in the absence of formal centralized authority (Meyer 2001). Had there been a hegemonic pan-European state at the heart of the European integration process, it would have made sure that all EU norms followed a particular set of explicit, clear, narrower and more concrete objectives reflecting parochial culture and interests. Furthermore, world polity is a fragmented, centreless and dynamic entity that is not directly controllable by any particular state or non-state actor. In other words, it is misleading to think that world polity is a culturally homogenizing force. Rather, it is decoupled, which means that it simultaneously promotes sovereign statehood and regionalization. It often provides competing scripts to EU institutions, regions, member states and societies, as well as individuals in Europe. Thus, the EU is less a Brussels-based hegemonic empire, more a 'polycentric' modern collectivity (Rumford 2006: 134).

2.1.1. Revisiting the relationship between the EU and globalization

Despite the mainstream tendency to conceptualize the EU and other regionalization efforts as resisting globalization, the boundaries between the EU and its global environment are increasingly contested. The boundaries between the EU and modern world polity are fuzzy because it is ‘difficult to say who is European and who is not’ (Meyer 2001b). Rather than resisting globalization, the EU has played an important role in the structuration of global scripts. In addition, the EU’s core members are at the centre of world polity in terms of their active participation in the enactment and spread of global scripts through their connection to INGOs and multilateral fora. Furthermore, EU institutions derive scripts, norms, and policies from a wider cultural structure, i.e world polity (Soysal 1994). For instance, the expansion of a ‘postnational membership’ in Europe is a function of world polity rather than an EU initiative (Delanty and Rumford 2005: 9). The relationship between Europe and globalization is no longer understood as one of antagonism: rather than a ‘gatekeeper’ against global flows, the EU is a ‘gateway’ to global networks and scripts (Rumford and Buhari-Gulmez 2011).

In this context, following World Polity School, the interaction between the EU and globalization is a relationship of co-evolution. This implies that a major motivation behind domestic compliance with the EU is an eternal search for external legitimacy. If this assumption is true, rather than the efficiency of the reforms carried by the EU, candidate countries consider whether their compliance with the EU would bring them further recognition and legitimacy in the global arena. The search for EU membership is thus understood as a request to be re-categorized in global fora and listed as a legitimate actor in the modern world. For a candidate country like Turkey, which has found itself at Europe’s periphery in the post-Cold War era, the EU membership promises more than economic and strategic benefits. Besides, candidate countries are ‘too proud’ of their national independence as well as peculiar culture and traditions to look for moral or cultural substitutes deriving from the EU. Hence, a major objective is to acquire the status of ‘EU member’, which is treated as a ‘gateway’ to central networks of world polity. In brief, independent of its economic and strategic incentives, EU membership is meaningful and appealing as long as it is situated at the

centre of world polity. What distinguishes the EU from other regional organizations is its historical role in the structuration of world polity in the post-1945 era. Nevertheless, it is crucial to note that although many global scripts and norms historically drew inspiration from European norms and values, their universalistic character implies a strong de-emphasis on their European origins. The following section argues that the introduction of ‘ritualized rationality’ into Europeanization studies challenges the prevailing approaches to rationality based on optimal/bounded dichotomy.

2.1.2. Ritualized rationality and Europeanization

Europeanization scholars traditionally resort to a dualistic logic of ‘consequentiality’ versus ‘appropriateness’ (Schneider and Aspinwall 2001; Featherstone 2003), which relies upon the difference between optimal and bounded rationality (see the Table 1 below). Rational Choice approaches to the EU are formed by the assumption that one’s actorhood implies one’s attempt to be fully in control of one’s external environment as a ‘utility-maximizer’ (Marsh and Stoker 2010). Here, the global environment is narrowly defined as a strategic context that provides an actor with opportunities as well as constraints (Drori 2008). Environmental effect on an actor is minimal and remains merely at the strategic level. Actorhood is based on a (cost-) effective action or a ‘rational choice’ that follows the logic of expected consequences. In this sense, optimal rationality expects one to compute all possible consequences of an action before making a decision on any issue.

Bounded rationality is a term coined by Herbert Simon in the mid-1950s, whose world-leading analysis on administrative decisions suggested a critique of socio-political approaches centred upon optimal rationality (Simon 1996: 250). Bounded rationality suggests that one is more ‘satisficer’ than ‘utility-maximizer’. Accordingly, while making decisions, social and political actors fail to find optimal solutions due to numerous factors, including one’s incapacity to be aware of all current and future options, and to compute all possible consequences due to a shortage of information and time pressures as well as limitations in individual cognitive abilities. Accordingly, the term ‘satisficer’ highlights the general tendency to choose the ‘satisfactory and appropriate’ option over the optimal one. Bounded rationality defines the environment

in a much broader sense, and allows not only for constraining but also constitutive effects of the external environment on an actor. Like optimal rationality, it assumes that actorhood is based on instrumental behaviour, yet it adds that actors also tend to internalize societal values and expectations while making choices. Hence, ‘bounded rationality’ emphasizes an actor’s embedded nature in its socio-political environment. Such embeddedness does not only mean that one’s identity and norms are largely shaped by one’s environment, but also implies that one is vulnerable to ‘institutional lock-ins’ and ‘path-dependency’ behaviour that secures one’s socially embedded identity (Pierson 1996).

The introduction of ‘ritualized rationality’ is an important challenge to the prevailing dichotomous thinking based on optimal/bounded dyad. Ritualized rationality indicates a divorce of an action from its usual goals. It thus rejects that rationality is an inherent ‘fact’ of social and political life; rather, rationality is treated as a cultural norm that constitutes legitimate actorhood in the modern world. A sceptical reader might find it tempting to consider ‘ritualized rationality’ as merely a variation of ‘bounded rationality’ which highlights one’s failure to fulfil the criteria of ‘optimal rationality’ due to cognitive disabilities or limitations. Although ritualized rationality is clearly reinforced by the conditions of ‘bounded rationality’, it diverges from the latter in its absolute de-emphasis on interest-based calculus. In other words, while ‘bounded rationality’ still allows for one’s – albeit unsuccessful – attempt to reach optimal rationality (to explain why such an attempt is likely to fail), ‘ritualized rationality’ emphasizes the *ceremonial* and *post-hoc* nature of one’s rationalizations. Rather than seeking efficiency or appropriateness, ‘ritualized rationals’ follow abstract principles or models suggested by ‘authorities’ such as professional experts, scientists, and political and religious leaders, amongst others. In this context, ritualized rationality highlights that actorhood is enacted and ‘tamed’ through (legitimated) actions that tend to reflect ‘general truths’ derived from world polity.

World Polity School suggests that compliance with the selected EU-led reforms is ‘ritualized’ in the sense that it is not a thought-out process. It is reflex-like: like a ritual, reforms are passed by national Parliaments, but no parliamentarian has much of an idea of how to put them into practice in that specific context. However, under the constitutive effects of global rationalization processes, national decision-makers resort

to *post hoc* rationalization; in other words, they provide *post hoc* instrumental explanations for their scripted behaviour (Meyer 2008: 795). Therefore, it is hard to catch the bias introduced by *post hoc* rationalization, which misleads many to vote in favour of Rational-Choice institutionalist accounts of Europeanization.

Rationality	Optimal	Bounded	Ritualized
<i>Actor-Action relationship</i>	Actor effectuates and reverses action	Actor effectuated action but is less able to reverse it	Action constitutes actorness
<i>Impact of Environment on Actor</i>	Only limited effect Constraining	Broader effect Both Constraining and Constitutive	Broadest effect Constitutive
<i>Actor's relationship to its Environment</i>	Instrumentalization	Both instrumentalization and internalization	Non-problematization (take for granted)
<i>Actor's awareness of Environmental effect</i>	High	Lower	Lowest

Table 1. Three types of rationality

Top-down studies of Turkey's Europeanization suggest taking the EU conditionality as an independent causal force and thus, fail to control the variable 'global standards and norms' that influence both the EU and Turkey. As a remedy, the theoretical framework deduced from World Polity School assumes that the ultimate impact of EU conditionality on Turkey depends on a whole series of global cultural models that (de)legitimize it¹. Hence, the EU conditionality is considered as an intervening or triggering factor whereas it is the world polity's standards and norms that determine the EU's effect on its Turkish candidate. Furthermore, the extant literature on Turkey-EU relations explains domestic motivations for Turkey's compliance with EU conditionality as a function of either cost-benefit calculus (the logic of consequentiality) or the logic of normative appropriateness. The former argument is

¹ John W. Meyer, meyer@stanford.edu, 2007. [email] Message to author (didem.buhari@gmail.com). Sent 12 March 2007.

that Turkey's adoption of new norms and institutions relies upon its will to accede to the EU and to receive economic and political benefits from EU membership. In other words, the rationale underlying Turkey's efforts to join the EU is strategic cost-benefit calculus.

However, during the socialization process with the EU, the Turkish political elites are increasingly promoting Turkey's 'Europeanness'. In addition, Turkish civil society actors are increasingly pressurizing the governmental actors in line with EU norms. Certain types of domestic behaviour or norms are thus criticized in terms of their incompatibility with 'European culture or spirit', and subsequently rejected as being inappropriate. In this context, Turkey's Europeanization process cannot be explained without reference to culture, identity and norms. In this sense, there is a need to explain change and continuity in the Europeanization of Turkey through a theoretical framework that captures both calculus and cultural processes. Alternatively, the World Polity approach implies that Turkey's response to EU requirements is not only a function of its intergovernmental negotiations with the EU, but is also constituted by global developments, standards, and norms, as well as the extent to which EU conditionality is perceived as legitimate in terms of its congruence with prevailing standards enacted by world polity.

2.2. Specifying variables

'Adoption of an EU-led reform by Turkey' is the dependent variable of this research. For the purposes of this study, there are two sets of independent variables, namely constraining and constitutive factors derived from Rational Choice Institutionalism that focuses on EU-level variables (Schimmelfennig and Sedelmeier 2005) and the World Polity School of Sociological institutionalism that emphasize the impact of global stimuli on nation states. Constraining stimuli motivate interest-driven compliance whereas constitutive stimuli encourage norm-driven compliance. In other words, exogenous stimuli have constraining effects if domestic compliance is driven by coercion or fear of sanctions. External pressures are thus coercive and it is necessary to comply with them in order to minimize costs and maximize predetermined interests. Alternatively, exogenous stimuli are of constitutive nature if

domestic attitudes are justified on the basis of the appropriateness, normalcy and/or legitimacy of compliance (rather than the necessity to comply) and take place in the absence of coercive pressures coming from the external environment. For example, if a country improves its national legislation – for example, on human rights – in order to receive foreign aid or to avoid international sanctions, it does not mean that the country in question has already internalized the culture of human rights. In that case, external pressures are merely constraints upon national governments, whose compliance is both selective and instrumental. However, if the country in question decides to reform its human rights legislation in the absence of any threats of sanction, it is plausible to argue that global norms on human rights hold a constitutive impact. The separation of constitutive from constraining factors is often difficult, as the logics they imply (calculus and cultural logics) are not necessarily mutually exclusive.

Accordingly, the thesis suggests studying the current exogenous pressures on Turkey under four analytical categories: *EU-constitutive*, *EU-constraining*, *Global-constitutive*, and *Global-constraining* stimuli. The extant literature of Europeanization qualifies the *EU's constraining stimuli* as the strength or determinacy of the conditional pressures the EU puts on a candidate country (Schimmelfennig and Sedelmeier 2005). As the strength (or determinacy) of the EU's conditional pressures increase, the candidate country in question is more likely to adopt the reforms advocated by the EU unless compliance is too costly. Therefore, if the EU fails to offer credible membership prospects or incentives, it loses its leverage. In other words, Turkey's compliance depends upon a domestic cost-benefit calculus on whether compliance with the EU would serve Turkey's interests. Unlike the EU's constraining stimuli, the *EU's constitutive stimuli* is not about interest maximization but implies the legitimacy of conditional pressures on candidate countries, which depends on the extent to which the reform advocated by the EU is implemented within the EU. In other words, if member states show a lack of consensus on the adoption and implementation of the policy advocated by the EU, candidate countries use it as an excuse to reject the EU-led reform and blame the EU for imposing double-standards. In this context, it is likely that the EU conditionality that is based on 'hard law' – where the EU legally sanctions member state deviations – would face less opposition from candidate countries than the EU conditionality derived from 'soft

law' areas where the EU lacks sanctioning mechanisms against non-compliance (Featherstone and Papadimitriou 2008; Bauer et al. 2007). Hence, EU-level factors imply that Turkey's compliance with EU-led reforms depends on two main conditions: (1) *EU constraining factor*: whether the EU shows the determination to exert sufficient pressures on – and at the same time provide credible incentives – Turkish decision-makers to overlook the costs associated with compliance; and (2) *EU constitutive factor*: whether the EU conditionality is perceived by Turkey as an important element of EU culture.

As opposed to variables derived from Rational Choice institutionalism, institutional variables deduced from the World Polity School of Sociological institutionalism suggest the significance of the global structure for Turkey-EU relations. In this context, the study considers two global-level variables: global constitutive and global constraining stimuli. *Global constitutive variable* implies world polity structuration or the institutionalization of global culture which could be determined, according to World Polity scholars, primarily by looking at the activities of disinterested actors such as epistemic communities, professions, and INGOs that operate at the global level (Schofer and McEneaney 2003: 61). In his research on the global spread of science ministries, Jang (2003) finds that states tend to embrace policies advocated by world-level INGOs in the global arena even in the absence of any direct coercive pressures. This tendency is mainly explained by a quest for external legitimation (Ibid.). On the other hand, *global constraining stimuli* involve actual pressures from global organizations and arrangements such as the aid conditionality of the IMF and World Bank, or binding treaties on human rights. Accordingly, a reform is adopted not because it is globally legitimate but because it is necessary to obtain benefits (aid, trade and so on) and/or avoid sanctions (for instance, economic embargoes, refusal of external aid, or humanitarian interventions). In fact, the World Polity School does not explicitly differentiate between global constraining and constitutive stimuli in terms of determining domestic adoption of reforms. However, it emphasizes that domestic compliance with global cultural models cannot be fully explained with interest-driven behaviour. In addition, global culture spreads like 'social ether' (Drori and Krücken 2009: 19). States emulate each other in following world-level standards enacted by disinterested actors, even in the absence of any social or political pressures. Hence, it is plausible to assume that the World Polity School highlights the significance of

global constitutive variable as a key determinant of social and political transformations in nation states.

In addition, it is suggested that countries which are strongly connected to world polity through their (formal or informal) commitment to global institutions and multilateral arrangements tend to be quicker to adopt globally advocated reforms than countries with weaker ties to world polity (Schofer and McEneaney 2003: 61). In a similar vein, Boyle (2002: 7) argues that in countries which are weakly connected to world polity, civil society actors which are strongly connected to world polity are more reformist than domestic actors who are affiliated with state institutions. The theoretical framework of the thesis will include a comparative look at the attitudes of state and non-state actors in Turkey separately in order to find out whether this is an important determinant in Turkey-EU relations.

2.2.1. Global legitimacy as a key determining factor

While mainstream Europeanization studies assume that domestic compliance is largely driven by conditional pressures (EU-level constraining stimuli), the World Polity School suggests that it is the world polity (global constitutive stimuli) that guides Turkish attitudes towards EU stimuli. Accordingly, this study suggests an analytical separation of EU-level and global-level factors of constraining and constitutive nature. As discussed previously, the World Polity thesis suggests considering the mutually constitutive relationship between the EU and global factors and rejects the idea that the EU-level and global factors exert separate and autonomous influences. In this respect, this study assumes that domestic attitudes reflect the interplay of EU-led and world polity-led processes. Towards this aim, it puts forward the concept of ‘global legitimacy’ indicating an emphasis on external legitimation by world polity. Before explaining why *global legitimacy* could be a key determinant in the study of Turkey’s Europeanization, this section discusses how the question of legitimacy has generally been treated in the relevant literature.

The notion of legitimacy has been largely neglected, as the mainstream scholars in Politics and International Relations tend to put the emphasis on either legality (Court judgements and legal norms) or national power and interests (Bodansky 2011). Global legitimacy indicates a broader structure transcending both the existing case-law of

International Courts and inter-governmental bargains among powerful nations. The major reason for dismissing (global) legitimacy as an explanatory factor has been the puzzle around the legitimating authority (see for example, Etzioni 2012; Clark 2005, 2007; Reus-Smit 2007; Buchanan and Keohane 2006). The term ‘legitimacy’ has only recently gained popularity in international politics, mainly as a response to the expansion of regimes of international governance, and to such international crises as the dissolution of Yugoslavia and the US-led international war on terror that particularly touched the Middle East (Etzioni 2012; Bodansky 2011). So far, it’s been difficult, if not impossible, to apply a Weberian definition of political legitimacy based on laws, traditions, and charismatic leadership to the international system, which inherently lacks a centralized government (Clark 2005: 11).

Legitimacy is not interchangeable with legality. For instance, the NATO’s operation in Kosovo in 1999 is assumed to be illegal, yet legitimate: it was illegal because it was not backed by a UN regulation, but it was legitimate because it saved lives (Independent International Commission on Kosovo 2000). Legitimacy is not determined by power and interests either. Realists tend to reduce legitimacy to a ‘policy consensus among great powers’ (Clark 2005: 16). On the flip side, the vulnerability of the American ‘superpower’, for example, during the second Gulf war, falsifies such a narrow understanding of legitimacy. Powerful actors like the US government could certainly be trying to influence perceptions on their actions in the international arena through campaigns and propaganda, assuming that by doing so ‘they [could] warrant respect and compliance for more than self-interested reasons, for reasons of their normative standing’ (Reus-Smit 2007: 159). Such assumptions seem to underestimate the critical thinking skills of the rest of the world. In the modern world, ‘might’ is no longer right. ‘Auto-legitimation is an oxymoron –an actor can jump up and down, declaring loudly that his or her actions are legitimate, but if nobody accepts this, then they are not correctly described as such, even if he or she is making a legitimacy claim’ (Ibid.).

Inis Claude’s thesis of ‘collective legitimation’ assumes that ‘the process of legitimization is ultimately a political phenomenon, a crystallization of judgment that may be influenced but is unlikely to be wholly determined by legal norms and moral principles’ (Claude 1966: 369). Statesmen resort to International Courts in order to

enhance their position in the international political fora (not to transfer it to a legal forum) (Claude 1966: 371). Instead, statesmen look up to international political institutions, especially the UN that has been ‘approximating universality’, and has thus been seen as a major representative of ‘world public opinion’ (Ibid.). Acknowledging that the authority for ‘affixing the stamp of political approval or disapproval’ is not restricted to a single actor in world politics, the UN is in a privileged position: ‘While the voice of the United Nations may not be the authentic voice of mankind, it is clearly the best available facsimile thereof’ (Claude 1966: 372). Taking a step further, studies following Inis Claude find that there are processes of ‘reciprocal legitimation’, which indicates that the UN does not only provide external legitimacy to its members, but also seeks to enhance its own legitimacy by accepting new members and creating new missions (Bergholm 2009; Buchanan 2011). This implies that there must be a source of legitimacy that is broader than the UN.

From different perspectives, communitarianism and the English School of International Society respectively, Etzioni (2011) and Clark (2007) reach the conclusion that the source of legitimacy lies in the global system rather than a local or regional one. According to Etzioni:

[T]he question ‘Who legitimates?’ is largely answered by pointing to a variety of nestling, cross-cutting and overlapping communities (including the nascent global one) rather than to aggregates of individuals making deliberated choices as free-standing agents (Etzioni 2011: 106).

In a world which is increasingly interconnected, people in different parts of the world do care about the moral judgments of others about what are legitimate acts both in their own lands and on a transnational level (Etzioni 2011: 122).

In this context, external legitimacy largely derives from the global structure:

The opening up of many societies (especially former communist societies), the spread of education, the widening of people’s attention horizon from the local toward the national and even global public affairs, the rise of worldwide TV networks (the ‘CNN effect’), increased travel and immigration, and the world wide web—all have led to the development of transnational moral dialogues in general and

dialogues about that which is considered legitimate in particular. These dialogues are global not in the sense that all citizens participate, let alone agree, but that these dialogues reach across most borders (Etzioni 2011: 108).

However, given its historicity and dynamism, the global polity cannot be defined with particular core values that ‘can serve as a basis for cross-cultural judgement about which acts are legitimate’ (Ibid.). The English School of International Society similarly suggests that external legitimacy derives from an ‘international society’ which ‘is not dependent upon the successful *claim* to legitimacy, on the part of any one particular institution or norm’ (Clark 2005: 24, *emphasis original*). Rather, international society refers to a general ‘recognition of being bound’ by certain conceptions of ‘rightful’ membership and conduct in social context (Clark 2005: 21). In a similar vein, informed by world polity, this study assumes that it is the global legitimacy of a policy or an institution which makes it acceptable in a domestic arena. However, unlike Etzioni and Clark, its special emphasis is on the constitutive role of global blueprints, scripts, standards, and institutions, rather than that of ‘moral dialogues’, norms or values. Hence, the focus shifts to the activities of a wide variety of norm and standard-setting institutions that include UN agencies, INGOs, professional organizations, epistemic communities, and so on. Consequently, this thesis ‘brings in’ the concept of ‘global legitimacy’ to uncover how world polity enacts and legitimates the EU’s agency and authority in world politics. The definition of ‘global legitimacy’ is adapted from Suchman’s highly cited work that studies legitimacy under its pragmatic, moral, and cognitive dimensions. Hence, ‘global legitimacy’ in the context of Europeanization can be defined as:

a generalized perception or assumption that the actions and conditionality of the EU are desirable, appropriate, and intelligible within some globally constructed system of norms, values, beliefs, interests, and definitions (adapted from Suchman 1995: 574).

Thus, the main challenge for the EU is to demonstrate that the standards (definitions, tools, solutions) it provides are ‘part of the intersubjective common-sense world’ (Zucker 1991: 87), and are compatible with the established models and standards in world polity. In other words, the EU’s effect on its candidate countries relies upon global legitimacy. The EU’s conditionality needs a ‘stamp of approval’ from the UN

(Inis 1966: 372) and/or should be congruent with INGOs (Boli and Thomas 1999). Without strong resonance with the prevailing models of world polity, the conditional pressures of the EU are prone to trigger opposition in a candidate country. It is notable that legitimacy is not only based upon the external normative system: it should take into account 'the experienced reality of the audience's daily life' (Suchman 1995: 582) because:

...the fragmented and often conflictual nature of the larger cultural terrain frequently creates gaps in which actors can select among pre-existing (but not necessarily consistent) logics (Suchman 1995: 589).

By introducing the factor of 'global legitimacy' into Europeanization studies, the thesis aims to refine the 'goodness of fit' models that do not take the global factor into account. Therefore, the 'misfit' between the EU and global stimuli is also included in the equation which intends to explain variation in domestic attitudes towards EU conditionality. However, a model based on the factor of 'global legitimacy' differs from 'goodness of fit' studies on Europeanization in terms of embracing constructivist ontology. In this regard, it assumes that:

Legitimacy is socially constructed in that it reflects congruence between the behaviours of the legitimated entity and the shared (or assumedly shared) beliefs of some social group; thus, legitimacy is dependent on a collective audience, yet independent of particular observers. An organization may deviate from individuals' values yet retain legitimacy because the deviation draws no public disapproval' (Suchman 1995: 574).

Accordingly, the thesis proposes that 'global legitimacy' is a key factor in the case of Turkey's Europeanization. Therefore, EU-led reforms that are globally endorsed are likely to be embraced by Turkey, whereas those that are not globally legitimate face domestic opposition. Finally, it is necessary to examine how Turkey responds to EU conditionality in the case of competition between two equally well-established world models. By considering the 'global legitimacy' of EU conditionality, the study aims to go beyond mainstream accounts that fail to establish the missing link between world polity and domestic reform in an EU candidate country.

2.2.2. Initial findings on Turkish perceptions about Europeanization

Turkish elites and experts frequently depict the EU as a ‘catalyst’ for peace and democracy, as well as a promoter of human rights and the rule of law in candidate countries (Kirişçi 2006). Taha Aksoy (Government MP, interview with the author 2010) argues that ‘previously EU membership was sought for mainly economic reasons: economic aid and employment opportunities in Europe. Yet, things seem to have significantly changed. Turkey has become a successful economy and the EU is now suffering from economic crises and high levels of unemployment.’ Algan Hacaloğlu from the main opposition party (CHP) similarly argues that rather than economic aid, the EU is attractive for its promise to consolidate human rights, democracy and the rule of law in Turkey (interview with the author 2010).

Accordingly, ‘anchoring’ Turkey to EU structures is a discourse that is embraced by a large segment of pro-EU groups in Turkey. Even the leading Turkish political elites state that the reform process, through which Turkey adopts EU-led standards, is more important than the final outcome, which is Turkey’s EU membership. Otherwise, in their opinion, Turkey might succumb to political crisis and backwardness. Abdullah Çalışkan, a leading member of the Parliamentary committee on EU Harmonization, states that the Turkish government values the post-Helsinki (negotiation) process much more than Turkey’s full membership because the accession negotiations already ‘anchor’ Turkey to a ‘standard of contemporary civilization’ (Abdullah Çalışkan, interview with the author 2010). Similarly, Zeynep Dağı, a strong supporter of Turkey’s EU membership, explains:

I reject an outcome-focused approach to EU-Turkey relations. Both the EU and the international system are dynamic, and transformations they undertake are only partially predictable. It is thus misleading to see Turkey-EU relations in terms of some love-hate relationship. The process is much more important. It catalyzes democratization, advance of human rights and the rule of law in Turkey. It institutionalizes mutual interests and interdependencies in economic, political and legal domains.’ (Zeynep Dağı, interview with the author 2010).

Another leading member of the government and a former Minister of Foreign Affairs, Yaşar Yakış provides a similar account:

There is uncertainty around both Turkey's EU membership and the EU's own future. There are too many unknown variables to solve the equation. So, let's focus on the process. If we succeed in enacting well-functioning democratic institutions, transparent market economy, greater freedoms, less corruption, then membership becomes less important' (Yaşar Yakış, interview with the author 2010).

However, the Turkish government's election manifesto in 2002 stated that EU membership should not be seen as a precondition for Turkey's modernization. 'EU membership is a natural result –not cause– of Turkey's modernization process. Implementing the EU's socio-economic criteria is an important step towards further modernization of state and society. Those criteria are inevitable even when they are thought independently of EU membership' (AKP election manifesto 2002). Murat Mercan, previous chair of External Relations committee, and an influential member of the government 'strongly disagree[s] with the claim that Turkey couldn't achieve modernization without EU membership. Turkey is already experiencing a modernization process that derives from its cultural peculiarities and traditions. Nothing can stop this process' (Murat Mercan, interview with the author 2010). Not only the Turkish government but also the opposition tends to de-emphasize the EU membership as a precondition for Turkey's progress and modernization. Hüseyin Pazarcı from the opposition party (CHP), a renowned professor of international law in Turkey and a member of the Parliamentary Committee on External Relations, argues that 'The EU membership process accelerates the advance of democracy, human rights, and the rule of law in candidate states. Yet, it is still possible to democratize and modernize without the EU process. For example, Norway's experience shows that EU membership is not a precondition for modernity' (Huseyin Pazarcı, interview with the author 2010). Furthermore, 'the EU and its *acquis* are only a part of universal human rights, democracy and the rule of law. They do not represent the whole set of universal values' (Faruk Bal 2010).

Ufuk Uras, an opposition MP from BDP, states: 'I think that EU-led reforms transform Turkish mentality: our way of seeing, interpreting, understanding things' (Ufuk Uras, interview with the author 2010). Therefore, Turkey's adoption of EU-led

reforms implies neither purely goal-oriented, nor norm-driven processes of Europeanization. Furthermore, the major benefits of EU membership are defined as transcending economic-strategic interests and the diffusion of European cultural values. They are also about achieving universally accepted standards and becoming part of a class that grants recognition as a legitimate actor in the modern world. In this sense, EU membership is valuable as long as the EU is perceived as reflecting universal scripts. Abdullah Çalışkan and Yaşar Yakış provide similar thoughts:

EU membership means recognition and a legitimate status in the world. Greece which is way behind in economic terms is often rated better than Turkey by independent credit agencies just because it has the title of ‘EU member’; EU membership is a [legitimate] recognized category in the eyes of the world (Yaşar Yakış, interview with the author 2010).

We aim to promote Turkey to a higher class in the world. We are doing it by using the EU as both an anchor and a justification... Even the status of ‘official EU candidate’ has improved Turkey’s influence and prestige in the Middle East, Africa, and the Far East (Çalışkan, interview with the author 2010).

Here, Europe is defined as a contributor to, and a ‘carrier’ of, global standards. In other words, Turks see the EU membership conditionality as a ‘roadmap’ with which to reach the standards of contemporary civilization. In this sense, global standards are largely shaped by Europe, but are not interchangeable with European standards. Abdullah Gül, the President of the Turkish Republic states that the overall aim for Turkey is to reach universal standards, not necessarily European standards (parliamentary speech 2009). The Turkish ambassador to the EU explains that Turkey only adopts the EU-led reforms (for instance, it abolished the death penalty) that are universally acceptable (Rettman 2011). Similarly, Abdullah Çalışkan describes the EU as a ‘blueprint’:

It provides us with standards [of contemporary civilization]. Those standards are largely enacted and refined by the EU but these are universal, not European. Standards are not exclusively European. They rather belong to all modern and advanced societies. There is not necessarily any geographical rule: we can find them in China, in Russia, or in the USA. Yet, the EU has tested those standards, refined them over time, and codified them into an *acquis*. It categorized topics under 35 chapters for Turkey; and it made them visible, comparable, measurable, and testable... We can certainly reach similar outcomes without the EU,

with our own internal dynamics, but we do not need to do much effort or spend time to understand all these because these are already assessed and implemented in the European context. Even in the absence of EU pressures, Turkey would still continue its efforts to catch up with those [universal] standards yet the EU process has surely accelerated the pace of necessary reforms. If the EU membership gets permanently stalled, we'll call the Copenhagen criteria 'Ankara or Istanbul criteria' and continue reforms. (Çalışkan, interview with the author 2010).

Opposition parties offer similar accounts in terms of defining the EU as a 'carrier' of global standards:

CHP supports EU-led reforms because in addition to spreading EU standards, they further integrate Turkey with the world, and help Turkey to adjust its economic, social, legal structures to world standards (Faik Öztrak 2010).

The principal reason for my support to Turkey's EU membership is the EU's provision of standards. Democracy, the rule of law, and human rights are universal values but the EU has succeeded in institutionalizing them. The EU thus provides us with a roadmap' (Ufuk Uras, interview with the author 2010).

The initial findings summarized above confirm the necessity to establish the 'missing link' between EU conditionality and world polity by taking into account the significance of ritualized rationality and global legitimacy in Turkey's Europeanization.

2.3. Concluding Remarks

Overall, this chapter develops a theoretical framework that benefits from the World Polity School in order to rethink the EU as a 'disinterested actor' which enacts and spreads world polity models, and to establish the 'missing link' between the EU and globalization, as well as to introduce ritualized rationality as an alternative logic that guides domestic motivations for compliance with the EU. In the case of Turkey's Europeanization, the chapter establishes a 'missing link' between Europeanization and world polity by taking into account the global legitimacy of EU conditionality. Global legitimacy is defined in terms of domestic perceptions about the level of congruence between EU-level constraining stimuli (EU conditionality) and global

constitutive stimuli (world polity) so that the study allows for a ‘bottom-up’ approach that takes both domestic and global factors seriously.

By examining the domestic perceptions about the relationship between EU-level and global-level stimuli, the thesis intends to develop a ‘bottom up’ approach that takes the global factor seriously. Therefore, it aims to remedy the prevailing tendency to overemphasize top-down processes through which the EU is thought of transforming Turkish society and politics. It also demonstrates that the World Polity School of Sociological institutionalism does not impose a structuralist approach that relegates the choices and attitudes of domestic actors to secondary position. The theoretical framework suggested in this study allows considering the global structure as a starting point for research without disempowering domestic agency. Finally, the World Polity School does not seek to refute Rational Choice accounts of Europeanization which assume that domestic cost-benefit analysis and the determinacy of EU’s conditional pressures are important explanatory factors. Rather, it highlights that the EU’s conditional effects on Turkey are variable and constrained. Hence, it is necessary to investigate the taken-for-granted processes of global legitimation underlying Turkish responses to the EU’s conditional pressures.

Accordingly, ‘Ritualized Europeanization’ emphasizes the global legitimation processes underlying Turkey’s compliance with EU membership conditionality. Hence, it goes beyond existing approaches to Europeanization, which examine Turkey’s strategically selective compliance with the EU’s official membership criteria (Thin Europeanization) and/or diffusion of European culture and norms, taken as a unitary and morally superior system that promotes modernization and democratization (Thick Europeanization). Ritualized Europeanization implies that the EU does not only provide strategic and economic gains or democratization, but it also grants international recognition, a legitimate world status, or a world category that is accepted as the standard of contemporary civilization. Being categorized as ‘European’ not only matters in terms of attracting foreign investment or international prestige, but it also permits access to all types of global networks as a legitimate actor. To conclude, the application of the World Polity School to Turkey-EU relations contributes to the emerging neo-institutionalist trend in Europeanization studies. Most significantly, it helps to refine existing Europeanization studies that consider political,

social and cultural developments associated with the EU membership process as separate from the wider global context. The following section introduces the selected empirical cases derived from Turkey's Europeanization in order to investigate whether 'Ritualized Europeanization' has a higher explanatory power than the prevailing models based on the determinacy of conditional pressures.

CHAPTER III

METHODOLOGICAL CHOICES

As explained in the previous chapter, world polity provides *ontologically prior* global scripts, blueprints or models that expand legitimate actorness of regions and nations, amongst others (Meyer and Jepperson 2000). In other words, global stimuli are not only constraining or regulatory but they also have a constitutive effect. By analytically dividing exogenous pressures on Turkey into four categories, EU-constitutive, EU-constraining, global-constitutive, and global-constraining stimuli, this study focuses on the domestic perceptions of the level of congruence between the EU and global variables. This chapter proposes a research design—that is, ‘a plan that guides the investigator in the process of collecting, analysing and interpreting observations’ (Yin 1994: 19). This study suggests a ‘bottom up’ approach in terms of examining the ‘causes of the effects’ instead of the ‘effects of the causes’. It relies upon the use of case study, mixed quantitative-qualitative design, and multiple sources of primary data as well as multiple data collection methods (expert survey, elite interviews, review of parliamentary minutes and official documents).

3.1. Case study

This research relies on case study, defined as ‘an intensive study of a single unit with an aim to generalize across a larger set of units’ (Gerring 2004: 341), because it helps (1) to discover new variables by studying a contemporary phenomenon in its real-life context (Yin 1994: 1-3); (2) to ‘address qualitative variables, decision-making processes, historical and social contexts, and path-dependencies’ (George and Bennett 2005: 9); and (3) to apply new theory and refine conceptual categories by examining

different aspects of a phenomenon in relation to each other (Benedicte Meyer 2001: 330). Case study is particularly useful to investigate phenomena that are not clearly separable from their context (Yin 1994: 5). Accordingly, Turkey is the main case studied because it provides a ‘rich soil for investigating and theorizing institutional change and Europeanization’ (Sarigil 2007: 14). Following the officialization of its candidacy, Turkey experienced an extensive reform process. EU departments have been established at the state level and EU-led information centres have been launched at the civil society level. Moreover, Turkey is a unique case in the history of European integration as its membership process has been longer than that of any other candidate country but the prospects for its membership are still unclear. There is a considerable domestic resistance to change in the *status quo* in particular domains, which has curtailed Turkey’s EU accession negotiations, making Turkey a central question in contemporary European politics. Furthermore, Turkey’s participation in the global arena is not limited to its EU bids: it is also an active member of different international institutions such as the UN, the World Bank, the NATO, the International Monetary Fund (IMF), the Organization of the Islamic Conference, and the Council of Europe (Scherpereel 2010: 828; Rumelili 2011: 236). Finally, Turkey has played an important role in many global initiatives and events, including the initiative of ‘Greater Middle East’, the project of ‘Alliance of Civilizations’, and the Cyprus problem, amongst others. In this sense, Turkey provides an excellent case to investigate the relationship between EU-led and global processes and its implications for national politics. Besides, by choosing Turkey, where domestic resistance to EU and global models is significant – country with low probability of being constituted by exogenous stimuli – the universality of World Polity and Europeanization theses can be tested. Turkey represents a ‘critical case’ in its negative form — that is ‘the least likely case’ for the chosen hypothesis (that world polity models are influential on Turkish attitudes towards EU conditionality) in the sense that if the argument of world polity is valid in this most difficult case, it is thus more likely to be valid in other candidate countries. In their study of EU-led structural reforms in Greece, Featherstone and Papadimitriou (2008: 4) similarly justify their focus on the Greek case with the argument that Greece is a ‘critical’ and the ‘least likely case’ of Europeanization. If Greece is ‘the least likely case’ of Europeanization in a member state, Turkey provides the ‘least likely case’ of Europeanization in a candidate state due to the shared Ottoman legacy. In his work *A World of Regions*, Katzenstein

(2005: 222) argues that Greece has traditionally been a difficult member for the EU due to various cultural notions and institutional elements representing the Ottoman legacy in Greece. He explains that the difficult case of Greece has discouraged many Europeans from supporting the accession of Turkey which is the descendant of the Ottoman Empire (Ibid).

Single-country studies are often criticized for providing ‘thick descriptions’ with limited (contingent) generalizability (Platt 1988: 11). By examining three reform areas in Turkey–EU relations, the study intends to add a comparative dimension. Furthermore, it is crucial to note that the study intends to generalize its findings to a broader theory (analytical generalizability) rather than enumerate frequencies (statistical generalizability) (Yin 1994: 10). By focusing on three different reform areas in Turkey – in other words, by studying multiple cases within the same (Turkish) unit – the study seeks to minimize the variance of control factors. The selection of policy domains can be revealing in the Turkish case. Following Benedicte Meyer (2001: 333), the study includes cases which match the three dimensions in the dependent variable (attitudinal compliance with the EU conditionality: low, medium, high) and provide variation in contextual factors (in particular, sectoral specificities), thus representing polar cases. The aim is to investigate ‘hard cases’ in socio-economic, foreign policy and human rights domains because over the last decade, Turkey has faced substantial difficulty in adopting and implementing the EU *acquis* in those domains. Turkey’s difficult EU accession process cannot be explained solely by Turkey’s failure to comply with the EU in socio-economic or foreign policy areas. Human right is often stressed as a priority in Turkey–EU relations. Consequently, rather than prioritizing a policy domain, the study selected three reform issues representing difficult reform areas, namely foreign land ownership (socio-economic domain), Cyprus policy (foreign policy), and ombudsmanship (human rights and good governance). The selected reforms prevail in the agenda of both the EU and many international organizations in the world. They have similarly faced significant opposition in spite of the Turkish government’s will to adopt them since 2002. They constitute ‘hard cases’ in Turkey–EU relations as the political *status quo* has proven relatively stable despite the governmental efforts to adopt the selected reforms. In this sense, by studying three cases where there have been significant attempts to comply with the EU-led reform, this study aims to control

for the domestic factor of government ideology. Furthermore, domestic opposition to each selected reform transcends nationalistic resistance. Rather, it is a broader social phenomenon in Turkey, indicating an ‘unholy alliance’ of ultra-nationalistic, Republican, leftist, and Islamist segments, due to shared and well-established threat perceptions. In this context, Turkish opposition to EU-led reforms goes beyond *ad hoc* reactions to the EU’s reluctance to officialize Turkey’s membership. To clarify, the Turkish political elite (both Kemalist establishment and the Islamist elites) is often described as harbouring a deep-rooted historical scepticism against foreigners, known as the ‘Sèvres syndrome’ (or Sèvres paranoia), so called after the aborted ‘Treaty of Sèvres’ imposed by European powers that sought to dismember the Ottoman Empire (Jung 2003). Not only foreigners, but also ethnic and religious minorities in Turkey have been victim of the ‘Sèvres syndrome’ as they were perceived as receptive to foreign influence and thus threatening to the Turkish Republic (Karaosmanoğlu 2010; Kurban and Hatemi 2009). In this context, while the reforms of foreign land ownership and Cyprus policy challenge the traditional scepticism against foreigners in Turkey (especially neighbours such as Greece and the Greek Cypriots), the reform of ombudsmanship indicates the establishment of new channels through which political dissent can be expressed by domestic groups such as Kurdish secessionists and religious minorities perceived by the Turkish state as domestic threats. In sum, the selected EU-led reforms are ‘hard cases’ because they challenge the well-established threat perceptions in Turkey.

The selected cases differ in terms of the extent of domestic opposition and compliance with the EU: while the Turkish government eventually adopted the reform of ombudsmanship, it seems to have abandoned its reformist stance towards the Cyprus question since 2005. Its efforts to abolish the restrictions against foreign land ownership continue but remain still contested. They also vary in terms of the determinacy of the EU’s official conditional pressures: Turkey’s opposition to reforming its Cyprus policy has immediately blocked Turkey–EU accession negotiations, indicating that the EU’s official conditional pressures on Turkey’s Cyprus policy are the strongest, amongst others. The reform of foreign land ownership is crucial in terms of facilitating Turkey’s integration to the EU Single Market. The norms of free movement (of persons, goods, capital, and services) are constitutive of the EU and thus, are indispensable. However, Turkey’s refusal to

comply with them is unlikely to block the bilateral negotiations as the Cyprus policy did, because the EU has the option of granting temporary derogations on free movement in the aftermath of Turkey's EU accession. In this regard, the level of the EU's official pressures about foreigners' right to own land in Turkey can be assumed to be 'medium'. Finally, as the reform of ombudsmanship lacks sufficient sanction mechanisms against domestic non-compliance, the determinacy of EU conditionality in respect to the establishment of Turkish ombudsmanship is the lowest, compared to other reforms. Finally, the study also includes two other reforms to control for sectoral specificities (two reforms about the freedom of expression: Internet freedoms and the abrogation of the legal provision penalizing insult to Turkish state and nation). However, a detailed analysis of the control cases had to be omitted from the analysis mainly due to time and space constraints and due to the wish to ensure a deeper investigation of the main cases. While explaining the research methods and the questionnaire design, the chapter briefly discusses the findings of the control cases, which proved to be useful to ensure the external validity of the findings discussed in the concluding chapter.

3.2. On Data Collection

Rather than assuming that data are 'out there' to discover, this study investigates the descriptions and narratives of the informants about their versions of 'reality' (Guillaume 2002). Accordingly, the analysis offered by this study is largely qualitative, indicating a 'nonmathematical process of interpretation carried out for the purpose of discovering concepts and relationships in raw data and then organizing these into a theoretical explanatory scheme' (Strauss and Corbin 1998: 11). Unlike quantitative research which looks for 'variables' and 'correlations', qualitative research takes into account the cultural, normative and cognitive processes which are difficult to quantify (Blaikie 2000; Huberman and Miles 2002: 276). Alternatively, Bryman (2004) suggests a 'multi-strategy research', which combines quantitative and qualitative research. In this context, one is free to put data in numerical format. There is an increasing support for mixing qualitative and quantitative research in a single case, as this helps the researchers to address all aspects of the research question (Read and Marsh 2002: 237; Tashakkori and Teddlie 2002; Bryman 2004). In addition to

combining qualitative and quantitative research, the use of multiple sources of data – collected through multiple research methods– is likely to contribute to the trustworthiness and credibility of the selected case-study’s findings.

This study uses three main sources of primary data: survey, interview, and the review of parliamentary minutes. It also uses official documents produced by the EU Commission and Council meetings, the Turkish Constitutional Court, and the UN resolutions as well as INGO reports (amongst others), in order to have a contextual understanding of the selected cases. Using documents is beneficial in terms of time and cost-reduction (Dale 2006: 80). The key documents are available through the official websites of the relevant organizations such as the Parliament and the Constitutional Court. However, it is crucial that researchers cross-check the source, context, targeted audience(s) and the original intention of the document in question (Dale 2006: 81). Finally, documents may be incomplete, selective, or misleading (Tansey 2007: 4). Therefore, it is necessary to move beyond written sources by using other data collection methods in a complementary way (Tansey 2007: 5–7). Accordingly, this study resorts to survey and interviewing which are useful to obtain first-hand data from direct witnesses and participants to the process of interest (here, Turkey’s Europeanization). Survey and interview produce better results when used together (Arksey and Knight 1999: 33). There are potential limitations of survey data. For instance, the wording and format of questionnaires may influence non-response rates. Questions that are too long and/or ambiguous increase the rate of non-response and thus, undermine the validity of research findings (Bradburn et al. 2004: 148). Although open-ended questions gather more detailed and richer information, which may lead to unexpected discoveries, they are ‘boring’ according to many respondents, and ‘challenging’ for the researcher due to the difficulty of coding the collected data (Denzin and Lincoln 1998: 58; Bryman 2004: 145). Alternatively, structured questions are both easier for researchers to transcribe and analyze, and easier and quicker to answer (Neuman 2006: 287). In this context, the survey designed for this study adopted the partially-open question type ‘which allows respondents to offer an answer that the researcher did not include’ (Neuman 2006: 288). According to this method, in addition to a fixed set of answers, an ‘other’ category is introduced in the survey so that the respondents can freely state a view which is not offered in the questionnaire. In addition, some of the questions were quasi-filtered in that they

included non-attitude choices such as ‘undecided’ and ‘don’t know’ (Neuman 2006: 289). Finally, the questionnaire used in this study included different response formats—such as verbal and diagrammatic rating scales, and ranking formats—in order to gather more precise data from the informants. Accordingly, verbal rating scale offered a response range between ‘strongly agree’ and ‘strongly disagree’; diagrammatic scale measured magnitude of the response with numbers; and ranking format asked the informants to rank the importance of alternative answers rather than selecting between them (De Vaus 1991: 88).

While surveys can reach a large number of informants in a short period of time, interviews can provide a fuller understanding of the phenomenon (Turkey’s non-compliance with EU conditionality) through probes and prompts. Interview not only helps to explore issues in depth, but also, it is useful to sort out ambiguous answers given to a questionnaire (Denzin and Lincoln 1998: 68). In addition, the strength and incidence of the interviewee accounts can be checked against the survey findings (Arksey and Knight 1999: 33). Interviewing is used in this study as a complementary method to collect original first-hand data. The study preferred semi-structured interviews because, while the answers they collect are easy to code, they provide flexibility during the interview in terms of changing the wording and sequence of the questions and using probes and prompts in order to develop significant points (Rubin and Rubin 1995: 156). However, interviewing implies additional challenges for a researcher: for instance, it is necessary to gain the trust of an informant, be easy to communicate with, and have a neutral attitude (‘poker face’) during the interview (Denzin and Lincoln 1998: 60; Robson 2002: 163; Tashakkori and Teddlie 2002: 97). Also, it is crucial to avoid leading questions which may produce ‘self-fulfilling interviews’—in other words, biased data (Shipman 1997: 98). In addition to lapses of memory, some questions may allow policy-makers to remain within the boundaries of an ‘official account’ of events or slant their accounts in order to inflate or minimize their role within the processes in question (Tansey 2007:11). Consequently, it is necessary to question multiple sources and crosscheck the interviewee accounts for example by examining parliamentary minutes. Finally, it is necessary to be aware of the role of language in understanding and interpreting interviewee accounts. Meanings in a discourse are not fixed as in mathematical formulas; instead, they are contextually grounded and thus necessitate an awareness of the diversity of meanings

attached to the same concept in different contexts (Mishler 1986: 64). Also, self-reporting indicates potential biases such as the social desirability bias or central tendency. Accordingly, the survey and interview findings were complemented by a review of official documents and parliamentary minutes. The next section explains the sample selection and the administration of the survey and the interviews conducted by the author.

3.3. Sampling and Administration

The main aim of this study is to examine the opinions and attitudes which prevail within the ‘receptor sites’ of Turkey. ‘Receptor site’ is a term borrowed from biology to refer to structures which receive and translate external messages to the constituent organs, or in this case, transfer global models to the domestic society (Frank et al. 2000: 103). Therefore, it is necessary to target the actors who filter, interpret, and adjust exogenous stimuli (EU and global stimuli) before transmitting them to the domestic arena. In this context, the study suggests that the main target groups comprise Turkish parliamentarians, non-governmental actors, academics, and professionals, such as lawyers and economists, who are actively involved in Turkey’s external affairs. There are two competing methodological tendencies in the literature about Turkey’s EU relations: elite interviewing or public opinion surveys (Bölükbaşı et al. 2010: 465). Apart from interviewing parliamentarians who are members of the EU Harmonization and External Affairs committees of the Turkish Parliament, the study surveyed Turkish experts of EU and foreign affairs. Despite their significant role in informing both the public opinion and advising policy-makers, experts are generally overlooked in the literature because there is a prevailing assumption that the influence of experts on policy-makers is negligible due to the highly centralized character of the Turkish state (for an exception, see McLaren 2000). However, political research limited to official discourses misses an important fact: that elected officials need advisors with technical, legal, linguistic, and other necessary knowledge and skills to understand complex processes such as Turkey–EU negotiations. EU reports on Turkey’s progress towards membership require knowledge of a complex EU jargon as well as a myriad of technical details about 35 reform areas. Public sector experts are recruited by a highly selective examination process in particular due to

their educational background and linguistic abilities, and later act as political advisors to leading policy-makers who often lack education in a relevant field. Moreover, they tend to remain in office for longer time than elected politicians. In this sense, they are usually more knowledgeable about the developments associated with the reform areas under study. Last but not least, Turkish experts inform the public opinion through seminars, lectures, and collaborative projects. In this regard, an informed opinion provided by the experts is often more reliable than the public opinion which often provides information mixed with conspiracies, rumours, and urban legends.²

Accordingly, by surveying the Turkish experts of Turkey's EU/foreign affairs from both bureaucracy and the private sector, the study intends to remedy the general neglect of these groups in the literature on Turkey–EU relations. Survey was selected as the main data collection method to reach Turkish experts for two particular reasons. First, a substantial majority of the Turkish experts working in state institutions declined face-to-face interviews and asked for full anonymity due to their concerns about a regulation penalizing public servants for making public statements. Second, the experts working in the private sector (in particular, in Turkish Chambers of Commerce) were geographically dispersed. Consequently, the survey method was useful to reach a large number of experts in a short period of time while ensuring full anonymity. The research is based on purposeful sampling, indicating the identification of *a priori* target groups which are most appropriate for the particular aims of the research (Tansey 2007: 11). Therefore, this study examined the opinions of Turkish state and non-state actors who were actively involved in external/EU affairs of Turkey. This criterion for sample selection was necessary in order to control for the socialization effect of the EU. In other words, the selected informants were invariably in regular contact with their European and international counterparts, indicating that they were better informed about the EU conditionality (and were supposed to be less resistant to EU norms than the general public). Also, the World Polity School informs the division of the respondents into two major groups in line with the assumption that

² An example is a spreading rumour in Turkey that EU accession criteria included a provision stating that after Turkey's EU accession, an international committee led by major European countries would take over the administration of Euphrates and Tigris rivers which constitute the main water source for Turkey, Syria, and Iraq.

the structural location of an agent determines the latter's response to reform. As stated previously, Boyle argues that state-sponsored actors tend to be more reserved towards infringements upon national sovereignty/autonomy, whereas non-governmental actors are generally inclined to openly advocate individual freedoms. Accordingly, by providing relevant categories, this survey intended to test the World Polity School's assumption that 'particular institutions affect particular groups in different but predictable ways' (Boyle 2002: 7).

The names and contact details of EU experts working in Turkish state institutions were listed in a number of official reports (accessible online) on EU–Turkey bureaucratic meetings. Similarly, the official websites of Bar Associations, Chambers of Commerce, and Turkish NGOs helped the author to contact the targeted informants via their official e-mail addresses. In addition, the 'snowball technique' (or chain referral sampling)—that is, asking informants— to name other EU experts working in their institution, was useful to reach many experts from the bureaucracy and Bar Associations, who were difficult to address. Moreover, the Association of the European Union Experts of Turkey, founded in 2009 and representing (approximately) 250 EU experts working in 9 different state institutions, supported the research by recommending the survey to its members. Similarly, the EU Section in the Ankara Bar Association and the EU research centre of Ankara University (ATAUM) encouraged their members to participate in the survey. In order to ensure anonymity and minimize the costs of the research, the survey was administered via the Internet. Initially, the survey was sent via e-mail as a Microsoft Word document in order to give all informants the opportunity to decide on the appropriate time and place to answer it. The Association of the European Union Experts of Turkey suggested that the author put the questionnaire online in order to placate some concerns for total anonymity (in particular, to prevent the author from seeing their contact details). Therefore, the author established the survey online (via *surveymonkey*), and locked it with a password circulated by the Association to its members. It is important to acknowledge that surveys conducted via the Internet have particular limitations such as 'coverage error' and 'non-response error'. First of all, coverage error indicates that access to the Internet technology is limited and consequently Internet surveys are not representative of the entire population (Cooper 2000). Although this criticism is correct, the number of people having access to the

Internet has rapidly increased over time. Turkey's experience is illustrative. While in 2003 only 27 per cent of the Turkish people were active users of the Internet, putting Turkey below the EU's average of 45 per cent before the 2004 eastern enlargement (Rose and Özcan 2007: 25), by April 2012, the percentage of the Turkish Internet users had risen to 48.7 per cent (Turkish Statistical Institute 2012). Besides, all of the respondents in state institutions had official e-mail addresses provided by the institutions with which they were affiliated. Other informants, from the private sector, represent only those who had personal e-mail addresses and access to the Internet. Second, 'non-response error' indicates the inability to estimate the size of the target population and the non-response rate (Cooper 2000). As a remedy, potential respondents were sampled from lists provided by the websites of both the state institutions attending Turkey-EU bureaucratic meetings and Bar Associations. Consequently, it became possible to 'chase' the potential informants who had not responded to the first invitation to participate in the survey. Overall, it is notable that the study does not claim that its survey findings are statistically generalizable to all Turkish experts working on the EU/external affairs of Turkey. Neither survey findings are more important than the results of the parliamentary interviews. Rather, survey findings, discussed in the following three chapters, are useful to grasp the general tendencies in the informed attitudes in Turkey towards the selected EU conditionality. After grasping the general context with the help of the findings derived from expert survey, interviews conducted with the selected Turkish parliamentarians were helpful to have a deeper understanding of the phenomenon under study—that is the variation in domestic responses to EU-led reforms.

In total, 261 Turkish experts participated in the survey conducted between January and April 2010. The first group (called 'public' category/sector) consists of 117 public servants working on EU and external affairs in various state institutions in Turkey, including Ministries, Undersecretariats affiliated with the Prime Ministry, and the Secretariat General for EU affairs (which later became the Ministry of EU Affairs). It also includes 5 parliamentary advisors and 1 parliamentarian (MP), all representing left-wing opposition parties in the Turkish Grand National Assembly; 5 experts from the Turkish International Cooperation and Development Agency (TİKA); 3 informants from the Turkish Broadcasting Agency (TRT); and 5 respondents from the Turkish Employment Organization (İŞ-KUR). The second group

(called ‘private’ category/sector) is more diverse, as it represents 144 experts from at least four sub-groups: 54 academics and NGO members working in several EU-funded projects; 63 lawyers who were members of the EU and/or International Relations sections of Bar Associations; and 27 foreign trade experts. Finally, 5 respondents from the Delegation of the European Union to Turkey, 1 member of the Turkey-EU Joint Parliamentary Committee, 1 European Commission/Education and Training official and 1 political party leader in Turkey (of the ‘Liberal Democrat Party’, which is not represented in the current Parliament) are included in the second group, too. In both groups, some institutions are represented more than others.³ Survey findings are complemented by follow-up (face-to-face) elite interviews with 16 Turkish parliamentarians who were leading members of the Turkish parliamentary committees on External Relations and Harmonization with the EU⁴ at the time of the interview as well as 3 anonymous bureaucrats, a political advisor to Turkey’s chief negotiator to the EU, a lawyer acting as the head of EU section in Ankara Bar Association, an academic affiliated with the EU research centre in Ankara University, and the founding leader of an NGO (Turkey Association of Committees for Monitoring Parliament and Elected Officials –Türkiye Milletvekillerini İzleme Komitesi, in Turkish) specialized in monitoring the Turkish parliamentarians since 2004.⁵ Interviews took place between November and December 2010 and the interviewed parliamentarians included 9 MPs from the governing party (Justice and Development Party, or AKP), 4 MPs from the main opposition party (Republican People’s Party, or CHP), 1 MP from the pro-Kurdish Peace and Democracy Party (BDP), and 1 MP from the right-wing Nationalist Action Party (MHP). Committee membership seats are allocated in proportion to the representation level of the political parties in the Turkish Parliament. The total number of the interviewees

³ For a list of institutions with which survey participants were affiliated, see Appendix 1.

⁴ The EU Harmonization Committee assists Turkish legislators in assessing the compatibility of draft laws with EU legislation since its foundation in 2003.

⁵ Interviewed Parliamentarians (surname-alphabetical order): Taha Aksoy, Canan Arıtman, Mehmet Ceylan (vice-chair, External Relations Committee), Abdullah Çalışkan, Mehmet Çerçi, Zeynep Dağı, Mehmet Sait Dilek, Nevin Gaye Erbatur, Algan Hacaloğlu, Atilla Kart, Murat Mercan (chair, External Relations Committee), Mustafa Öztürk, Hüseyin Pazarıcı, Ahmet Kenan Tanrıkulu, Ufuk Uras, and Yaşar Yakış (chair, EU Harmonization Committee). Others: Mustafa Durna (NGO leader), Hatice Yazgan (academic), three anonymous bureaucrats, Serkan Çatalpınar (lawyer).

corresponds to one third of the total number of parliamentarians who were members of the selected parliamentary committees in 2010.

3.4. Interviews

Interviews were held in different locations in two cities (Ankara and Istanbul) in line with the preferences of the interviewees: the Turkish Parliament; three different Ministries; and two different restaurants in Ankara; and the NGO leader was interviewed in his office in Istanbul. Access to parliamentarians was difficult due to the great number of ‘gatekeepers’. Only three Turkish parliamentarians responded to the invitation the author sent to their official e-mail address. In order to recruit the rest of the targeted parliamentarians, the author visited the offices of their secretaries and advisors one by one in the Turkish Parliament and left her short biography and a short letter explaining the purpose of the interview. Either the secretary or the advisor of Turkish parliamentarians called the author to determine the date of the interview. It is notable that getting access to the Turkish Parliament was much more difficult than contacting Turkish parliamentarians. All researchers pass the security checkpoints twice and their audiotape recording devices are automatically confiscated by security. In order to get access to the building, the advisor of the parliamentarian who invited the researcher needs to call security and confirm the invitation. In order to get the audiotape recorder back, the researcher needs to walk to a different unit within the Turkish Parliament and get a written confirmation that the audiotape recorder is permitted by the parliamentarians who agreed to be interviewed by the author. That time-consuming procedure had to be repeated for each interview in the Turkish Parliament. Before starting the interview, the author presented herself as a doctoral student in the University of London and gave full information about the purpose and uses of the contributions (without giving any details which may have influenced the interview findings). Also, before the interview, each interviewee was presented with a letter signed by the interviewer in order to ask their permission for audiotape recording and stating that all participants would be granted full anonymity and confidentiality. All of the interviewees — except for an anonymous public servant who declined it on the grounds that audiotape would be intrusive — gave permission for audiotape recording. By simultaneously recording and taking notes, the

author/interviewer sought to prevent any eventual loss of data due to technical problems with recording (McIntyre 2005: 225). During the interview with the public servant who declined audiotape recording, the author/interviewer only took notes. All of the interviewed parliamentarians gave their permission to the author to use their names.

3.5. Questionnaire Design

Following McNabb (2004: 156), the questionnaire — designed by the author and used during both expert survey and elite interviews — starts with ‘warm-up’ easy-to-answer questions reflecting the general knowledge and opinion of the informant on the EU, EU conditionality, and domestic policy-making; then, it passes to some ‘controversial questions’ which seek to learn about the personal attitudes of the informants towards the selected EU-led reforms, such as the reform of Cyprus policy. After investigating the differential impact of the EU and world polity on the selected policy areas, the questionnaire examines why the selected reforms are supported or resisted. Common-sense dictates that not all reformists are progressivists and not all opponents are pro-status quo. Justifications may vary substantially. Thus, the questionnaire aims to study the variation in both the *level* and the *underlying logic* of the informants’ attitudes. First, the answers to the questionnaire demonstrate at which level the respondents justify their choice: *national*, *European*, or *global* level. A ‘levels of analysis’ approach could be rejected in a purely scientific analysis of social phenomena (for example, see Walker 2009; Robertson 1990), since the ‘levels of analysis’ terminology provides an illusionary picture of the contemporary politics in which the individual is located at a lower level, the sovereign state in the middle, and the international at a higher level, as if nothing occurs at the borders (Walker 2009: 30, 178). However, local-national-regional-global categories still play a significant role in the mind of politicians, bureaucrats and other professionals. Thus, it is crucial to ask whether nationalist justifications prevail (as common-sense would dictate). Another interesting question is whether the ‘EU effect’ is seen as benign (as assumed by the Europeanization scholarship) or on the contrary as hegemonic (in line with Wallerstein’s world-system thesis). Finally, if the global-level justifications abound, does this imply that social actors follow global factors ‘without thinking’ (as the

World Polity School suggests), or do agents tend to resort to a universalistic discourse in order to maximize their egoistic interests (as Rational-Choice models claim)?

The questionnaire is designed to grasp the underlying logic of attitudes towards the selected policy reforms; in other words, it seeks to find out whether personal attitudes are guided by the calculus or cultural logic. 'Calculus logic' refers to social behaviour which is purposive and rational (Hall and Taylor 1996). An actor guided purely by calculus logic is likely to perceive the EU and other institutions as instruments to provide strategic/material benefits to its member states. On the other hand, the 'cultural logic' opposes that social and political phenomena can be explained by purely instrumental attitude and behaviour. Instead, social and political attitudes are generally in compliance with the established routines or the familiar patterns of behaviour deriving from a social and normative context (Hall and Taylor 1996). Rather than the costs and benefits of an EU-led reform, the cultural logic points to liberal democratic norms, cultural mores, and ethical principles associated with the EU. However, given the difficulty of separating purposive behaviour from norm-driven behaviour, or value from interest, alternative categories can be put forward: the 'logic of consequentiality' and the 'logic of appropriateness'. The 'logic of consequentiality' highlights the tendency to think through the consequences of action before acting. Hence, similar to the calculus logic, it assumes that social life involves purely thought-out purposive behaviour. For its part, the 'logic of appropriateness' indicates the tendency to prioritize what seems appropriate, legitimate and right in a particular social context. In this regard, it resonates well with a cultural logic.

According to Schneider and Aspinwall (2001), Neo-institutionalist approaches can be distinguished in terms of the prevailing categories of logic: while Sociological institutionalism embraces the logic of appropriateness and culture, Rational Choice institutionalism follows the logic of consequentiality and calculus. As discussed in the previous chapter, the prevailing categories of logic used by the Neo-institutionalist scholarship represent competition between optimal and bounded rationality but leaves out 'ritualized rationality' that is put forward by the World Polity School of Sociological institutionalism. Ritualized rationality indicates that decision-makers may provide 'calculus' accounts even though their decision was not initially driven by the calculus logic. They may resort to *post hoc* instrumental reasoning in order to

meet the general expectation that all decisions should reflect rational choice. In other words, the calculus approach is reinforced by the global cultural processes of rationalization. Also, the logics of consequentiality and appropriateness do not constitute diametrically opposed lines of thinking. An actor may emphasize that s/he decides on the basis of what is appropriate in order to avoid social sanctions or a loss of prestige. For instance, Clark (2010) explains that the act of ratifying human rights treaties in the absence of any exogenous pressures could be explained with fear from ‘legitimacy costs’ of non-ratifying. In this regard, it is necessary to move beyond dichotomous thinking which overlooks the fuzziness of the boundaries between the different categories of logic driving political choices (cultural versus calculus, or appropriateness versus consequentiality). In order to include ritualized rationality into the analysis, the study shifts the focus to whether the variables under study have constitutive or constraining effect on an informant’s account. In line with these aims, the survey was deductively designed and pre-coded before its administration.

The questionnaire was designed in Turkish—that is, the mother tongue of the informants and the researcher—in order to avoid any potential misunderstanding or confusion. It includes 10 short questions about Turkey–EU relations.⁶ Three different types of questions were used in the survey: *rating scale*, *multiple choice (only one answer)*, and *matrix of choices (only one answer per row)*. For instance, the respondents to the survey were asked to rank the benefits they expect from Turkey’s EU membership from the most important to the least important. If their priority is the advancement of democracy, human rights and the rule of law in Turkey and/or the recognition of Turkey as a modern country in the world, the logic is cultural/appropriateness and the EU’s effect is constitutive. On the other hand, if the economic benefits of the EU membership are emphasized, the guiding logic is the logic of consequentiality/calculus, indicating that the effect of the EU is constraining. Another question introduced a hypothetical clash between European and global/universal standards and forced the informant to make a personal choice between them. As the survey included an ‘other’ category, it did not ask the reasons for choosing one category over the other, or how one defines European and global

⁶ The first three questions were ‘warming-up’ exercises. Those and the questions on the reforms selected as control cases are not included in the analysis. Please see Appendix 2 for an English translation of the questionnaire used by the author.

standards. Those questions were asked during the interviews. The main aim of the survey question was to find whether Turkish experts would be inclined to prioritize European standards due to Turkey’s EU bids. The findings were helpful to understand how Turkish experts and elites determine the relationship between the EU and globalization. Finally, the questions providing *a matrix of choices* demonstrated significant variation in cross-sectoral attitudes towards the selected EU-led reforms. Three cases— ombudsmanship, foreign land ownership, and Turkey’s Cyprus policy — are discussed in the following chapters. While ombudsmanship received strongest support amongst Turkish experts, the reform of Cyprus policy was the least supported (see Figure 1 below).

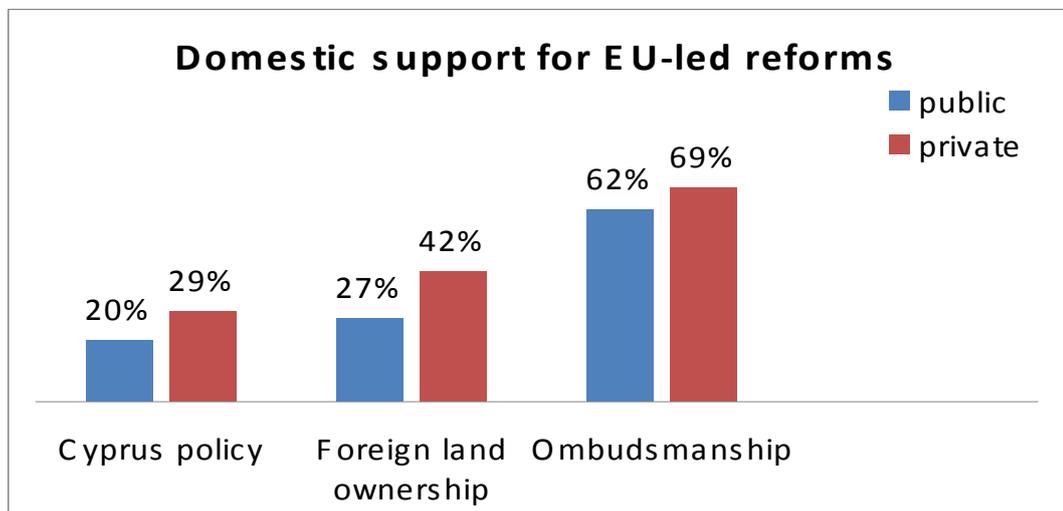


Figure 1. Expert opinion on selected EU-led reforms (N=261, public=144, private= 117)

The reforms used as control cases in the study include the abrogation of the Article 301 of Turkish Penal Code penalizing insult to Turkish state and nation, and the establishment of internet freedoms. They could be compared to the main cases in terms of relating to human rights and facing opposition due to deep-rooted scepticism towards domestic and foreign threats against the Turkish Republic. The EU, the OECD, and some INGOs such as the Amnesty International and the Human Rights Watch criticized the Article 301– which led to the infamous trial of a Turkish winner of Nobel prize, Orhan Pamuk for his international press statement on the Armenian genocide – for violating the freedom of expression (Amnesty International 2006; Haraszti 2005). In 2008, the wording of the Article 301 was amended: the procedure

to start an investigation under the Article 301 became conditional upon the permission of the Turkish Minister of Justice, and the the limit for maximum penalty has been lowered (Law no. 5759, Official Gazette of 8 May 2008). However, the 2008 amendments have been insufficient to meet the modern criteria for freedom of expression (Algan 2008). Similarly, the 2007 Internet law penalizing Internet crimes, including insults to the national hero, Atatürk, has attracted international criticisms. The EU condemns the blockage of websites in Turkey and concludes that ‘Law no. 5651 on the Internet limits freedom of expression and restricts citizens' right to access information’ (EU Commission’s Report on Turkey’s progress 2010: 21). In addition, the European Parliament often expresses concerns ‘about the deterioration in freedom of the press, about certain acts of censorship and about growing self-censorship within the Turkish media, including on the Internet’ (European Parliament 2011). Besides, the spokesperson of the EU Commissioner for enlargement announced that the EU was closely monitoring the Internet policies in Turkey (Cumhuriyet 2011). Hence, Internet restrictions may become another obstacle in Turkey’s path towards EU membership (EU–Turkey News Network 2011).

In addition to the EU, the Organization for Security and Co-operation in Europe (OSCE), the Freedom House and the Reporters without Borders have invited the Turkish state to embrace the UN standards on freedom of expression. Also, in February 2011 the European Court of Human Rights accepted two cases on Internet control in Turkey: the ban of *last.fm* and infamous restrictions against Google (NTVMSNBC 2011). The survey and interview findings on the control cases emphasize the global constitutive factor strongly. In the case of the Article 301, both the supporters and the opponents of the reform suggested that their stance was globally endorsed. The support for abrogating the Article 301 was largely explained with the will to comply with the well-established global principle on freedom of expression, whereas the majority of the opposition claimed that similar provisions exist in many countries in the world and Turkey should maintain its Article 301. Similarly, in the case of Internet freedoms, half of the informants answered that they would never approve Internet censorship, as the latter violates universal norms on freedom of expression. A similar share of the experts stated that they would only approve the ban of websites that were globally banned. As against the expectations of the prevailing Europeanization literature, the majority of the Turkish informants de-

emphasized the EU's conditional pressures, while justifying their domestic attitudes towards the selected reforms.

3.6. Additional Considerations: Validity and Ethical issues

Research methods are not neutral tools because they are instruments in the hands of a scientist who constructs his or her own account of reality (Bryman 2004: 500). Social data are not 'out there' waiting to be collected, but are constructed by the researchers; thus, theories and methods are not separable from each other (Ibid.). In this context, the responsibility of a researcher is to explain how s/he has constructed his/her data (Ibid.). Finally, a political researcher should be cautious enough to remember the provisional character of knowledge while interpreting data. Otherwise tedious efforts of data collection may end up with some fallacious, impractical, and deceptive inferences (Bryman 2004: 165–173). According to Huberman and Miles (2002: 42), '[v]alidity is not an inherent property of a particular method, but pertains to the conclusions reached by using that method in a particular context for a particular purpose'. The use of multiple sources and data collection methods allows triangulation of data, and thus enhances the validity of case-study research vis-à-vis potential criticisms of 'anecdotalism' (Silverman 2005: 177). In order to ensure the reliability of findings, this research paid particular attention to code the survey results and to record all interviewee accounts as accurately as possible. Moreover, any systematical non-response has been avoided. It should be acknowledged that it is difficult to establish 'interpretive validity' because informants may give inaccurate or distorted views (Huberman and Miles 2002: 49). Techniques relying upon self-reporting may fail to give valid results due to boredom, politeness, or tendency for socially desirable behaviour. Accordingly, survey results are complemented by semi-structured interviews during which the author/researcher find the opportunity to probe and prompt. In addition to informed consent (discussed previously), De Vaus asserts a responsibility towards his/her readers and other researchers: researchers should acknowledge the contributions of other researchers in his/her final report; avoid any sexist, racist, or disablist language while presenting his/her findings (Homan 1991: 157); and include a discussion about the limitations of the data they worked with and some implications of the research for the relevant scholarship (Vaus 1991: 66).

CHAPTER IV

THE CASE OF OMBUDSMANSHIP IN TURKEY-EU RELATIONS

This chapter studies the establishment of ombudsmanship in Turkey from a theoretical framework based on world polity in order to refine the prevailing ‘sender-receiver’ accounts of Europeanization in a candidate country, Turkey. The reform of Turkish ombudsmanship is an important but understudied case (for an exception, see Ladi 2011). The prevailing Europeanization literature only examines the reform of national ombudsmanship superficially. Occasionally, the establishment of ombudsmanship is briefly mentioned as an example of the EU’s empowering impact on domestic civil society (Stavridis 2003: 35). This chapter assumes that explaining domestic reform solely with EU conditionality is misleading. Firstly, the temporal order falsifies the primacy of EU-level stimuli because Turkish discussions on reforms had already started before the institutionalization of the Copenhagen criteria at the EU level. Secondly, domestic compliance is not necessarily associated with conditional pressures. In some sectors, like ombudsmanship, where the conditional pressures of the EU are relatively lower, domestic support for reform in Turkey is stronger than that in other sectors where the EU conditionality is strict. Therefore, domestic motivations for reform need further investigation. The chapter suggests that for Turkish reformists, the necessity to comply with world polity standards comes before the compliance with EU conditionality. Furthermore, there is a reluctance to adopt a European blueprint without certain adjustments in Turkey. Turkish informants demonstrate a significant tendency to de-emphasize the Europeanness of ombudsmanship system. Despite the Turkish government’s attempts to present ombudsmanship as an element of the Ottoman past and Islamic culture, the argument that gathers the strongest support is that ombudsmanship is a globally endorsed

institution, whose establishment would contribute to the consolidation of democracy and human rights in Turkey. The first section of the chapter explains how the institution of ombudsmanship has gained a universalistic character over time. The second section provides a summary of the discussions about the establishment of a Turkish ombudsman system. Finally, the third section discusses the empirical findings derived from expert survey and elite interviews.

4.1. Ombudsmanship as a global institution

Ombudsman is assumed to be originated from Sweden in the eighteenth century. Ombudsman means ‘representative’ in Swedish, and it has been used to deal with public complaints against administrative neglect, abuse or malpractice (Gregory and Giddings 2002: 7). Unlike an administrative court, an ombudsman does not seek to find out whether the administrative practice in question is ‘legal’ or not, but decides on whether it is ‘considerate and humane’ (Stacey 1978: 31). Moreover, an ombudsman is a mediator between people and administration while looking for ‘mutually acceptable solutions’ (Gregory and Giddings 2002: 23). Finally, an ombudsman does not only aim to solve individual cases, but it also intends to discover and offer remedies for systemic faults (Ibid: 20). Ombudsmanship has spread globally in two major waves. In the 1960s, it was used as a problem-solving mechanism by the neighbouring countries of Sweden and their colonies which witnessed increasing governmental complexity due to the spread of liberal democracy (Ibid: 9). The countries that adopted ombudsmanship during the first phase did not only share similar historical and institutional backgrounds, but also had similar motives in establishing public ombudsman (Ibid: 7). Unlike the first wave, the second, during the 1980s, saw 120 countries that were dissimilar in terms of political culture, geographical location and economic development establish an ombudsman system (Sezen 2001: 73). This resulted from a major change in the meaning attributed to ombudsmanship. Rather than a problem-solving mechanism, ombudsmanship started to be viewed as the ‘logo of modern democracies’ (Rashidova 2009). It has increasingly become associated with liberal democracy, modernity, and human rights (Reif 1993: 12 cited in Gregory and Giddings 2002: 16).

Al-Wahab (1979: 140) explains that although there were few studies on the actual efficiency of the institution of ombudsman, many countries embraced it because they perceived it as an important element of being a modern democracy. Another argument is that the spread of ombudsmanship owes to the rising awareness that people have a right to be protected from administrative neglect, error and abuses (Al-Wahab 1979: 140). In particular, since the 1980s there has been a 'paradigm shift' in state-society relations in the sense that new public management theories have redefined the notion of citizen as being a customer with a right to a 'choice and voice', leading to the emergence of a 'growing culture of complaint' (Gregory and Giddings 2002: 11-12).

Such a cognitive shift in the understanding of ombudsmanship owes much to the activities led by the UN since the 1960s. The UN has not only spread a culture of human rights, but has also actively promoted the establishment of ombudsmanship as part of that culture (Al-Wahab 1979: 138). Through campaigns and seminars, the UN described the major features of ombudsmanship. Accordingly, an ombudsman should not only act as an organ of legislature, but should also protect individual rights, be impartial, and conduct in formal investigations (Mollah and Uddin 2004). Also, besides national ombudsmen, the establishment of international ombudsmen was suggested by the UN (Al-Wahab 1979: 140). In addition to the UN, there have been other international organizations encouraging the global spread of ombudsmanship. These include the OSCE, the Council of Europe, the EU, and the Konrad Adenauer Foundation, among others. Accordingly, it is plausible to assume that ombudsmanship campaigns constituted a world-level movement (Hill 1974: 1076). Moreover, existing ombudsmen have taken an active role in 'teaching' other countries about ombudsmanship. For instance, in the past, the Swedish ombudsman informed the American Senators who discussed ombudsmanship (Al-Wahab 1979: 146). Today, the International Ombudsman Institute (founded in 1978) explicitly states in its by-law (Article 4-1a) that it seeks to 'promote the concept and institution of Ombudsmanship and to encourage its development throughout the world.' Furthermore, experts and academics have contributed to the expansion of ombudsmanship. For instance, experts in British Columbia prepared 'administrative fairness checklists' (Gregory and Giddings 2002: 20), while the Law Faculty of Buffalo University put forward the idea of 'city ombudsman' (Al-Wahab 1979: 147).

However, there are significant national variations in terms of the powers, status, duties, appointments and working procedures of ombudsman (Al-Wahab 1979: 150). For instance, in France, the primary duty of an ombudsman is mediation, whereas in Spain, ombudsman is known as the ‘protector of the public’. Yet there is always a common underlying meaning of ombudsmanship: ‘upholding the dignity of the individual and his basic rights’ (Ibid). Accordingly, the system of ombudsmanship has become more important than the judiciary in terms of enacting systemic and cultural change towards liberal democratic values and human rights (Abraham 2008). Overall, although ombudsmanship originated in Europe, its rapid spread around the world implies that it has become a universalistic institution, embedded in world cultural processes of individualization and human rights. It is universalistic in the sense that it claims to be applicable everywhere and to be of benefit to everybody (Lechner and Boli 2005: 44). A ‘universalistic’ nature implies flexibility. It allows for adjustments in line with national, local or individual particularities as a response to the criticisms summarized below by Mollah and Uddin (2004). Firstly, as an institution that originated in a small and rich country, ombudsmanship might not work in large and less developed countries. Hence, a ‘Scandinavian blueprint’ might not fit other parts of the world. Secondly, an ombudsman is likely to create its own bureaucracy, which would complicate life further rather than solving existing problems. Accordingly, it is often suggested to reform existing institutional mechanisms such as the judiciary or the Parliamentary committees of inspection, rather than creating a new institution (ombudsmanship). Thirdly, as an ombudsman usually lacks the authority to make binding decisions, his/her criticisms and suggestions would often be disregarded. Fourthly, an ombudsman would not be able to secure collaboration with the public servants and administrative tribunals. Lastly, the system of ombudsmanship is claimed to substantially rely on the vision of a single individual. It is difficult to find a candidate for ombudsmanship in terms of good personality, fair judgment, rich experience, high education, and impartiality, as well as independence. In this context, it is suggested that ombudsmanship would not work in countries with low standards of public administration. The opposite is claimed to be true: ‘Often the ironic comment is made that ombudsmen exist where they are least needed’ (Hill 1974: 1085). The next section will review the discussions of ombudsmanship in Turkey.

4.2. Discussions of Ombudsmanship in Turkey

The reform of ombudsmanship involves an iterative process in Turkey. Although postponed by the 1980 *coup d'état*, official undertakings for ombudsmanship started in the 1970s. Two official suggestions were made for establishing a similar institution in Turkey. Firstly, in 1979, the fourth 5-years Development Plan by the State Planning Organization (Devlet Planlama Teskilati in Turkish) mentioned the need for an Institutional Lawyer of the State (*Devlet Avukatlığı Kurumu* in Turkish), who would intervene before a case is referred to the courts. Secondly, academics from Ankara University, who were consulted during the preparations of the 1982 Constitution (which is still in force), suggested establishing a Council of Public Supervisors (Kamu Denetçileri Kurulu in Turkish) similar to that of ombudsmanship. Yet these were rejected by the military government that established itself with the 12 September 1980 coup. Then, despite the establishment of a civilian government in 1983, the idea of ombudsmanship did not appear again in official documents until the end of the 1980s. In 1991, the official 'Research on Public Administration' suggested the expansion of an existing institution, namely State Supervisory Council (*Devlet Denetleme Kurulu* in Turkish) towards fulfilling the functions of an ombudsman (Sezen 2001: 85). However, the State Supervisory Council was officially dependent upon the Presidency of the Turkish Republic. As such, the suggestion was rejected by the government of the time as inappropriate. In the late 1990s, civil society members, including the Turkish Industrialists and Businessmen's Association (TÜSİAD), the Union of Chambers and Commodity Exchanges of Turkey (TOBB) and HAK-İŞ, the Trade Union Confederation, called for Turkish ombudsmanship (Avşar 1999). Similarly, the seventh and eighth Development Plans issued by the State Planning Organization recommended that Turkey should follow the example of European countries which had already adopted ombudsmanship. Finally, a law of ombudsmanship was referred to the Turkish Parliament in October 2000. However, it was not voted on until 2006 because Turkish parliamentarians were highly divided over the issue. Two ministers (Mehmet Keçeciler and Metin Bostancıoğlu) opposed ombudsmanship because 'there is already a judiciary' and would lead to 'confusion with regard to authority' (Hekimoğlu 2000).

Furthermore, exogenous pressures on the Turkish government increased following Turkey's official candidacy for EU membership in 1999. The EU encouraged Turkey to collaborate with European countries to facilitate the establishment of Turkish ombudsmanship. Turkey accepted the joint proposal by Greece and Austria, and in October 2004, they co-organized an EU-funded conference on ombudsmanship, during which the Austrian ombudsman made a presentation on 'The Ombudsman and his Staff' (Report of the Austrian Ombudsman Board 2004). Under both domestic and external pressures, the Turkish Parliament adopted the law of ombudsmanship on 28 September 2006 (law no. 5548). However, both the Turkish President and 123 parliamentarians from the main opposition party asked immediately for the annulment of the law, claiming that it was incompatible with the constitutional principle of separation of powers. Two years later, the Turkish Constitutional Court unanimously ruled against Turkish ombudsmanship on the grounds that it would violate the constitutional provisions on the integrity of the administration and Parliamentary duties (Court decision no. E. 2006/140, K. 2008/15, dated 25 December 2008, appeared in Official Gazette on 4 April 2009). The annulment of the law cancelled the Turkish-Greek-Austrian collaboration on ombudsmanship. It also attracted much criticism. A Turkish legal scholar, Ergun Özbudun (2009), criticized the Constitutional Court for ignoring the very essence of ombudsmanship: its autonomy; external pressures then ensued. The Human Rights Commissioner of the Council of Europe, Thomas Hammarberg, stressed the urgent need for a Turkish ombudsman, referring to NGO reports on increasing police violence against citizens (The News 2009). The Danish Institute of Human Rights and the UNDP provided support to improve inspection against the complaints on torture in Turkey. They announced that a general lack of a culture of openness and accountability, as well as bureaucratic inertia, were the main obstacles facing the Turkish government's policy of 'zero tolerance' for torture. Moreover, INGOs, including Transparency International and Freedom House, regularly reported that socio-political liberties were still problematic in Turkey. There have been slight improvements since 2003 as the Turkish government signed multilateral treaties, including GRECO (Group of States against Corruption), the UN Convention against Corruption, and the European Convention on the Fight against Corruption. However, Freedom House reported that 'enforcement is lacking and a culture of tolerance of corruption pervades among the population'. Under such pressures, the Turkish Parliament adopted the legislation on

ombudsmanship (Kamu Denetçiliği in Turkish) with 334 ‘yes’, 70 rejections and two abstentions on 22 April 2010. Finally, a referendum on 12 September 2010 confirmed several constitutional amendments, including the establishment of Turkish ombudsman.

Parliamentary debates in both 2006 and 2010 show that there is a sufficient cognitive consensus on the definition of ombudsmanship amongst Turkish legislators. Both the government and opposition members emphasize that ombudsmanship, established worldwide, contributes to the culture of human rights, democracy and citizen-centred governance. Those who oppose the reform explain that they are not against the institution itself, but to its possible future manipulation by the government. For instance, during the plenary session on 15 June 2006, İzzet Çetin, from the main opposition party, Republican People’s Party (CHP), argued that he was uncertain about the real motives behind the reform of ombudsmanship. He questioned whether the Turkish ombudsman would be ‘window-dressing’ for Turkey’s commitment to European norms. Similarly, during the plenary session on 22 April 2010, opposition MPs contested the constitutional amendments, including the reform of ombudsmanship. Akın Birdal, from the pro-Kurdish Peace and Democracy Party (BDP), asked why the government had waited so long for that reform, and asserted that the real motive behind the amendments could be a desire to please the EU in order to receive greater EU funds. Furthermore, Behiç Çelik, from the right wing Nationalist Action Party (MHP), argued that the reform was neither sufficiently debated in the public sphere, nor adapted to Turkey’s specific conditions. Engin Altay (CHP) stated that in semi-democracies like Turkey, an ombudsman could never work independently. Similarly, Nevin Gaye Erbatur (CHP) stressed the need to guarantee an ombudsman’s impartiality and autonomy.

In general, the idea of ombudsmanship finds strong support among Turkish legislators. Both government and opposition members highlight the link between ombudsmanship and a move towards a more democratic regime. However, their cultural strategies for making ombudsmanship more acceptable in Turkey vary. Opposition members tend to highlight the necessity of harmonizing with the EU, whereas the government MPs claim that ombudsmanship is inspired by the Ottoman/Islamic culture, and its adoption would ‘reconcile Turkey with its own past’

(Alaattin Büyükkaya 2006). For instance, during the plenary session of 15 June 2006, Algan Hacaloğlu (CHP) first emphasized the function of ombudsmanship in consolidating human rights and democracy in Turkey, then added that the reform was part of EU membership preconditions, and that Turkey should take the EU ombudsman as a model. From a different perspective, Alaattin Büyükkaya, from the governing party AKP (Justice and Development Party), argued that the law of ombudsmanship was a direct attempt to consolidate modern citizen-centred governance. He then continued to say that it was the Ottoman Empire which first established the ombudsman system before it was successfully implemented by the West. The strategy of linking ombudsmanship with Turkey's Ottoman/Islamic culture also finds support in EU ranks. After his meeting with Egemen Bağış, Chief Negotiator for Turkey's accession to the EU, on 28 January 2011 in Brussels, the European ombudsman Nikiforos Diamandouros announced to the Turkish press that 'the idea of an ombudsman has its origins in the Ottoman Empire and now it will get back to you [Turks] this time [via a different route]' (Milliyet 2011). In the following section, the survey and interview findings about the reform of ombudsmanship in Turkey will be analyzed. In particular, the main aim is to investigate how personal attitudes on Turkish ombudsmanship are justified: is the reform, or the opposition to it, largely justified on the basis of EU conditionality or global factors?

4.3. Survey and Interview Findings: Why do you support ombudsmanship?

As explained in Chapter III, the survey findings examined the opinions of EU/foreign affairs experts in Turkey as the latter 'filters' external messages before transmitting them to both policy makers and the domestic public. Hence, the survey asked: 'Do you think that ombudsmanship should be established in Turkey?' Respondents were free to give more than one answer. Therefore, the total sum of the answers exceeds 100 per cent. The findings (see Figure 2) demonstrate that the majority (62 per cent of public servants and 69 per cent of experts from the private sector) supports ombudsmanship because 'ombudsmanship is a global institution and it is an important condition for being counted as a modern and democratic country'. Only 16 per cent of the surveyed public servants and 24 per cent of the experts working in the private sector emphasize that it is an EU precondition for Turkey's membership. According

to 10 per cent of the public servants and 15 per cent of the experts from the private sector, ‘the establishment of ombudsmanship in Turkey would demonstrate Turkey’s Europeanness’. Finally, 7 per cent of the public servants and 2 per cent of the experts from the private sector stress that the global experience with ombudsmanship has been positive in the sense that it has been an efficient problem-solving mechanism; hence ombudsmanship would be beneficial to improve Turkish state-society relations. Overall, the support for ombudsmanship is better explained by the global constitutive factor, implying the global legitimacy of ombudsmanship rather than the EU’s membership conditionality. For their part, the opponent camp claims that ‘the institution of ombudsmanship is still absent in many countries of the world. So, it is not perceived as a beneficial institution in the world’ (10 per cent); ‘Ombudsmanship is against national interests’ (10.7 per cent); and ‘Ombudsmanship is against national identity and culture’ (3.4 per cent). In order to discover alternative reasons that may have been omitted, the question also allowed for constitutive answers by providing an ‘Other’ category.

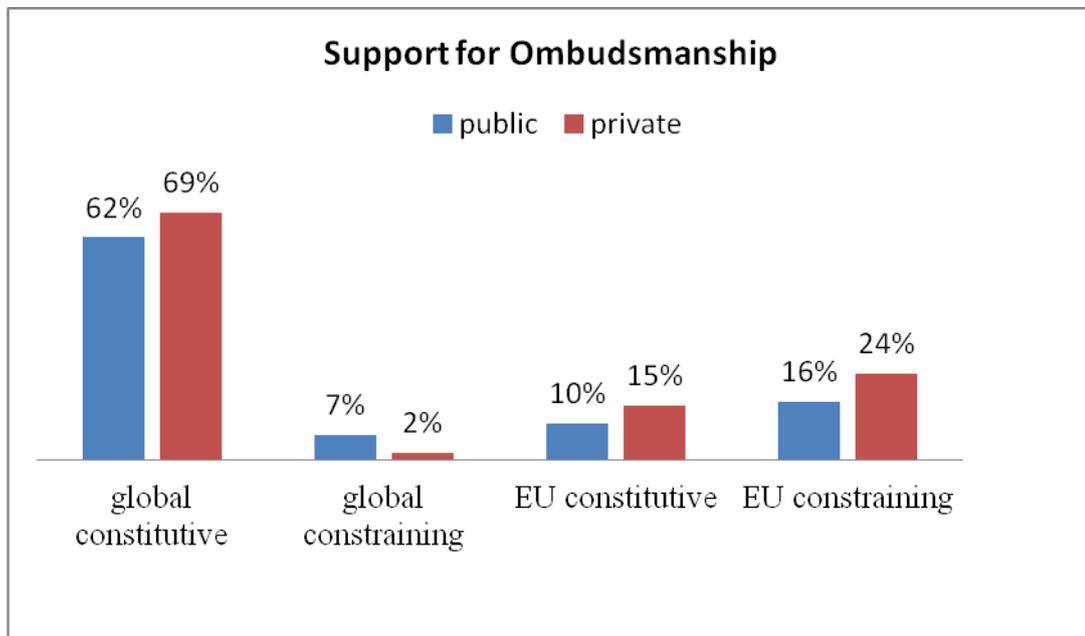


Figure 2. Why do you support the establishment of ombudsmanship in Turkey? (public sector N=117, *nonresponse*=6; private sector N=144, *nonresponse*=3).

Constitutive answers (18 from the public category and 21 from the private category) demonstrate determined opposition to top-down imposition of exogenous models on Turkey. For instance, an NGO activist argues that the costs and benefits of ombudsmanship vary across societies and, thus, ‘one-size-fits-all’ accounts of ombudsmanship should be rejected. A bureaucrat defends the idea that even though ombudsmanship seems useful in theory, its application may produce adverse effects in Turkey. 12 informants (including 4 public servants) state that ombudsmanship needs to be adjusted to Turkey’s specific conditions, including its multi-ethnic communities, its large population, and its domestic political culture with high levels of corruption and ideological conflicts in state institutions. According to one of the lawyers who participated in the survey, ‘although ombudsmanship proves that one is modern’, it would not work under ‘Turkish conditions’, referring to an ideological rivalry between ‘Kemalist’ judiciary and pro-Islamist legislature in Turkey. Both an NGO activist and a bureaucrat claim that although ombudsmanship is normally beneficial for a country, it is difficult to ensure its autonomy from political influence in Turkey, stressing the centralized state structure and high levels of political corruption. It is claimed that even the independence of Turkish Courts is dubious. Furthermore, both a lawyer and an economist claim that a Turkish ombudsman cannot remain impartial and would reinforce the ideological polarization amongst the existing state institutions in Turkey. They suspect that a Turkish ombudsman might further widen existing inter-institutional conflicts in the country. Finally, a lawyer and a bureaucrat provide contradictory views on Turkish political culture: While the bureaucrat argues that ombudsmanship is incompatible with Turkish political culture, the lawyer claims that it has traditionally been a part of the Turkish culture dating back to the Ottoman era. Finally, by referring to the foreign origins of ombudsmanship, the informants urge the need to assess the relevance of ombudsmanship in Turkish context. The tendency to highlight the ‘peculiar’ conditions of their country is not peculiar to Turks. During the debates on the establishment of ombudsman in the United Kingdom (UK), many questioned its compatibility with the ‘peculiar’ conditions of the UK (Gregory and Giddings 2002: 1).

Nine informants provide separate sceptical accounts of ombudsmanship in their constitutive answers. For instance, a bureaucrat argues that ombudsmanship is not a

sine qua non for democracy. According to a lawyer, ombudsmanship might even be an imperialistic institution which would reinforce Western hegemony in the world. So, s/he suggests looking at the experiences of Third World countries that already established an ombudsman system. Moreover, two other lawyers argue that rather than establishing a new institution, the existing intra-institutional mechanisms should fulfil the supervisory role of the ombudsman in Turkey. Their suggestions (as with the Turkish ministers in 2000) refer to the concerns about possible duplications among different state institutions, which might lead to inefficiency (see Al-Wahab 1979: 34). Also, two NGO activists reject ombudsmanship because 'it is not an important criterion for EU membership'. A lawyer comments that 'we should establish ombudsmanship not to prove something to the EU but because it is beneficial to Turkish society.' Similarly, a public servant adds that regardless of the policies in Europe or elsewhere, Turkey should establish ombudsmanship because the latter consolidates the culture of equity and human rights.

The interviewed parliamentarians provide similar accounts in terms of de-emphasizing the European origins of ombudsmanship. When asked whether they would support ombudsmanship without any EU pressure, all interviewees confirmed that EU conditionality (or its absence) would not change their firm belief in the reform. Ufuk Uras (BDP) explained that he was already a staunch supporter of ombudsmanship while he was an undergraduate student (interview with the author 2010). Ahmet Kenan Tanrıkulu (MHP) argued that domestic calls for reforms were already there even before the EU conditionality on Turkey included ombudsmanship. So, 'it is not meaningful to identify the reform with the EU' (Tanrıkulu, interview with the author 2010). Mehmet Sait Dilek (AKP) explained that 'reforms are made for the sake of Turkish people, not for the sake of the EU' (Dilek, interview with the author 2010). Abdullah Çalışkan (AKP) concludes:

No matter whether you [Turkey] or the EU mentions it [the reform] first, what really matters here is the 'collective mind'. Wherever you go, 'what is right' does not change according to different locales. In such a globalized world, everybody is in interaction with everybody else due to air travel, tourism, internet technologies, etc. We can both learn from and teach the EU. It is inconceivable that Turkey takes/learns everything from Europe. There is a mutual relationship. The EU borrows models from us [Turks] too (Çalışkan, interview with the author 2010).

All of the AKP members emphasized the Ottoman/Islamic/domestic origins of ombudsmanship. Yaşar Yakış, former minister of foreign affairs and the Chair of the Parliamentary Committee on Turkey's Harmonization with the EU at the time of the interview, explains that the main reason behind his personal support for ombudsmanship is the Ottoman origins of the institution (interview with the author 2010). Taha Aksoy claims that 'the Ottoman Empire which successfully governed multiple nations as a union could be a role model for the EU' (interview with the author 2010). The 'kadı' (religious judge) system of the Ottoman Empire is often mentioned as a source of ombudsmanship. However, there are other similar institutions, such as 'Divan-ı Mezalim' and 'Muhtesip', whose duty was to receive public complaints against the Ottoman Sultan's officials (Şafaklı 2009). Nevertheless, many opposition MPs tend to contest such historical links. For instance, Canan Aritman, Algan Hacaloğlu, Atilla Kart and Hüseyin Pazarcı from CHP argue that it is irrational to compare two different time periods (interview with the author 2010). Hacaloğlu explains that the 'kadı' system, which functioned in a different historical context, could not be a model for ombudsmanship (interview with the author 2010). Pazarcı suggests that the Ottoman Empire implied complete obedience to the Ottoman Sultan, which is very different from today's liberal democratic world. Accordingly, 'although one can find similarities in the mechanisms that deal with public complaints in the past and present, the 'spirit' is essentially different' (Pazarcı, interview with the author 2010). Similarly, Ufuk Uras (BDP) argues that comparing the Ottoman society that was based on communities (cemaat) with individual-oriented European societies is far-fetched: 'One needs to beware such comparisons; even Turkey of the twenty-first century is incomparable with Turkey of the twentieth century' (Uras, interview with the author 2010). Additionally, Hatice Yazgan (academic) suggests that ombudsmanship may not be an Ottoman tradition because it is difficult to understand its disappearance during the establishment of modern Turkey (Yazgan, interview with the author 2010). An anonymous bureaucrat and Serkan Çatalpınar (lawyer) argue that ombudsmanship is incompatible with Turkish culture because, in his opinion, Turkey has failed to establish an understanding of compromise and democracy (interview with the author 2010). According to Mustafa Durna (NGO leader), 'we always have laws *à la Turca*', indicating that the Parliament passed the law of ombudsmanship without determining the working procedures of Turkish ombudsman

(interview with the author 2010). Finally, a bureaucrat concludes that ‘there is no rational reason to establish ombudsmanship in Turkey’ (Anonymous 1, interview 2010).

The summarized survey and interview findings confirm that (1) ombudsmanship is mainly supported because it is a globally legitimate institution; and (2) although it has some support, the ‘EU effect’ should not be exaggerated. Several informants explicitly state that Turkey should not pursue reform just because the EU asks for it. Furthermore, EU conditionality could have obverse effects, as witnessed in two constitutive answers that reject the reform of ombudsmanship because compliance with it is not an important criterion for EU membership. Rather, many informants suggest considering national interests and culture when deciding on reforms. As such, many do have concerns about the relevance of ombudsmanship in the Turkish context. Those concerns resonate well with the general criticisms raised in other nation states against ombudsmanship. However, there is a disagreement over the assumption that the idea of ombudsmanship derives from Turkey. Some parliamentarians claim that ombudsmanship followed Ottoman institutions such as ‘Divan-ı Mezalim’, which received public complaints against the officials of Ottoman Sultan (Pickl 1986: 39; Avşar cited in Arklan 2006). Ataman (1997: 780) suggests that during his protection by the Ottoman Empire against Russians in 1709, the Swedish king learnt about ‘Divan-ı Mezalim’, and took it as a blueprint for establishing Swedish ombudsmanship. However, the expert survey reveals that this claim is not very well-known, nor supported amongst Turkish public servants and civil society. On the contrary, some (Kazancı 2002: 308) believe that the Turkish national system, values and traditional ‘ways of doing things’ are incompatible with the system of ombudsmanship. Accordingly, the government’s strategy to reframe ombudsmanship as originating from Turkey’s own culture fails to mobilize support amongst Turkish experts.

It fails because it overlooks the divergent opinions on the Ottoman past and Islamic culture in Turkish public. Some perceive the modern Turkish Republic as the antithesis of the Ottoman Empire, while others are ultrasensitive about keeping religious notions separate from Turkish political life. Hence, when the AKP government cites a historical link between ombudsmanship and Ottoman/Islamic

culture, it fails to gather support from the Kemalist and secularist segments of the Turkish society. Moreover, certain neo-Ottomanist and pro-Islamic segments of the Turkish society oppose the reform of ombudsmanship and appeal for the establishment of a purely Ottoman institution they call ‘muhtesip’. However, the failure of norm entrepreneurs in convincing Turkish experts about the link between Ottoman/Islamic culture and ombudsmanship does not mean that the reform is opposed in Turkey. On the contrary, an overwhelming majority of the informants express support for the establishment of ombudsmanship. They support ombudsmanship because it is an element of modern democratic world. Turkish ombudsman would prove Turkey’s legitimate presence in the modern world.

4.4. Concluding Remarks

This chapter suggests that the effect of the EU’s conditional pressures on a candidate country is variable and constrained. Domestic accounts for reform falsify ‘sender-receiver’ models of Europeanization by highlighting the need to refine EU-led norms and institutions in congruence with Turkish people’s interests, culture and ‘ways of doing things’. In addition, the ‘goodness of fit’ approaches to Europeanization do not explain why the potential link or ‘fit’ between ombudsmanship and Turkish culture promoted by the Turkish government does not find strong support amongst Turkish reformists. Hence, the existing Europeanization studies fail to capture the complexity underlying the domestic arena, which is heterogeneous, dynamic and under the strong influence of exogenous cultural flows. In the context of Turkey’s Europeanization, ombudsmanship is supported in Turkey because it is an appropriate and legitimate element of the modern world. Contrary to common assumptions about the EU’s independent role, the EU’s conditional pressures are only reported as secondary and complementary factors in supporting the reform in the domestic arena. Furthermore, the direction of EU effect is not necessarily clear. While EU conditionality convinces some to comply with it, it also provokes others to react against it. Many informants de-emphasize the EU’s effect and claim that the reform responds to Turkey’s own interests. In particular, the nationalist segments of society react negatively to the association of reforms with EU membership conditionality as they tend to view European pressures as hegemonic over Turkey. Rather than a particular region or

country, it is the world polity that triggers the reform of ombudsmanship in Turkey. In other words, if exogenous pressures are culturally universalistic and justified in terms of global standards and norms and/or UN or INGO pressures, they tend not to be perceived as hegemonic. They are taken for granted as common-sense with which one should naturally comply.

Consequently, Turkish legislators embrace the reform almost automatically and only afterwards they provide *post hoc* and rationalized arguments for its adoption. The Turkish Parliament passed the ombudsmanship bill in 2006 without considering its compatibility with the Turkish Constitution, and adopted the recent law of ombudsmanship before determining its working procedures. Had the reform resulted from a thought-out process, Turkish legislators would have already determined the ways in which ombudsman would efficiently work in the Turkish context before passing the law. This shows that the reform of ombudsmanship is not adopted purely out of efficiency concerns. It rather sought to consolidate Turkey's legitimate presence in the modern world. In other words, the reform of ombudsmanship reflects a search for external legitimacy rather than nationalist cost-effective logic. However, this does not mean that world polity leads automatically to domestic compliance. Sezen (2001: 93) criticizes those who see an ombudsman as 'saviour' and who embrace it without even thinking of its relevance, content or resonance with Turkish society and culture.

Moreover, norm entrepreneurship centred on Turkey's Ottoman and Islamic past fails to encourage reform. Rather than the diffusion processes implying translation and vernacularization, it would be more useful to concentrate on the structure of world polity: cultural strategies used by norm entrepreneurs mostly fail when there is no link between the reform in question and global standards. Nevertheless, world polity is paradoxically decoupled as it simultaneously produces such contradictory processes as globalization and localization. Hence, the modern world spreads the idea that modern legislators should preserve local and national peculiarities (Robertson 1990, calls this paradox 'glocalization'). Turkish informants, thus, share a common analytical framework with the rest of the world that encourages the belief that modern legislators should stress their uniqueness and autonomy (Boyle and Meyer 1998). Finally, a macro-sociological approach to Turkey's Europeanization suggests that EU-

led reforms are, almost automatically, embraced by domestic legislators when they are universalistic or backed by world polity. De-emphasizing EU conditionality, they justify their attitude in line with what is 'right' and legitimate in the context of global culture. Ombudsmanship is supported because it is a globally legitimate model supported by the idea of human rights, individual freedoms and citizen-centred governance. This may be puzzling because European countries are often perceived as the originators of universalistic models. Therefore, one needs to grasp the mutual constitution between Europe and world polity. As with all other international organizations, the EU is both an 'enactor' and 'carrier' of universalistic models of world polity. Hence, a World Polity perspective does not only establish the missing link between European and global models, but it also uncovers why states such as Turkey are willing to identify with the EU. Rather than a club, the EU presents an opportunity to adjust more readily to a dynamic world polity.

CHAPTER V

THE REFORM OF FOREIGN LAND OWNERSHIP

This chapter deals with the reform of foreign land ownership, which has proved to be a serious problem in Turkey-EU relations. Turkey is expected to amend its restrictive laws against the ownership of land by EU nationals in order to comply with the free movement of capital, which is a fundamental principle of European integration. While the question is traditionally treated as an economic issue within the EU framework, accession countries often demonstrate cultural and political opposition to opening domestic land market to foreigners. The issue has not only been controversial in Turkey, but it has also become a ‘hot topic’ in many EU candidate countries, most recently in the Central and Eastern European countries that joined the EU in 2004 and 2007. In a path-breaking article that takes foreign land ownership as a ‘security’ issue, Tessler (2004: 225) argues that the EU conditionality, which has demanded complete liberalization of domestic land markets towards EU nationals, has triggered tension between an ‘EU liberalism’ that defines land as ‘a tradable commodity in an enlarged Europe’, and the principle of territorial sovereignty, an idea justified on the basis of the Westphalian treaty of 1648. It is notable that, rather than economic concerns, national values and fears dictated the rise of domestic resistance to foreign land ownership (Tessler 2004: 220). However, it would be misleading to assume that domestic opposition to foreign land ownership was restricted to the nationalistic segments of society; usually it is a rather broader social phenomenon (Ibid.). The aim of this chapter is to understand the main reasons behind the attitudes towards the EU conditionality of foreign land ownership. This chapter concludes that it is the decoupled nature of world polity that triggers domestic confusion about foreign land ownership. In other words, due to competition between two global models, namely territorial sovereignty and human rights, there is a prevailing confusion over what is globally legitimate in this domain. The outline of the chapter is as follows: First of all, it suggests that there is a prevailing ‘normative over-fragmentation’ on foreign land

ownership in the global arena, which reinforces diversity of policies on foreign land ownership in different EU member countries; secondly, it explains how the Turkish state has traditionally dealt with the question of foreign land ownership; and thirdly, it discusses the current prevailing arguments in Turkey on how to respond to the EU-led reform of foreign land ownership.

5.1. ‘Normative over-fragmentation’ in a decoupled World Polity

A report by the Food and Agriculture Organization (FAO) of the UN claims that ‘What seems most certain is that despite pressures leading towards the globalisation of markets and investments and in increasingly internationalist world community a uniform approach [to foreign land ownership] is unlikely for the foreseeable future’ (Hodgson et al. 1999: 45). Echoing the UN report, in his 2010 article ‘The Global Law of the Land’, a scholar from legal studies argues that ‘Land laws around the world are in the midst of dramatic changes, but their trajectories are still far from clear’ (Lehavi 2010: 471). This uncertainty over the changes in land ownership policies relies upon a ‘normative over-fragmentation’ that implies a lack of universal standards on land ownership (Ibid.). With her thesis on ‘postnational membership’, Soysal (1996: 25) highlights an emerging paradox: the rise of quantitative restrictions on immigration and simultaneous redefinition of foreignness in terms of expanding categories and rights of foreigners. According to Soysal (1996: 24), this paradox ‘emanates from the institutionalized duality between two normative principles of the global system: national sovereignty and universal human rights.’

According to customary international law, it is at the discretion of sovereign states to decide whether to restrict foreigner rights on national territories. Principle 2 of the Rio Declaration on Environment and Development of the UN Conference on Environment and Development (1992) highlights that ‘States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies.’ In this context, the UN FAO research (Hodgson et al. 1999) finds that states continue to restrict foreign land ownership on their territories for three main reasons. Firstly, land is still treated as an indispensable element of national sovereignty.

Secondly, states fear being dominated by economically and politically powerful neighbours. Thirdly, by limiting foreigner rights, states aim to preserve the social structure of their nation. Political debates on the ‘Lebanonisation of France’ or ‘Turkification of Germany’ demonstrate such sensitivity (Feldblum 1999: 108). In addition, those restrictions may indirectly help to control the quality and quantity of foreign investment, immigration flows and agricultural production, as well as preventing land speculation. Plus, according to the UN report, there are hidden reasons such as ethnic nationalism, racism and xenophobia:

While citizens are expected to be loyal to the cause of the state and willing to make all the sacrifices necessary in a critical period, foreigners are suspected to be less trustworthy or even potential security risks (Hammar 1990: 29).

However, one should also take note of the growing number of attempts by international organizations to establish a set of universal norms regarding foreigner rights (Lehavi 2010: 446). Through general comments and recommendations, a number of UN committees, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, and the Committee on the Elimination of Discrimination Against Women, suggest that: (1) ‘States are under an obligation to guarantee equality between citizens and non-citizens in the enjoyment of their civil, political, economic, social, and cultural rights’; (2) ‘differential treatment based on citizenship or immigration status will constitute discrimination if the criteria for such differentiation are not applied pursuant to a legitimate aim, and are not proportional to the achievement of this aim’; (3) ‘States must abstain from applying different standards of treatment to different categories of non-citizens’; and (4) all non-citizens enjoy equal treatment in the administration of justice (Weisbrodt 2008: 25).

The Universal Declaration of Human Rights stipulates that everyone (including foreigners) has a right to own property (Article 17), but this right can be restricted ‘by law for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society’ (Article 29). Similarly, the annexed protocol to the European Convention for the Protection of Human Rights and

Fundamental Freedoms signed in March 20 1952 in Paris mentions the right to own property in its first article. It highlights that this right can only be limited by law for public interest and in line with the general principles of international law. According to Lehari:

These initiatives seek, *inter alia*, to address major humanitarian concerns over mass evictions of hundreds of thousands of people for large-scale infrastructure projects in places such as India, Nigeria, Zimbabwe, and China. Whereas such initiatives are not yet binding in the international arena, they do seem to add to the already substantial layer of supranational institutions and conventions that constantly challenge, and at times reshape, the terrain of local land laws (Lehari 2010: 447).

In this context, there are important global processes which alter the dynamics underlying national policies on foreign land ownership. First, the term ‘foreigner’ has been redefined in line with the advancement of human rights, individualism, and desecuritization. National security is no longer tightly linked to territorial control due to the emergence of nuclear power, economic blockade and psychological warfare (Herz 1957). Furthermore, due to the efforts of several transnational organizations, including the Council of Europe and the International Labour Organization, foreigner rights have become to be seen as part of human rights (Soysal 1996: 20). The protection of the foreigners could be seen as ‘the ultimate test’ of human rights: foreigners are entitled to protection because they are members of humanity, not because they are affiliated with a nation (Guiraudon 2000). In this context, there has been a historical shift in the conception of foreigner: except for remote areas where traditions persist, ‘foreigner’ is no longer defined in terms of criteria based on genetic or non-choice-based features such as race, ethnicity, or religion (Soysal 1996: 27). A civic definition is embraced in the sense that a foreigner is ‘any individual who is not a national of a State in which he or she is present’ (see, for example, Article 1 of the UN Declaration on the Human Rights of Individuals who are not Nationals of the Country in which They Live 1985). In this context, tourists and refugees are counted as foreigners, whereas those who hold dual citizenship or belong to ethnic and religious minorities do not hold an official status of foreigner. Some peripheral states, such as Fiji Islands, still continue to define foreigners in ethnic terms and deny foreigners the right to possess land on their territories (Boydell 2001). However,

modern countries tend to expand the rights of foreigners who are permanent residents (Hodgson et al. 1999). Overall, following the link between the global agendas on foreigner and human rights, a type of collective identity that is more permissive of foreigner rights replaces an essentialist or primordialist type of membership that exclusively emphasizes the ‘natural givenness’ of a community. Rather than potential threats to community, foreigners start to be seen as constitutive elements of collective identity (Benhabib 2004). Even where a state fails to observe foreigner rights, it is often witnessed that local culture has developed a humanitarian approach to foreigners (Weisbrodt 2008).

Secondly, by revolutionizing transport and communication, globalization has intensified the processes of interdependencies and deterritorialization in social, economic, and political realms. As a consequence, it has reinforced the awareness that immovable resources are no longer of prime significance to national survival and wealth. From an economic perspective, Richard Rosecrance (1996) suggests that ‘territory becomes passé’ since states that were ‘obsessed with land’ in the past now realize that ‘Land, which is fixed, can be physically captured, but labor, capital, and information are mobile and cannot be definitively seized.’ In this context, national governments increasingly recognize the need for foreign capital investment and foreign labour. Nevertheless, land ownership still stands as problematic for many states, particularly for developing countries whose economic development relies mainly on agriculture. Such instrumentalist logic triggers a mixed response to foreigners:

Either immigrants are valued for what ‘they’ bring to ‘us’ – diversity, energy, talents, industry, innovative cuisines, and new recipes, plus a renewed appreciation of our own regime whose virtues are so great that they draw immigrants to join us or they are feared for what they will do to us: consume our welfare benefits, dilute our common heritage, fragment our polities, undermine our democratic culture (Honig 2003: 46).

Rosecrance distinguishes between ‘head’ and ‘body’ nations in terms of their strategies on dealing with global connectedness. ‘Body nations’ (e.g. China and Russia) follow an outdated territorial logic and still put restrictions on the free movement of capital, goods, and labour. On the other hand, ‘Head nations’ – for instance, Canada and Australia – downsize territorially-based production capability

and invest in mobile factors of production, implying greater permissiveness towards foreigners. According to Rosecrance, European countries are mainly ‘head nations’ as they have been promoting free movement since the end of World War II, and many states followed the European example in de-emphasizing territorial expansion and in allowing foreign capital, goods, and labour inflows. In this context, it is not surprising to find that Europe has been a prime site where the expansion of foreigner rights has been suggested, debated, and shaped. Tessler (2004) assumes that it is the well-institutionalized principle of territorial sovereignty that prevents the global spread of EU liberalism. However, it is necessary to acknowledge the divergence of practices and policies, as well as the multiplicity of categories on foreigners in Europe.

In European history, there were different categories of foreigners which derived their rights, either through bilateral treaties, or gained privileges for their commercial activities. Until the 18th century, the dominant regime in Europe was *droit d’aubaine*, meaning that foreigners were only entitled the right to own land under the supervision of a local senior (Altuğ 1962: 12). Several attempts to promote foreigner rights could be found on the agenda of the Geneva session of the Institute of International Law in 1874, the project submitted by the Economic Council of the League of Nations at the 1929 Paris conference, during the Hague Codification Conference in 1930, and in the Article 38 of the International Court of Justice (Metiya 1938: 10-12). However, two competing doctrines emerged: (1) equal treatment of nationals and foreigners; and (2) international standards on foreigner rights. The doctrine suggesting that nationals and foreigners should be equally treated was opposed by major European countries which feared that would legitimate authoritarian practices. Hence, the alternative doctrine was based on the notion that there should be international standards on foreigner rights (Çelikel and Gelgel 2011: 30-32). This was opposed by those who interpreted the doctrine as a strategy to obtain privileged status for the nationals of powerful European states in non-European countries (known as the ‘Calvo doctrine’ seeking to protect Latin America). The world wars interrupted the debates of foreigner rights. After the WWII, the duality in world polity persisted: both the principle of reciprocity and the principle of non-discrimination have gathered strong support.

In addition to the global pressures on economic interdependence and human rights, the European integration contributed to the multiplication of categories of foreigners.

The EU integration project has started to present ‘European foreigners’ as contributing to European collective identity. Wacquant (1999: 219 cited in Samuk 2009: 37) argues that this has reinforced the perception of non-European foreigner as a ‘suitable enemy’ and target for social anxieties in Europe. Nevertheless, it would be wrong to assume that ‘European foreigners’ have not faced opposition in the EU. Many European countries, particularly France, Britain, and Austria, ‘see European integration as eroding each country’s power to control the influx of aliens’ (Cesarani and Fulbrook 1996: 4). The EU sought to reverse restrictions against the free movement of European capital through legal sanctions.

The Maastricht Treaty of 1992, which prohibited all national restrictions on cross-border capital movements, has allowed the European Court of Justice to limit the scope of national safeguards against foreign land ownership in EU Member states. In a landmark case, *Konle versus Austria*, the European Court of Justice (ECJ) ruled against Austria for denying a German citizen the right to purchase a second home in the Tyrol region on the basis that it needed to preserve its natural (Alpine) environment. The decision demonstrates that the EU does not only require its members to observe non-discrimination between national citizens and EU nationals, but it also applies a test of proportionality to national restrictions, implying that restrictions are only justified when regulatory aims such as the preservation of nature ‘cannot be pursued by measures that are less restrictive’ (Lehavi 2010: 440). Another key case highlighting the EU’s institutional activism in reversing national restrictions on free movement is the case known as *the Commission versus Greece*. The ECJ ruled against Greek restrictions –the Greek Presidential Decree of 22 to 24 June 1927 and the Greek Emergency Law No 1366 of 2 to 7 September 1938– on foreign ownership of land in border zones, coastal areas, and islands. Against the Greek government’s argument that foreign land ownership in those areas would constitute a national security threat, the ECJ stated that there were no concrete, serious, or identifiable threats to Greek security. Consequently, the Greek state had to overhaul its restrictions on foreign land ownership. Nevertheless, foreigners willing to buy land in ‘strategic areas’ in Greece, are required to obtain an official permit. While the nationals of EU member states are required to obtain a permit from an *ad hoc* committee organized by local authorities in Greece, non-European foreigners have to obtain official consent from the Greek Ministry of Defence.

It is crucial to note that the principle of territorial sovereignty is a serious obstacle to overcome in order to establish a common land law within the EU (Lehavi 2010: 441). The EU Charter of Fundamental Rights (the Nice Charter), recognizing the right to buy property, came into force on 1 December 2009 and '[i]t remains to be seen whether this Charter will affect a fundamental change in the extent of Europ[ean]ization of property and land law' (Ibid). According to Lehavi (2010: 445), the ECHR Grand Chamber acknowledges the difficulty in unifying land laws in the EU. In the case *JA Pye/Oxford Ltd. versus United Kingdom* (2007), the ECHR emphasized that '[i]t is a characteristic of property that different countries regulate its use and transfer in a variety of ways', and that 'especially in complex matters such as land law, the Court will respect the national legislature's judgment as to what is in the general interest unless that judgment is manifestly without reasonable foundation'.

Therefore, many European countries impose various *de facto* limitations on foreign land ownership. In accordance with the Polish Immovable Property Act (2004), foreigners willing to buy land in Poland are required to obtain a permit from both the Ministry of Interior and the Ministry of Defence. In Estonia, the Regional Prosecutor decides on whether land acquisition by foreigners is compatible with public interest and state security in line with Article 2(4) of the Act on restrictions on the acquisition of immovable property (2003). The likes of Germany and Denmark are particularly sensitive about agricultural land. Foreigners willing to buy agricultural land are required to obtain an official permit from the Ministry of Agriculture by demonstrating their previous experience in farming. Only self-employed EU farmers who are permanent residents are exempt from such national restrictions. In 2009, the EU Commission sent an official warning to Austria to amend the Austrian Vorarlberg Land Transfer Law, which restricts the acquisition of agricultural land by non-farmers. Finally, smaller islands, such as Spanish micro-islands under 82 km², or Malta, are allowed to apply partial limitations on foreign land ownership. For instance, the EU granted a permanent derogation to Malta in terms of second-home acquisition:

Bearing in mind the very limited number of residences in Malta and the very limited land available for construction purposes, which can only cover the basic needs created by the demographic development of the present residents, Malta may on a non-discriminatory basis

maintain in force the rules of the acquisition and holding of immovable property for secondary residence purposes by nationals of Member States who have not legally resided in Malta for at least five years, laid down in the Immovable Property (Acquisition by Non-Residents Act, Chapter 246).

Several countries in Central and Eastern Europe (CEEC) were granted temporary derogations for between five to seven years to adjust their administrative system to full liberalization of their national land market in line with the EU requirements. The main concerns over foreign land ownership are that due to the high purchasing power of old EU member state nationals, new member states in CEEC would be at a disadvantage, even at risk of facing land scarcity. Burger (2006: 571) argues that '[t]he reasons for keeping away foreigners from "national land" are ideological rather than economic'. Burger believes that, rather than political ideologies, it is 'rural nationalism', an outdated ideology that cites capitalist urban development as the main responsibility for poverty and seeks self-sufficiency in agricultural production, which triggers opposition against the expansion of foreigner rights in Central and Eastern Europe (Burger 2006: 575). In this context, public opinion in those countries is highly sensitive about foreign land ownership. For instance, surveys showed that in 1999, almost 90 per cent of Polish farmers believed that foreigners should not be given the right to buy agricultural land; similarly, a farm survey in Hungary in 2007 suggested that 90 per cent of the Hungarian farmers opposed foreign land ownership (Swinnen and Vranken 2009: 60). Apart from the economic concerns related to agricultural self-sufficiency, there are two major causes for such high levels of opposition to foreign land ownership. Firstly, after gaining independence from the Soviet Union, many Central and Eastern European states embraced constitutional bans on foreign land acquisition in order to consolidate governmental control on their territories and prevent any intrusions from neighbouring countries during their transition to liberal democratic system. Linked to this, countries such as Poland and Hungary had historical disputes over land ownership with Germany, a core member of the EU. They feared from a possible 're-Germanization' of national lands once they aligned with the EU (Wood 2004).

As such, it is clear that EU member countries do not treat land as a tradable commodity, but see it as a constitutive element of national identity and security.

Under contradictory pressures emanating from a decoupled global sphere, the EU is likely to leave the question of foreign land ownership at the discretion of national governments unless national restrictions directly threaten economic integration. The Maastricht Treaty made it clear that, in accordance with the principle of national sovereignty, the EU would not seek to standardize national policies on citizenship (Cesarani and Fulbrook 1996: 7). In this context, national security, public order, public health and safety are seen as legitimate reasons to restrict foreigner rights in Europe (Guiraudon 2000).

5.2. Foreign land ownership in Turkey

Before the foundation of the Turkish Republic, ‘foreigner’ was used interchangeably with ‘non-Muslim’ and was generally denied land ownership in Ottoman territories. Çelikel and Gelgel (2011: 37) explain that, as in Europe, there were different categories of foreigners in the Ottoman era, and some foreigners had greater rights than others. From 1535, through capitulation treaties and similar arrangements of extraterritoriality, the nationals of major European states acquired exemption from the Ottoman jurisdiction in addition to trade rights and an official permission to establish residences in Turkey (Weisbrodt 2008: 27). Yet, ‘[b]y the 19th century, capitulations ... were generally regarded as humiliating to non-Western States because they usually involved the derogation of the non-European State's sovereignty’ (Weisbrodt 2008: 28). In 1868, an Ottoman law (Uyruk-i Ecnebiyenin Emlake Mutasarrıf Olmaları Hakkında Kanun) granted foreigners the right to land, but due to the outbreak of the First World War, the Ottoman state annulled foreign land ownership by passing another law (Kavanin-i Mevcudedede Uhudu Atikaya Müstenit Ahkâmın Lağvı) in 1914.

As a reaction to the Ottoman experience of capitulations, the Turkish delegation to the Lausanne treaty threatened to withdraw from the peace negotiations had European states continued to insist on capitulations and expanded rights for Europeans in Turkey (Çelikel and Gelgel 2011: 47). Consequently, the Treaty of Lausanne (the founding treaty of the Turkish Republic) introduced the principle of reciprocity to govern foreign land ownership in Turkey. Accordingly, foreign nationals could only

own land in Turkey if their state of origin allowed Turkish nationals the right to own land in their territory. Rather than a unified and structured law on foreigner rights, the Turkish state has dealt with the issue of foreign land ownership through separate laws (see, for example, the Protocol attached to the Founding treaty of Lausanne dated 1923, Village Law No.442 dated 1924, Reciprocity Act No.1062 dated 1927, Land Registry Law No.2644 dated 1934, Military Forbidden Zones and Safety Areas Law No. 2565 dated 1981).

Unlike the Central and Eastern European countries which constitutionally banned foreign land ownership following their independence, the Turkish constitution has never officially banned foreign land ownership. The constitutional provisions relevant to the issue are:

Article 12: Every person has individual, inviolable, inalienable fundamental rights and freedoms.

Article 16: Fundamental rights and freedoms of foreigners may be restricted by law in accordance with international law.

Article 35: Everyone has the right to own and inherit property. These rights may be limited by law only in view of public interest. The exercise of the right to own property shall not be in contravention of the public interest.

In addition, the Articles 44 and 45 on land ownership stipulate that the Turkish state is responsible for developing efficient land cultivation, preserving agricultural land, and providing land to farmers who have no land. In this sense, the Turkish Constitution is no different to many other constitutions in the world which reflect both the UN's approach to the issue as a matter of human rights and the local necessity to use land effectively. However, there are laws that demonstrate a prevailing 'fear of foreigners' in Turkey (Erder 2009: 38 cited in Samuk 2009: 4). For instance, laws enacted, such as the Village Act and Turkish Land Registry Act, highlight that firstly, only foreign physical persons (not juridical persons, i.e. corporate bodies such as companies) may acquire immovable property; secondly, they may not own land in villages and military zones; and thirdly, the total surface of the land acquired by foreigners may not exceed 30 hectares. A scholarly research (ISRO-TUBITAK 2008) on settled foreigners in Turkey finds that foreigners are often suspected of being spies, missionaries or 'agent provocateurs' by the Turkish public, and that the Turkish state fails to provide

official, up-to-date data on foreigners living in Turkey, which leads many Turks to make exaggerated claims about foreign land ownership in Turkey. As early as the 1950s, there was criticism over the so-called paranoia governing the Turkish state's approach to foreigners. Besides, a well-known Turkish legal scholar, Sait Obut (1956), accused previous scholars in the field, such as Ahmet Reşit Turnagil (1943) of wrongly comparing liberal laws on foreign land ownership to capitulations. However, serious efforts by the government to remove the restrictions against foreign land ownership were only made in the 1980s, with the rise of a pro-Western and liberal politician, Turgut Özal, to government. In 1984 and 1986, Özal government adopted separate laws to authorize the Council of Ministers to bypass the principle of reciprocity in allowing foreign land ownership on a case by case basis (Çelikel and Gelgel 2011: 50). Upon the request of the main opposition, the Turkish Constitutional Court annulled both laws by stating that:

Foreign land ownership is not only a matter of property. Land is an indispensable and constitutive element of nation state, sovereignty, and independence. Foreign acquisition of land might endanger the territorial integrity of the Turkish Republic. There are several instances in history, which show that foreign acquisition of land led to the partition of nation states. Jews built Israel in Arab territories through land purchases. Hence, foreign land ownership is against the Turkish Constitution, which states in the introduction that nation state consists of land and population (Constitutional Court statement no: 1984/14, author's translation).

In order to align with the EU conditionality on free movement of capital, in 2003 the AKP government passed a new law lifting all the existing restrictions against foreign land ownership in Turkey (Law no. 4916, dated 3 July 2003). As a response, the opposition parties successfully mobilized nationalistic, religious and Eurosceptic segments of Turkish society against the reform. The arguments that resonated well with the Turkish public not only covered socio-economic problems associated with free movement of capital, but also referred to historical scepticism against foreigners in general, in particular Greeks, Europeans, Armenians, and Jews (Dündar 2006). The Turkish Constitutional Court annulled the law in 2005 on the grounds that (1) land was an 'indispensable element of national security and public interest' and 'a symbol of state sovereignty and independence'; (2) there were restrictive practices against foreigner rights to own land within the EU itself; and (3) it was unthinkable to

abandon the principle of reciprocity in a world of equally sovereign nation states (Court decision no. 2005/14).

Since then, a number of attempts by the AKP government to pass similar laws on foreign land ownership have been vetoed by the Constitutional Court despite the introduction of a number of reservations against foreign land ownership by the government. For instance, according to the Act Pertaining to the Amendment to the Land Registry Act (no 5444) adopted in 2005, the total surface of land open to foreign acquisition was limited to 2.5 hectares, and foreign land ownership could not exceed 5/1000 of land in any designated province. Moreover, foreigners could not buy in villages, in militarily sensitive areas, or in regions restricted to land acquisition due to considerations stemming from irrigation, energy, agriculture, mining, history, religion and culture issues, and for the preservation of natural flora and fauna. It was argued that the AKP government had to incorporate the concept of 'strategic areas' to the law on foreign land ownership in order to appease nationalistic segments of Turkish society (Fendoğlu 2008: 102). Nevertheless, the Constitutional Court decided in 2007 to partially annul the law on the grounds that rural and agricultural areas were not excluded from land ownership, and it also objected to the authorization of the Council of Ministers to hold the discretion to increase the area open to foreign acquisition to 30 hectares. In 2008, the AKP government passed another law (Law No. 5782), which stipulated that the total area of real estate that a foreigner could acquire should not exceed 10 per cent of the area within the borders of development plans in each city (thus, excluding rural and agricultural areas), and that the Council of Ministers had the right to determine a different percentage within this limit depending on the importance of the city in terms of infrastructure, economy, energy, environment, culture, agriculture and security. A temporary provision indicated that maps and coordinate values of the strategic areas restricted to foreign land ownership should be submitted by the Ministry of Defence and the Ministry of Interior Affairs to the Directorate General of Land Registry without delay after the adoption of the law. Claiming that the law was unconstitutional, the main opposition party submitted it to the Constitutional Court. The Court decided in May 2011 to annul the provision authorizing the Council of Ministers to exceed the limits set by the law of 2008.

On 3 May 2012, the Turkish government passed a new law extending foreign land ownership to 30 hectares and compromising on the principle of reciprocity. It was announced that the new law intended to facilitate foreign investment and to comply with the general practice in advanced countries like the USA, the UK, Germany, and France, which do not observe the principle of reciprocity. During the plenary debates on the law in the Turkish Parliament, the Turkish minister for Environment and Urban Affairs (Erdoğan Bayraktar) stated that countries which allowed foreign [real estate] purchases without requiring reciprocity were the world's strongest countries in terms of economy and democracy (Milliyet 2006). The main opposition party (CHP) applied to the Turkish Constitutional Court for the annulment of the new law in order to restore the principle of reciprocity.

5.3. Attitudes towards the reform of foreign land ownership

Although foreign land ownership is frequently discussed in Turkish media, there is a lack of reliable data about the Turkish public opinion on the issue. A poll (INPUT, 2002) revealed that 60 per cent of 2007 survey participants were against the purchase of Turkish land by foreigners, while only 18 per cent opposed foreigner rights to work in Turkey. Constitutional Court's annulment of the 2003 law easing foreign land ownership in 2005 has brought renewed attention to foreign land ownership. Raşan Ecevit, an influential figure of the social democratic opposition party DSP, warned against the law of foreign land ownership during a press conference on 13 June 2006 (Yenişafak 2006). Ecevit claimed that the law was drafted under the pressure of Armenian, Jewish, and Greek lobbies in the USA and in Europe which intended to 'capture' Turkey's natural resources. Ecevit's claims were backed, not only by social democratic politicians from the CHP, but also by right-wing opposition parties. According to the MHP leader, Devlet Bahçeli, those who allow foreign land ownership should be accused of treason (Yenişafak 2007). A parliamentarian from the CHP, Ferudun Baloğlu, suggested that land ownership by foreigners should be treated as a national security issue (Milliyet 2006).

Not only opposition parties but also professional organizations and academics opposed the abrogation of restrictions against foreign land ownership in Turkey. Law

scholars at Erciyes University (Odman Boztosun 2005) in Turkey co-authored a scholarly report highlighting the deficiencies of the state deed registration programme, and the resulting lack of reliable data on foreign land ownership. A press statement signed on 19 January 2006 by lawyers acting as the Presidents of Bar associations in 45 Turkish cities accused the AKP government of violating the Constitutional principle of territorial sovereignty and bringing back the threat of Sèvres, i.e. the disintegration of the Turkish Republic. The Chamber of Survey and Cadastre Engineers published a report criticizing the facilitation of land acquisition by foreigners in Turkey. According to the report, foreign land ownership was responsible for the disintegration of the Ottoman Empire as well as the ‘colonization of Anatolia’ by European powers (HKMO 2006). The President of Istanbul University, Mesut Parlak, called on the government to reconsider the question of foreign land ownership as a threat to national unity and integrity. Parlak reiterated that common practice in developed countries was to limit foreign land ownership (Milliyet 2006). A former director of the General Directorate of Land Registry and Cadastre, Orhan Özkaya, published a book (2005) that severely criticized the government’s attempts to reform foreign land ownership policies in Turkey. The book accused the government of reversing the Republican principles and sell the Turkish ‘motherland’ to foreigners. A popular columnist (Can Dündar) published a speculative map showing that the main buyers of Anatolian lands were Greek citizens, and asked whether the laws allowing foreign land ownership invited a foreign invasion (2006).

A Turkish minister of the time told Can Dündar that the main reason behind domestic opposition to foreign land ownership was xenophobia (Ibid.). Similarly, Ahmet Barut, President of the Turkish Hoteliers Federation, stated that foreign land ownership was a ‘rightful policy’ that was globally accepted (Milliyet 2006). AKP members frequently referred to the new realities of the global era and found it unnecessary to suspect foreigners buying land in Turkey. A leading member of the AKP asked whether foreigners could ‘take Turkish land away in their pockets’. (Fendoğlu 2008: 90). Two prominent figures from the government, Minister of Finance (Kemal Unakıtan) and Minister of Tourism (Atilla Koç), travelled to Spain to learn about the ‘Spanish model’ of foreign land ownership (Hürriyet 2006). Unakıtan explained that the government intended to attract greater investment to Turkey (Ibid.). Mehmet Ali Şahin defended the reform by claiming that foreign land ownership was not just the

AKP government's initiative, but was a traditional policy dating back to the Ottoman Empire (Duran 2007). According to Şahin, Turkey needed to 'think like European countries' in order to attract foreign investment by allowing foreign land ownership. Similarly, Tayyip Erdogan endorsed the reform, which in his opinion would help the country to stimulate economic growth and create jobs (Ibid.).

As a response to domestic criticisms, two official reports were made public in 2006. The first report (no. 2006/1) was drafted by the State Supervisory Council affiliated with the Turkish Presidency on 6 February 2006. It included a summary of legal developments on foreign land acquisition since the Ottoman Empire, information on the prevailing restrictions on foreign land ownership in many European countries, Armenia, Iran, Israel, and Georgia, as well as statistical information on land acquired by foreigners in Turkey since 2004. According to the report, 51,102 foreigners (12,924 Greek citizens of Turkish origin, 2,469 Syrian nationals who inherited property in the southeastern part of Turkey, and 35,619 others, mainly consisting of German, Lebanese, British, American, Egyptian, French, Austrian, and Dutch nationals) owned 47,240 immovable property covering 272,871,200 square meters (0.071 per cent of the registered land in Turkey). The report announced that apart from the land acquired before 1939 by Syrian nationals in Hatay, Kilis, Mardin and Gaziantep (which constituted half of the land owned by foreigners in Turkey), foreigners bought land in touristic cities including İstanbul, İzmir, Muğla and Antalya. It is notable that the report acknowledged the lack of data on the issue, especially about the land acquired by foreigners before 2004. According to the report, the Turkish land registry system was outdated and it failed to distinguish between land purchases for commercial and residential purposes.

The second report was published on the official website of the General Directorate of Land Registry and Cadastre, a state organ responsible for managing information on the registration of real estate and land ownership throughout Turkey. The report sought to appease domestic concerns by highlighting that the majority of the foreigners buying Turkish land (including Greek citizens) were of Turkish origin. In addition, the report concluded that no land in the southeastern part of Turkey was sold to Israeli citizens. Finally, according to the report, almost 90 per cent of the land owned by foreigners was acquired by Syrian nationals before 1939, the date of

Hatay's unification with the Turkish Republic. As a response to Syria's expropriation of property owned by Turkish nationals in Syria, the Turkish state has legally restricted the ownership rights of Syrian nationals in Turkey since 1966. Despite those reports that intended to statistically prove that foreign land ownership was not at alarming levels, a survey conducted in 2007 with 8,350 Turks found that only 3.2 per cent of the respondents supported of the removal of restrictions against foreign acquisition of land in Turkey, while 89 per cent opposed it (Hürriyet 2007).

In order to appease the opposition to foreign land ownership, the government announced that it was planning to establish a computerized system for land registry (TAKBİS), and that the data on land acquisition by foreigners would be regularly accessible through the official website of the General Directorate of Land Registry and Cadastre. As of 31 July 2012, according to the website, 125,449 foreigners had bought immovable property in Turkey. During the parliamentary debates of 12 June 2008 and 3 May 2012, the government accused the opposition of 'resuscitating old demons' (i.e. Sèvres syndrome), and argued that modern and advanced countries with high self-esteem would not limit foreign land ownership on their territories. As a response, both leftist and rightist opposition parties used the arguments that land was constitutive of national sovereignty and that the law ignored every Turk's responsibility towards ancestors who died while protecting the Turkish 'motherland' from foreigners (see, for instance, the parliamentary speeches of Turgut Dibek from the CHP, Nevzat Korkmaz from the MHP; and the parliamentary speeches of Mehmet Şandır from the MHP, Hasip Kaplan from the BDP, Dilek Akagün Yılmaz from the CHP, 3 May 2012). Hasip Kaplan, a leading member of the BDP, agreed with the CHP and the MHP members in claiming that foreigners who had failed to 'invade' Turkey through use of force in the past, have since attempted to 'colonize' the country in disguise through foreign capital inflows (Parliamentary speech, 3 May 2012). In a press conference, Mustafa Kamalak, leader of the Saadet party, qualified the law as a 'law of treason', and encouraged the main opposition party (CHP) to refer the law to the Constitutional Court for its annulment. In addition, the opposition blamed the government for passing a law which was neither demanded by state institutions, nor the Turkish public (see, for instance, the parliamentary speeches of Mehmet Serdaroğlu from the MHP and Atilla Emek from the CHP, 12 June 2008). The opposition claimed that the government had embraced a law before discussing how it

would be implemented. This claim is supported by the fact that maps of strategic areas would only be available after the adoption of the law, and the new land registry system was not in place yet.

According to the Chamber of Survey and Cadastre Engineers (2006), the reform of foreign land ownership is not a simple precondition for EU membership, but is advocated by other international organizations, such as the IMF and the World Bank, which seek to pursue ‘neoliberal policies’ in the world. In fact, Turkey established the Coordination Council for the Improvement of Investment Environment in Turkey (YOIKK) in 2001, and has convened regularly with experts from the IMF and the World Bank, who have encouraged the government to abolish restrictions against foreign land ownership. According to a Turkish political economist, it is the experts from the IMF and the World Bank who drafted the law of foreign land ownership for the Turkish government (Dura 2007). It is notable that neither the opposition, nor the government treats foreign land ownership solely within the context of EU membership. Both proponents and opponents of the reform refer to globalization as the main driving force behind the introduction of the reform in Turkey.

The survey conducted by the author asked 261 Turkish experts on EU affairs: ‘Do you think that Turkey should lift domestic restrictions towards foreigner rights to own land in Turkey?’ The responses reveal that support for the reform remains very low (27 per cent), while opposition stands as high as 60 per cent among public servants. Turkish expert opinion from the private sector provides mixed results since they are almost evenly divided around the issue (42 per cent support, 39 per cent oppose). Besides, the share of undecided respondents stands at 13 per cent in the public sector and 19 per cent in the private sector. This reinforces the conclusion that the surveyed experts, especially those who are not affiliated with the state, are highly confused about the EU-led reform of foreign land ownership.

Survey findings indicate that domestic support for the reform is explained with global factors (see Figure 3 below). Both global constitutive and constraining factors receive equally high support in comparison to EU-level variables. The global constitutive factor, put forward by 18 per cent of the public servants and 29 per cent of the experts from the private sector, suggests that ‘Lifting restrictions towards foreigners has

become a global policy in the modern world. And as Turkey is a modern country, it should follow global standards.’ In other words, it is globally legitimate to expand foreigner rights to own land. A similar share of the informants (17 per cent of the public servants and 30 per cent of the experts from the private sector) argue that it is necessary to lift restrictions on foreigner rights because countries which expand foreigner rights achieve higher economic growth, and that it is necessary to follow the advice of global organizations. For their part, the EU-level factors gather lower support among the participants to the survey. According to 10 per cent of the public servants and 15 per cent of the experts from the private sector, ‘Restricting foreigners rights is against European identity and culture. So, Turkey should demonstrate its Europeanness by lifting restrictions against foreigners’ (EU constitutive variable). Finally, only a similarly low share of informants (10 per cent of the public servants and 11 per cent of the experts from the private sector) argue that they support the reform because ‘it is a precondition for EU membership’ (EU constraining factor). Greater emphasis on global constitutive variables runs counter the expectations of mainstream Europeanization scholars and support the World Polity thesis.

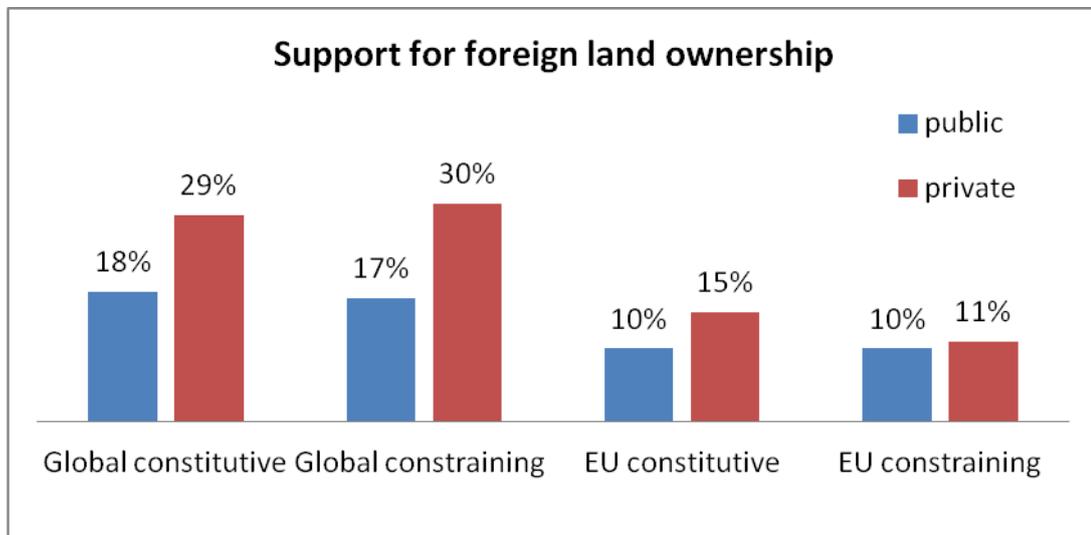


Figure 3. Why do you support the reform of foreign land ownership? (Public sector N=117, nonresponse=0; private sector N=144, nonresponse=0). Note: Respondents were free to give more than one answer.

According to the survey results (see Figure 4), the EU and global constitutive factors explain the opposition of Turkish experts to the reform of foreign land ownership slightly more effectively than the constraining factors. To clarify, the opponents of the

reform justify their opposition with the lack of standards on foreign land ownership within the EU and at the global level. They therefore suggest that as all sovereign countries, Turkey should continue to restrict foreign land ownership. Hence, 40 per cent of the public servants and 27 per cent of the experts from the private sector argue that ‘There are no European standards in this policy area. So, as all other sovereign states, Turkey is free to maintain restrictions towards foreigners’; and similarly, 34 per cent of the public servants and 26 per cent of the experts from the private sector state that ‘Since there is no such institutionalized norm in the world, Turkey as a sovereign state, is free to maintain restrictions against foreigners’. Turkish respondents who point out the constraining variables at the EU and global levels imply that the costs of the reform are expected to be higher than its benefits, and, thus, the conditional pressures coming from the EU and other international organizations, if at all, fail to convince Turkish decision-makers to adopt the reform. In this context, 32 per cent of the public servants and 16 per cent of the experts from the private sector highlight that ‘European countries still apply restrictions towards foreigners in order to protect themselves from economic and social problems’, while 29 per cent of the public servants and 16 per cent of the experts from the private sector examine the global sphere and claim that ‘the world countries which lift restrictions towards foreigners face economic, social and political problems’. In this sense, lifting restrictions towards foreigners could bring political, social and economic challenges against Turkey.

23 respondents (15 public servants and eight experts from the private sector) added constitutive answers to the survey’s ‘Other’ section. Some (4 public servants and 4 experts from the private sector) emphasize the principle of reciprocity and suggest that Turkey should consider how Turkish nationals are treated by other countries before deciding on how to deal with foreigners in Turkey. Five public servants and a lawyer are opposed to foreign land ownership. They claim that almost every country in the world puts limitations on foreign land ownership, and that Turkey should follow the common practice in the international arena. Two public servants argue that economically powerful neighbours might buy a substantial amount of land in Turkey, which would increase prices and create land scarcity for Turkish farmers. Another bureaucrat counters that the strategic areas in Turkey (such as military zones and agricultural areas) should be protected. Finally, two public servants add that while the

state had to observe international law and human rights suggesting the expansion of foreigner rights, it should refrain from doing so at the expense of Turkish public interest.

An economist and 4 public servants suggest that Turkey should only alter its restrictive approach towards foreigners after its accession to the EU. Once it becomes an official EU member, it will be easier for Turkey to put into practice the free movement norms that are fundamental to the Union. However, a bureaucrat explains that the EU treats non-EU foreigners differently to European foreigners, the former having much more difficulty in securing an official permit of residence. Another public servant responds that the EU is considering to put limitations on Turkish mobility even if Turkey becomes an official member. S/he suggests that Turkey should continue to restrict the rights of EU nationals if the EU decides to impose permanent derogations on the Turkish free movement in Europe. Finally, only a NGO member and an economist think that Turkey should lift all barriers against foreign land ownership because foreigners are constitutive elements of Turkish society's future rather than a threat to it.

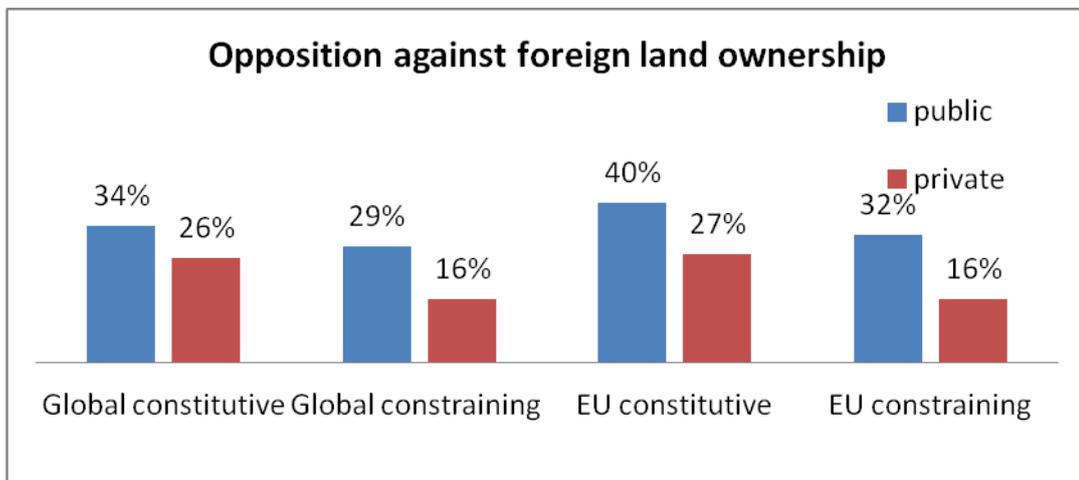


Figure 4. Why do you oppose the reform of foreign land ownership? (Public sector N=117, nonresponse=0; private sector N=144, nonresponse=0). Note: Respondents were free to give more than one answer.

As observed in the survey responses, there is much confusion over global standards on foreigner rights to own land. While the opposition camp stresses national sovereignty and a lack of standardized behaviour at the EU and global levels, the pro-reform camp argues that the existing global standards suggest not limiting foreign land ownership. The interview findings show a similar pattern. Supporters of the reform emphasize the advancement of desecuritization and human rights, and think that lifting restrictions against foreign land ownership is a necessity in a globalizing world. Accordingly, they argue that ‘the traditionally introvert nation-state model’ and the historical scepticism of the Turkish elite towards foreign invasion have become obsolete in the global era; and that the EU helps Turkey to integrate further with the new global system (Aksoy, Dağı, Çalışkan, Erbatur, interview with the author 2010). Erbatur (CHP) states that Turkey’s fear of foreigners, which is reinforced by collective memory on the Turkish Independence war against European powers, is groundless in the global era (interview with the author 2010). She adds that by allowing foreigners to acquire land in Turkey, the Turkish state could meet the rising need for foreign investment and could foster intercultural dialogue. Similarly, Çalışkan (AKP) suggests that the Turkish state needs to change its threat perceptions, which have misled Turkish elite and public opinion to suspect its neighbours, foreigners, as well as its own minority groups which aim to integrate more effectively with the world (interview with the author 2010).

Durna, leader of TUMIKOM, explains that Turkish history textbooks start by depicting Turkey as a country which is surrounded by enemies (interview with the author 2010). Ceylan (AKP) and Hacaloğlu (CHP) claim that it is too far-fetched to believe that the Turkish motherland is being sold to foreigners (interview with the author 2010). Aksoy (AKP) and Dağı (AKP) argue that the traditional model of an introverted nation state is obsolete in that restricting the free movement of capital and persons would be incompatible with the new global system (interview with the author 2010). Furthermore, the principle of reciprocity should be abandoned because foreign land ownership is part of human rights and it is ‘wrong’ to limit an individual’s right because of the restrictive policies of his/her country of origin (Aritman, Sait Dilek, Yakış, Kart, interview with the author 2010). ‘People have rights not only because they are nationals of a country but also because they are human beings’ (Yakış, interview with the author 2010). Finally, an academic (Yazgan) and a NGO leader

(Durna) suggest that the EU-led reform should be adopted because free movement enhances peace and prosperity by reinforcing the culture of tolerance and cooperation (interview with the author 2010).

On the contrary, the opponents of the reform advocate the principle of reciprocity and territorial sovereignty (Uras, Tanrikulu, Mercan, Öztürk, Çatalpınar, Pazarcı, Çerçi, interview with the author 2010). If the EU does not allow for Turkish free movement, Turkey should restrict the European free movement in Turkey (Pazarcı, Tanrikulu, Ceylan, Çerçi, Mercan, interview with the author 2010). Denying the link between foreigner rights and human rights, the opponents of the reform assume that ‘The State holds only responsibilities towards its own citizens’ (Hacaloğlu, interview with the author 2010). Moreover, they claim that Turkish elite’s historical suspicion towards foreigners is still valid. According to Pazarcı (CHP), in the post-colonial world, major Western powers take advantage of liberal laws of foreign land ownership, and take control of natural resources in developing countries. ‘In particular, agricultural sector is a key strategic sector that needs to be protected from foreign control’ (Pazarcı, interview with the author 2010). From a similar perspective, a lawyer (Çatalpınar) and an anonymous public servant explain that Turkey’s strategic location and multi-ethnic identity requires greater sensitivity towards territorial control (interview with the author 2010).

We are not the only country that puts limitations on foreign land ownership. Let alone acquiring land on their territories, it is even difficult to get a visa to many countries in the world. There is a common sensitivity over foreigner rights in today’s world. In this context, especially when I think of Turkey’s unique geostrategic position and multiethnic society, I believe that Turkey must be sensitive towards foreign land ownership on Turkish territories (Anonymous public servant 2, interview with the author 2010).

Çatalpınar argues that foreign land ownership is a question of national security, and the security of a nation comes before international law (interview with the author 2010). In this sense, restricting foreigner rights is seen as necessary for national survival. Finally, two anonymous public servants state that many sovereign states in the world still restrict foreigner rights, especially foreign land acquisition. Accordingly, they suggest that Turkey should maintain restrictions against foreign

land ownership. Nevertheless, it is crucial to note that despite their reservations, some parliamentarians explicitly acknowledge the difficulty in taking a clear stance on the matter of foreigner rights. For example, Arıman (CHP) provides a mixed response by stating that while the principle of reciprocity should be preserved at all means, foreigners are entitled to human rights and ‘they should not pay for the mistakes of their government which limit foreigner rights in their country’ (interview with the author 2010).

Overall, mixed results were derived from the survey. The interviews reflect confusion over the reform within and among political parties, and make a strong case for the thesis of ‘normative over-fragmentation’ (Lehavi 2010). Although the EU was frequently mentioned by the opposition and the Constitutional Court to highlight the diversity of policies and practices on foreign land ownership in Europe, a careful analysis of the arguments put forward by the informants shows that the reform of foreign land ownership is mainly associated with globalization and other international organizations, such as the IMF and the World Bank. Consequently, it is plausible to conclude that a decoupled world polity leads to the bifurcation of the domestic sphere by providing competing models that act as rival sources of external legitimacy. While the opposing camp suggests the principle of territorial sovereignty and reciprocity in order to limit foreign land ownership, the supporters of the reform claim that foreigner rights are both necessary and appropriate in the modern era within the context of rising global interdependencies and universal human rights.

CHAPTER VI

THE CYPRUS QUESTION IN TURKEY-EU RELATIONS

This chapter aims to discuss the main determinants for Turkey's failure to comply with the EU's Cyprus conditionality, i.e. to open Turkish harbours and airspace to the Republic of Cyprus (an EU member since 2004), in order to continue the accession negotiations with the EU. The chapter is structured as follows. First, it provides a brief overview of the historical background of the Cyprus conflict, Turkey's Cyprus policy, and the EU's role in the Cyprus question. Later, it discusses the empirical findings derived from the survey and interviews conducted by the author. The concluding section suggests that Turkish opposition to the EU conditionality on Cyprus is explained by the low levels of global support for EU conditionality. Similar to previous cases the factor of global legitimacy 'matters' in the case of Cyprus policy.

6.1. The rise of the 'Cyprus question' as a global problem

The Republic of Cyprus was established in 1960 following the London-Zurich accords between the UK, Greece, Turkey, and the Greek and Turkish Cypriot communities. Since 1964, the UN Peacekeeping Force in Cyprus (UNFICYP) has been deployed in order to prevent inter-communal violence between the Cypriot communities. In 1974, the responsibilities of the UNFICYP have been extended (to supervise the ceasefire lines, to provide humanitarian assistance, and to maintain a buffer zone) due to a *coup d'état* by the supporters of unification with Greece (*enosis* in Greek) and the subsequent interventions of the Turkish military that took the

control of the northern part of the island. Despite the UN's diplomatic attempts to solve the conflict since 1968, the island remains divided. Due to its length and complex nature, the Cyprus conflict is usually described as a 'problem' or 'question', if not 'imbroglio' (Dodd 1999; Sonyel 1998; Güney 2004). It would be reductionist to concentrate solely on domestic factors such as the ethnic differences in Cyprus. In particular, it is important to note that the Greek and Turkish Cypriot communities are neither homogeneous nor unified (Constantinou 2007: 266). Moreover, the 2007 UN survey on public opinion in Cyprus found that rather than ethnic nationalism, the Cyprus conflict was explained by security concerns, exacerbated by frequent interventions of external powers.⁷ In this sense, it is plausible to argue that 'both external and internal factors, both psychological and contextual, have played an influential role in the creation and the perpetuation of the conflict' (Hadjipavlou 2007: 349). Not only interventions of external powers, but also structural factors are taken into consideration. For instance, it is claimed that structurally weak states are prone to ethnic conflicts because they lack political identities and institutions that could placate concerns about marginalization (Hironaka 2005: 95-97). According to Constantinou (2008a), the Republic of Cyprus is a perfect example of a structurally weak state: it was established by the 1959 London-Zurich Accords concluded between the UK, Greece, Turkey, and the Cypriot communities, and which resulted in three treaties (including the Constitution of Cyprus) granting the UK, Greece, and Turkey the responsibility to protect the constitutional order in Cyprus. In the words of a former UN mediator in Cyprus (Galo Plaza), the Cyprus Constitution was a 'constitutional oddity'. It did not only fail to forge a shared political culture of citizenship, but also it exacerbated loyalty to ethnic communities (Sözen 2007: 38). Consequently, the Cypriot leader's attempt to amend the Constitution on the grounds that it was externally imposed was perceived as an 'existential threat' by the Turkish Cypriot community and thus, led to the outbreak of inter-communal violence (Stavrinides 1975; Necatigil 1993). In 1983, the Turkish Cypriot community established the Turkish Republic of Northern Cyprus, which is not internationally recognized (except Turkey). In this context:

⁷ 'The UN in Cyprus: An Inter-communal Survey of Public Opinion by UNFICYP' (2007) Available online at: http://www.unficyp.org/nqcontent.cfm?a_id=1324&tt=graphic&lang=11 (accessed 15 September 2012).

Difficulties, which could lead to a domestic dispute, were, to a good extent, inherent in the state-building process and the bicomunal character of the Cypriot society. These difficulties turned into insurmountable problems because of external intervention, the different ethno-political orientations the two communities had at the time and the awkward provisions of the 1960 settlement of the colonial problem under the London and Zurich settlement (Joseph 2001: 4).

Furthermore, since the UN's adoption of the principle of non-intervention, external interventions that were decisive and usually successful in putting abrupt end to civil wars have become illegitimate (Hironaka 2005: 154). Consequently, rather than a war, it is the UN-led diplomatic negotiations that are seen as a legitimate option to find a viable solution to the Cyprus question. The UN proposals included a settlement based on 'single sovereignty, single citizenship and comprising two politically equal communities in a bi-communal and bi-zonal federation' (Nugent 2000: 135). Since 1993, the EU has been actively involved in the Cyprus question due to the accession process of Cyprus. The following section discusses the ways in which the EU membership conditionality has been used in order to unblock the stalemate in Cyprus and assist the UN in its efforts to reunify the island. This section is crucial in terms of summarizing key events and the subsequent debates that serve as reference points to justify Turkey's opposition to comply with the EU conditionality on Cyprus.

6.1.1. 'Europeanization' of the Cyprus question

According to some scholars (Hale 2002; Öztürk et al. 2006; Yeşilada and Sözen 2002: 265), the EU membership process of Cyprus has been perceived as a political strategy to legitimize the positions of Greece and the Greek Cypriot government. It was believed that the implementation of the EU *acquis* would end the guarantorship of Turkey, the presence of Turkish military in Cyprus, and the physical separation of the island and thus, resolve a number of key problems in favour of the Greek parties and give the latter 'a stronger position from which to negotiate a better deal' (Bryant 2005: 30). However, it is notable that the EU demonstrated significant reluctance to admit a divided island and has been a staunch supporter of the UN-led peace process. The EU's official relations with Cyprus date back to the 1970s. It signed an

Association agreement with the Greek Cypriot government in 1973 but froze it following Turkey's military intervention in 1974 (Christou 2003: 40–41; Yeşilada and Sözen 2002: 263). According to Christou (2003: 39), the EU's policy towards Cyprus until the 1990s could be described as a policy of non-interference in matters involving the political conflict on the island, relying largely upon the EU's reluctance to undermine its bilateral relations with Turkey. However, the Greek adherence to the EU in 1981 has accelerated a revival of economic relations with Cyprus in 1986 (Christou 2003: 54; Yakemtchouk 2004: 293-294; Ifantis 2004: 71).

As a response to the membership application of the Greek Cypriot government in 1990, the European Council of Dublin emphasized that:

The European Council, deeply concerned at the situation, fully reaffirms ... its support for the unity, independence, sovereignty and territorial integrity of Cyprus in accordance with the relevant UN resolutions (EU Council 1990).

Turkey and the Turkish Cypriot leadership protested the membership application because it was put forward without the consent of the Turkish Cypriot community (Süvarierol 2003: 58). In his letter to the European Commission, the Turkish Cypriot leader (Rauf Denktaş) stressed that in accordance with the Article I (2) of the Treaty of Guarantorship, '[Cyprus] is not to participate in whole, or in part, in any political or economic union with any state whatsoever'. In his opinion, it was not legally possible for the EU to admit Cyprus as a member (Sonyel 1998). An alternative argument was put forward by Greece and the Greek Cypriot government which claimed that the EU could (and should) 'catalyze' the resolution of the Cyprus problem (Tocci 2003: 155). The Greek Cypriot leadership conducted diplomatic campaigns on the grounds that (1) it was the official representative of the Republic of Cyprus; (2) it was fully committed to ensure domestic compliance with the EU membership criteria; and (3) the Turkish Cypriot administration was a non-recognized entity which should not be allowed to block the EU membership of Cyprus (Yakemtchouk 2004: 294; Nugent 2000: 137). In 1993, the European Commission accepted the membership application of Cyprus and embraced the Greek thesis that the EU membership process could accelerate the peace process in Cyprus (Zervakis 2002: 163). The conception of the EU as a 'catalyst for peace' in Cyprus has generated much debate in academic and

political circles (Diez et al. 2006; Christou 2002; Zervakis 2004; Sözen and Yeşilada 2002). Initially, there was a widely held belief that two key actors of the conflict, Cyprus and Turkey, would agree to an UN-led solution with a combination of EU membership incentives and normative effects (Eralp 2009: 5).

The European Commission emphasized that: '[t]he UN Secretary-General ... can count on the Community's support in his continued endeavours to produce a political settlement of the Cyprus question' (EU Commission 1993). In this sense, it is plausible to argue that the EU envisaged the accession process of Cyprus as complementary to, and not as a duplication of, the UN-led peace process in Cyprus. Subsequent EU Councils (of 4 October 1993, of 24–25 June 1994 in Corfu, and of 9–10 December 1994 in Essen) adopted the European Commission's recommendation on Cyprus membership. The EU Council of Luxembourg (December 1997) decided to start the accession negotiations with Cyprus, and stated that:

[I]f progress towards a settlement is not made before the negotiations are due to begin, they should be opened with the Government of the Republic of Cyprus, as the only authority recognized by international law (*EU Commission 1997: 3*).

Luxembourg Council denied concrete membership prospects to Turkey. According to some scholars (Nugent 2000: 139; Yeşilada 2002: 95; Süvarierol 2003: 59), the EU's membership conditionality was used inconsistently: the resolution of the Cyprus question was a precondition for Turkey's accession, but not a precondition for Cyprus membership. Consequently, Turkey decided to halt its political dialogue with the EU (Dodd 1999: 19). In November 1998, during a meeting of the EU General Affairs Council, four major EU member states, France, Germany, Italy and the Netherlands submitted a joint statement against the admission of Cyprus as a divided island on the grounds that this would (i) import a territorial conflict to the EU; (ii) deteriorate the bilateral relations between Turkey and Greece, which were already strained due to a number of sovereignty conflicts in the Aegean; and (iii) undermine the relations between Turkey and the EU (Nugent 2000: 134). Later, the EU decided to include Turkey to the 'screening process' –a signal that it started to consider Turkish membership seriously– and officialized Turkey's candidacy at the European Council of Helsinki in December 1999 (Christou 2003: 55). The framework of pre-accession

strategy drafted by the EU invited Turkey to give stronger support to the resolution of the Cyprus problem under the aegis of the UN and to solve any remaining political conflicts with Turkey's neighbours such as Greece and Cyprus (EU Council 1999). However, EU's conditionality on the Greek Cypriot government was less conclusive. According to Brewin (2002: 21–22), the EU Council in Helsinki sent mixed signals to the Greek Cypriot community:

The European Council underlines that a political settlement will facilitate the accession of Cyprus to the European Union. If no settlement has been reached by the completion of accession negotiations, the Council's decision on accession will be made without the above being a precondition. In this the Council will take account of all relevant factors (European Council 1999).

Brewin (Ibid.) suggests that by failing to clarify what the 'all relevant factors' were at the Helsinki Council, the EU might have reinforced the view (in some Greek Cypriot segments) that Cyprus membership was not conditional upon the resolution of the Cyprus question. Both the EU Strategy Document and the Commission Progress Report of 2003 confirmed that Cyprus membership was scheduled for the 1st May 2004 and lacked explicit reference to the political conflict on the island. The rise of a pro-EU reformist government in Turkey in 2002 and the EU's accession negotiations with Cyprus, encouraged the UN Secretary-General to submit a comprehensive reunification plan (Annan Plan) in 2002. Subsequent EU Councils reiterated the EU's commitment to support the Annan Plan. The EU 'urge[d] all parties concerned, and in particular Turkey and the Turkish Cypriot leadership, to strongly support the UN Secretary General's efforts, and, in this context, call[ed] for an early resumption of the talks on the basis of his proposals' (EU Council June 2003). Besides, the EU decided to grant temporary derogatory rights on the EU's fundamental norms of free movement to the Cypriot communities in accordance with the Annan Plan (Athens News Agency 2004). Furthermore, it promised financial assistance to facilitate the implementation of the Annan Plan and to support the economic development of the Northern Cyprus with financial aid worth 259 million Euros, on the condition that the island reunifies before the Cyprus membership (Europa Rapid Press Release of 23 January 2003; Europa Rapid Press Release of 14 February 2003). In this sense, the EU 'sen[t] a clear political signal of support to the Turkish Cypriot community through [those] measures' (Europa Rapid Press Release of 3 June 2003).

However, EU's invitation failed to convince Rauf Denktaş to join the Cypriot delegation to the accession negotiations (Dodd 1999: 32). Denktaş perceived the invitation as a strategy to consolidate the *de facto* recognition of the Greek Cypriot government as the official ruler of Cyprus (Ibid.). Besides, the Turkish Cypriot community has not been officially represented in state institutions of Cyprus since 1963. In this regard, Denktaş refused to attend EU membership negotiations of Cyprus. As early as 1996, it was argued that both the EU's decision to admit Cyprus application and the 1994 judgement of the European Court of Justice (ECJ) to ban direct trade with Northern Cyprus had paved the way for growing resentment in the Turkish Cypriot community (Gülmez and Buhari-Gülmez 2008: 10). The ECJ decision (C-432/92) of 5 July 1994 banned the export of the Cypriot goods that were not certificated by the Greek Cypriot authorities. A view, especially popular among Turkish and Turkish Cypriot elites, is that the ECJ 'misjudged the scope and consequences of the principle of non-recognition in international law and, in fact, applied economic sanctions [on Northern Cyprus], a measure that should be reserved for the political bodies' (Talmon 2001: 727). It should be noted that the UN Security Council Resolutions 541 and 1251 denounce the TRNC as a non-recognized entity and emphasize the single international personality of Cyprus. Although the right to secession is an emerging norm of international community, the Turkish Cypriot dependence on Turkey complicates the Turkish Cypriot community's claim to its own independent state. However, it has proved to be 'counter-productive' to ignore the Turkish Cypriot community, as the UN negotiations have failed (Hugg 2001: 105-108; Yılmaz 2008: 21). The EU's decision to admit the application of the Greek Cypriot administration is backed by the UN Security Council Resolution 186 that was issued in 1964 following the outbreak of inter-communal violence. In the Resolution 186, the UN Security Council addressed 'the Government of Cyprus'. This has been interpreted by some as official recognition of the Greek Cypriot government as the legitimate representative of the Republic of Cyprus (Coufoudakis 1976: 466; Axt 1999: 179-181). However, the UN's mediation in Cyprus negotiations has been consistently based on the political equality of the Greek and Turkish Cypriot communities. Therefore, it is argued that the UN Resolution 186 was issued under extraordinary (civil war) conditions, when the UN had experienced significant difficulty to reach the Turkish Cypriot community which was forced into enclaves

(Constantinou 2008b). In this respect, the legitimacy of the EU's decision to overlook the notion of political equality between the Cypriot communities is open to debate. It is argued that the EU's differential approach to the Greek Cypriot government has failed to convince the latter to a political compromise. Rather, the general elections in 2003 were won by Tassos Papadopoulos, who conducted a nationalistic campaign based on a promise to revisit questions that were previously settled in the UN-led inter-communal negotiations (Steele 2003: 17). According to Papadopoulos, the EU membership of Cyprus would automatically cancel Turkey's guarantorship rights in Cyprus, forcing Turkey to withdraw its military from Northern Cyprus (Hoffmeister 2006: 189; Gülmez 2007: 128). Accordingly, Papadopoulos criticized the previous Greek Cypriot leader (Glafcos Clerides) for not rejecting outright the EU's proposal to grant temporary derogations on free movement on the island. It is plausible to argue that the Papadopoulos administration treated the EU as prior to the UN; in other words, the EU was assumed to be an actor that should shape the UN agenda on Cyprus. This is in contradiction with the UN's globally recognized role in conflict resolution. Also, it is incompatible with the EU's claim that the EU membership process should not be seen as a substitute for the UN-led peace talks on Cyprus.

The UN Plan was amended 5 times but no final agreement was reached (for a detailed discussion on the amendments of the Annan plan, see Hoffmeister 2006). Following the Bürgenstock talks –attended by Turkey, Greece, the UK, and the EU, in addition to the representatives of the Cypriot communities– the UN Secretary-General decided to organize simultaneous referenda on the Annan Plan in Northern and Southern Cyprus, one week before the Cyprus accession to the EU. On a televised address to the nation, Papadopoulos invited the Greek Cypriot community to vote against the Annan plan because in his opinion, reunification on the terms of the Annan plan would 'abolish' 'our internationally recognized state exactly at the very moment it strengthens its political weight with its accession to the European Union' (Hoffmeister 2006: 192). The referenda results demonstrated that 75.83 per cent of Greek Cypriot voters had voted against the Annan plan, whereas 64.91 per cent of the Turkish Cypriot voters had voted in favour of it (for a review of the Greek Cypriot views, see Georgiades 2007). One week later, Cyprus became an official EU member while leaving the Turkish community outside. Northern Cyprus was described by the EU as 'the uncontrolled territories of the Republic of Cyprus'. The EU Commissioner

for enlargement (Günther Verheugen) criticized Tassos Papadopoulos for encouraging the veto of the Annan plan and recommended the EU to support the economic development of Northern Cyprus through financial assistance and trade (Del Picchia and Haenel 2004: 26–27). However, the Greek Cypriot government used its veto power to block the EU's initiatives to allocate financial resources to and establish trade with the Turkish Cypriot community (Vogel 2010; Akgün and Tiriyaki 2010). The Lisbon Treaty removing the veto power of individual member states is likely to incite new EU initiatives in terms of supporting the economic development of the Turkish Cypriot community (Vogel 2010). According to Derviş Eroğlu, who won the 2010 leadership elections in Northern Cyprus with a nationalistic campaign, the Greek Cypriot government pursues a 'wait and see' policy towards the UN-led inter-communal negotiations and uses the EU platform to gain political leverage (Summers 2012). Following the replacement of Tassos Papadopoulos by Demetris Christofias, the UN-led inter-communal talks started again in 2008, but the UN Secretary-General publicly stated in April 2012 that no sufficient progress had been achieved in Cyprus talks (UN News Centre 2012). The next section summarizes the historical development of Turkey's policy towards the Cyprus question. The contradictions, ambiguities and potential for change in Turkey's Cyprus policy are largely overlooked (Zambouras 2001: 359). Over time, Turkey's policy towards Cyprus has fluctuated from indifference in the 1950s to strong nationalistic sentiments in the 1970s, and to self-criticism in the 2000s (see Doğan and Asma 2008).

6.1.2. The historical development of Turkey's Cyprus policy

In the 1950s, Turkey treated the Cyprus conflict as an internal affair of the UK. The Turkish Minister of Foreign Affairs of the time refused to consider the Cyprus conflict as a matter of Turkish foreign policy. With the rise of inter-communal tensions in Cyprus, Turkey took part in the foundation of the Republic of Cyprus and accepted to be a 'guarantor' of the independence, territorial integrity and security in Cyprus. It considered intervening in Cyprus in 1964 and 1967, following the outbreak of inter-communal violence (Müftüler-Baç and Güney 2005: 283). However, it lacked both external support and military equipment (Ibid.). Turkey supported the inter-communal negotiations that were launched in 1968 under the aegis of the UN for the establishment of 'a system of local government which would give Turkish-Cypriots a

degree of autonomy without endangering the unity of the state' (Souter 1984: 663). The UN-led talks got interrupted in 1974 by a *coup d'état* in Cyprus which Turks believed was supported by the Greek junta in order to unify the island with Greece. Turkey's military intervention was explained with Turkey's responsibility to restore the *status quo* in Cyprus in line with the 1960 Constitution (Ibid.). Since 1974, Turkish military has been deployed in Northern Cyprus and the Cyprus question has become a matter of 'national pride' in Turkish politics.

Oğuzlu (2001: 92) argues that despite the Turkish government's determination to treat the Cyprus question as separate from Turkey's EU membership, the EU has officialized the link between two issues through its official documents on Turkey's accession. For instance, the Turkish Prime Minister (Bülent Ecevit) corresponded with the Finnish Presidency of the EU Council and stated that he had received the Finnish President's reassurances (known as the 'Lipponen letter' in Turkey, after the name of the Finnish President) that the resolution of the Cyprus conflict would not be an official precondition for Turkey's EU membership (Firat 2001: 353). However, the Accession partnership document drafted by the EU treated the Cyprus question as a short-term political priority for Turkey. Following the Turkish government's objection, the resolution of the Cyprus problem was transferred to the list of long-term political priorities (Firat 2001: 359). In the 2000s, some pro-EU politicians and opinion leaders in Turkey, including Mesut Yılmaz, a deputy Prime Minister, started to openly criticize Turkey's traditional Cyprus policy. In their opinion, the traditional Cyprus policy was a product of the Sèvres syndrome and should be redefined in terms of taking the EU's involvement in the Cyprus question more seriously (Zambouras 2001: 363- 364). The AKP government which was elected in 2002 openly blamed the previous Turkish governments and the Denktaş administration for blocking all efforts to solve the Cyprus problem (Gülmez 2007: 129). In addition, it attempted to change the traditional tendency in Turkey to treat the Cyprus question as a separate issue. The first Minister of Foreign Affairs of the AKP government (Yaşar Yakış) suggested giving concessions on Cyprus in return for membership guarantees from the EU. This proposal was harshly criticized by the main opposition party (Gülmez 2007: 130). Another act demonstrating the reformist tendencies of the government was its compliance with the ECHR judgement on Loizidou. Turkey had rejected since 1998 to pay compensation for the violation of Loizidou's right to use her property in

Northern Cyprus. Finally, the AKP government convinced the Denktaş administration to negotiate on the terms of the Annan plan. In order to placate the prevailing concerns that the Annan plan served the Greek Cypriot positions better, the Turkish Prime Minister (Recep Tayip Erdoğan) stated that the AKP government was confident about the UN's impartiality and that there was not much time for discussion before the accession of Cyprus to the EU (Radikal 2003). Due to the pressures of the Turkish government and continuous Turkish Cypriot protests against Denktaş policies (14 January 2003, 27 February 2003, 7 March 2003), the Denktaş administration agreed to negotiate on the terms of the Annan Plan 'in order to improve Turkey's EU bids' (Radikal 2003). It is notable that EU membership incentives may have encouraged the reformist tendencies of the Turkish government in respect to the Cyprus question. However, the veto of the Annan plan by the Greek Cypriot community demonstrated that EU membership conditionality had failed to accelerate the reunification of the island. Tassos Papadopoulos stated that he would not attend inter-communal negotiations on the Annan Plan without at least 25 substantial amendments, including two conditions that were unacceptable for Turkey: the total withdrawal of Turkish soldiers from Northern Cyprus and the annulment of Turkey's guarantorship (Radikal 2005). Moreover, the opening of Turkey-EU membership negotiations was conditional upon the expansion of customs union agreement to all EU member states, including Cyprus. In other words, Turkey is obliged to open its harbours and airspace to Greek Cypriot vessels and airplanes. Compliance with the EU's Cyprus conditionality is still widely interpreted as *de facto* recognition of, and a substantial political concession to the Greek Cypriot government (Gülmez 2007: 134).

In this context, the Turkish Government signed on 29 July 2005 an additional protocol expanding customs union to all EU member states but included an appendix stating that this should not be interpreted as Turkey's official recognition of Cyprus. The EU responded with a counter-declaration reiterating that the Turkish appendix had no legal effect on Turkey's obligation to recognize Cyprus and normalize its bilateral relations with it (Declaration of the European Community and its Member States, 21 September 2005, 12541/05). On 24 January 2006, the Turkish Deputy Prime Minister and the Minister of Foreign Affairs of the time (Abdullah Gül) proposed a new action plan to the UN Secretary-General in order to break the impasse in Cyprus. According to Turkey's initiative, Turkey would comply with the EU's Cyprus conditionality in

return for certain EU measures to end the isolation of the Turkish Cypriot community. For instance, the EU could open the Turkish Cypriot airports and harbours to international community, encourage the participation of the Turkish Cypriot community in international sports, cultural and social activities, allow the adherence of Northern Cyprus in the EU's customs union, and establish direct trade with Northern Cyprus (Gül 2006). The Turkish initiative was rejected outright by the Greek Cypriot leadership which argued that Turkey was under a legal obligation to comply with the EU's Cyprus conditionality (Nas 2012: 170). As a response to Turkey's failure to extend the customs union agreement to Cyprus, the EU decided to partially suspend the accession negotiations with Turkey in 2006.

Turkey's reaction was remarkably negative (Nas 2012: 172). The Turkish government criticized the EU for failing to reward the Turkish Cypriot community and Turkey in return for their support to the Annan plan. The Turkish Prime Minister (Tayyip Erdoğan) attended the 37th anniversary of the Turkish intervention in Northern Cyprus and gave a public speech emphasizing that the results of the Annan referenda had shown to the international community that it was the Greek Cypriot community who lacked political will to resolve the Cyprus problem (Ruhluel 2011). He particularly blamed the EU for admitting Cyprus as a divided island and 'penalizing' the Turkish Cypriot community by restricting social, political and economic relations with Northern Cyprus (Ibid.). He declared that Turkey would not negotiate with the EU during the Presidency of Cyprus on the grounds that the Greek Cypriot government was not the legitimate representative of the Republic of Cyprus. In this context, not only opposition to the EU's Cyprus conditionality but also euroscepticism has risen to a significant level in Turkey (Gülmez 2007; Gülmez and Buhari-Gülmez 2008). The following section benefits from the survey and interview findings in order to reveal prevailing arguments and attitudes regarding the EU's Cyprus conditionality on Turkey. It largely shows that both EU-level constitutive stimuli and global constitutive stimuli are put forward as the main determinants of domestic opposition to the reform of Cyprus policy in Turkey.

6.2. Main Determinants of Domestic Opposition: Empirical Findings

According to a 2009 survey conducted by the EU Research Centre of Ankara University (ATAUM), one third of the 1032 respondents believed that Turkey should never recognize Cyprus and the support for the recognition of Cyprus was strictly conditional: while 41 per cent suggested that only after the resolution of the Cyprus conflict could Turkey recognize the Republic of Cyprus, a small group of respondents (15 per cent) reported that they would support the recognition of Cyprus on the condition that the EU admits Turkey as a full member. By asking Turkish experts and parliamentarians specialized on Turkey's EU affairs whether they would support the opening of Turkish harbours and airports to (Greek) Cyprus in the absence of a solution in Cyprus, a survey and face-to-face interviews conducted by the author in 2010 sought to discover the main attitudes on Turkey's Cyprus policy. The responses of the survey participants demonstrate that Turkish experts have a similarly significant tendency to reject domestic compliance with the EU's Cyprus conditionality. In the following section, first the results of the expert survey (N=261) and then, the findings derived from the elite interviews (23) conducted by the author, will be discussed.

Similar to the poll commissioned by ATAUM, the majority of the surveyed Turkish experts (71 per cent of the public servants and 64 per cent of the experts working in the private sector) oppose the opening of harbours and airports to (Greek) Cyprus. Support for the reform remains at 20 per cent amongst the public servants and 29 per cent in the private sector. The rest (9 per cent of the public servants and 7 per cent of the experts in the private sector) is undecided. In comparison to the EU-led reforms of ombudsmanship and foreign land ownership, Turkey's Cyprus policy faces the strongest opposition. In addition, the number of the undecided experts who completed the survey is the lowest. When asked why they oppose the EU-led reform of Turkey's Cyprus policy (see Figure 5 below), only one third of the respondents put forward the argument that the EU-led reform was incompatible with Turkey's national interests. In this sense, they believe that Turkey's strategic interests in Cyprus are more important than Turkey's EU membership. Rather than national interests, two particular arguments gather the strongest support. First, the majority (44 per cent of

the public servants and 36 per cent of the experts in the private sector) states that ‘Due to its cultural affinity with the Greek Cypriot community, the EU imposes double-standards against Turkey’. Second, they (42 per cent of the public servants and 34 per cent of the experts in the private sector) equally emphasize ‘Conflicts such as the one in Cyprus are resolved under the aegis of the UN, not by the EU’. Finally, 11 per cent of the public servants and 8 per cent of the experts working in the private sector claim that ‘The international community is aware that Turkey is the rightful party on the Cyprus question. So, there are no world pressures against Turkey’.

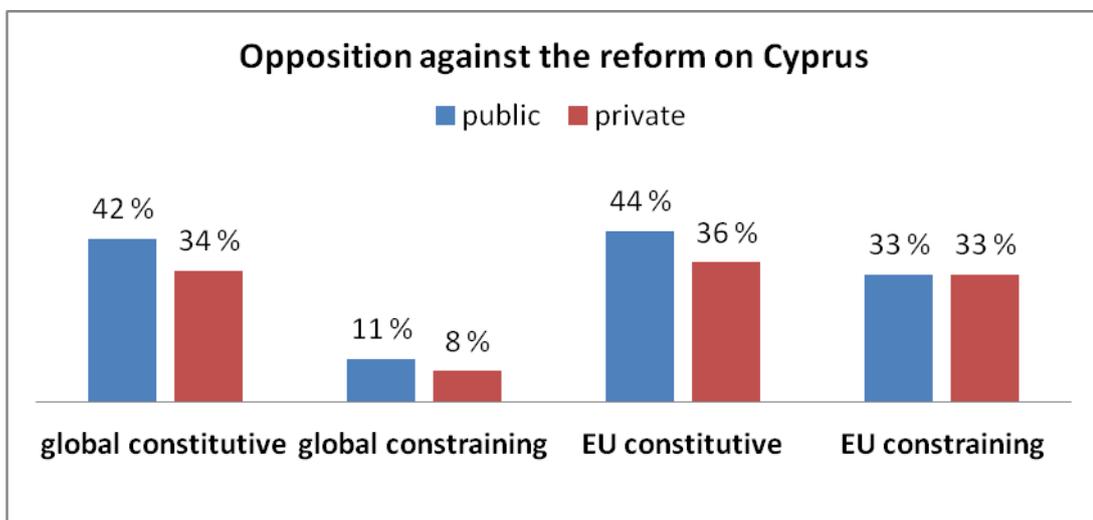


Figure 5. Why do you oppose opening of Turkish harbours and aerospace to Greek Cypriot vessels and airplanes? (public sector N=117, nonresponse=0; private sector N=144, nonresponse=1) Note: Respondents were free to give multiple answers.

In this context, the opposition to the EU’s Cyprus conditionality indicates low levels of congruence between EU-level constraining stimuli (EU conditionality) and global constitutive stimuli (global standards). In other words, the global legitimacy of the EU’s Cyprus conditionality is very low. Most importantly, the EU’s involvement in the Cyprus question is perceived as an illegitimate attempt to duplicate the UN’s role in the mediation process. Since the globally acceptable way of approaching the conflict resolution process in Cyprus is ‘going through the UN’, the legitimacy of the EU’s pressures to alter Turkish policy towards the Cyprus question is flawed. Moreover, the EU has failed to treat its Turkish and Greek Cypriot candidates on

equal terms, which is a violation of the general principle of non-discrimination based on nationality. According to the surveyed Turkish experts, this is primarily explained by cultural factors: the EU has privileged the Greek Cypriot community due to the European traditional affinity with Hellenistic culture. Finally, it is added that the EU should abide by the principle of *quid pro quo* (i.e. ‘favor for a favor’) and persuade (Greek) Cyprus to reciprocate Turkey’s efforts to demonstrate its political will to solve the Cyprus problem. According to some Turkish experts, there were no serious pressures deriving from the international community on Turkey; because by supporting the Annan plan, Turkey had successfully demonstrated that it was supportive of the resolution of the Cyprus problem. Therefore, the survey findings suggest that instead of the global constraining stimuli implying a threat of global sanctions, Turkish experts prioritize global constitutive stimuli, which indicate in the case of Cyprus policy, the primacy of the UN in conflict resolution and the principles of non-discrimination and *quid pro quo*, amongst others.

Similarly, the surveyed experts who support the EU-led reform on Turkey’s Cyprus policy emphasize global factors much more strongly than EU-level stimuli. First, their emphasis is put on the reform’s world-level benefits. Accordingly, 12 per cent of the surveyed public servants and 17 per cent of the surveyed experts from the private sector emphasize that ‘With the reform of Cyprus, Turkey could improve its diplomatic and trade relations with other countries in the world’. Secondly, they believe that ‘Turkey should demonstrate that it is a modern country by developing good neighbourly relations with Cyprus’ (11 per cent of the public servants and 15 per cent of the experts from the private sector). It is thus plausible to argue that not only the opposition camp, but also the reformist minority makes use of the global constitutive factor in justifying their attitude towards the EU conditionality on Cyprus question. However, the global norm that is invoked by the reformists, i.e. establishment of good neighbourly relations, comes only after the global norms put forward by the opposition camp. Only 6 per cent of the public servants and 10 per cent of the experts from the private sector, state that they support the reform of Cyprus policy because it is a precondition for Turkey’s EU membership (EU-level constraining stimuli). Finally, 5 per cent of the public servants and 10 per cent of the experts from the private sector argue that Turkey is a European country and it is thus, appropriate for Turkey to alter its Cyprus policy in line with the EU (EU-level

constitutive stimuli). These findings contradict previous research on Europeanization that assumes the EU's conditionality and/or norms and culture as primary causes of domestic reform.

Survey findings are complemented by follow-up elite interviews with 16 Turkish parliamentarians who were leading members of the Turkish parliamentary committees on External Relations and Harmonization with the EU during the 23rd term of the Turkish Parliament as well as three anonymous bureaucrats, a political advisor to Turkey's chief negotiator to the EU, the head lawyer of the EU section in Ankara Bar Association, an academic affiliated with the EU research centre in Ankara University (ATAUM) and the founding leader of a NGO (Turkey Association of Committees for Monitoring Parliament and Elected Officials) specialized in monitoring Turkish parliamentarians since 2004. Interviewee accounts significantly overlap with those of the surveyed experts. The main emphasis is on the illegitimacy of the EU's conditional pressures on Turkey in respect to the Cyprus question. Interviewees suggest that the EU's involvement in the Cyprus question is illegitimate: (1) by treating the Greek Cypriot leadership as the official representative of Cyprus, it has undermined the UN-led negotiations that emphasize political equality between two Cypriot communities; (2) by admitting the Greek Cypriot community despite the failure of the Annan plan, the EU violated its own fundamental principle of not accepting candidates with border problems; (3) it has failed to keep its promise of supporting the economic development of the Turkish Cypriot community; and finally, (4) it has 'deceived' Turkey by officializing the resolution of the Cyprus problem as a barrier against Turkey's EU membership while it admitted (Greek) Cyprus despite the perseverance of the political conflict on the island (Aritman, Çerçi, Kart, Mercan, Çalışkan, anonymous bureaucrat 1, interview with the author 2010). Mustafa Öztürk explains that parliamentary meetings with their European counterparts on this matter resemble a 'dialogue of the deaf'.

Greek Cypriots take the floor but there is no one from the Turkish Cypriot community. There is no addressee. We feel obliged to fill the void and respond on behalf of the Turkish Cypriots (Öztürk, interview with the author 2010).

When Turkey protests against the EU's double-standards, European MPs admit that they made a mistake by admitting Greek

Cyprus as a member. Yet they immediately mention the principle of solidarity among the EU member states and say that they can do nothing about it [Greek Cypriot veto power] (anonymous political advisor to Egemen Bağış, interview with the author 2010).

All of the interviewees use the word ‘double-standards’ at least once in order to describe the EU’s conditionality on Turkey’s Cyprus policy. Similar to Turkish experts, they tend to explain the EU’s failure to follow a standard non-discriminatory line with a cultural argument. ‘Hellenistic culture is cherished by Europeans as the origin of European culture’ (Hacaloğlu, interview with the author 2010). Ceylan and Öztürk highlight religion/Christianity as uniting Greek Cypriots and Europeans (interview with the author 2010). However, Yazgan (interview with the author 2010) concludes that although religion might have been influential, it would be too reductionist to explain cultural affinity with Christianity. Similarly, Çerçi argues that:

European culture is not homogenous. Europe hosts a diversity of voices... We should admit that Christianity may be at the origins of European culture. However, it would be misleading to claim that Europe is a ‘Christian Club’. There is an important Muslim population living in Europe and Islamic societies have significantly contributed to European civilization. I honestly ignore whether Greek Cyprus was admitted for religious reasons. You should ask to those who decided to accept Greek Cyprus as an EU member. I do not think so but if that was the case [Greek Cyprus was admitted for religious reasons], we [Turkey] have nothing to say anymore to the EU (Çerçi, interview with the author 2010).

Apart from an alleged cultural affinity with Hellenistic culture, some interviewees (Ceylan, Mercan, Erbatur, anonymous bureaucrat2, Yazgan) explain that Greece threatened to veto the entire eastern enlargement process unless the EU admitted Cyprus as a new member despite the political conflict on the island. By ‘Europeanizing’ the Cyprus question, Greece aimed at reinforcing the Greek Cypriot dominance in Cyprus. An alternative argument that finds support amongst Turkish parliamentarians from the government, is that the EU ‘plays the Cyprus card’ in order to delay Turkey’s official membership (Aksoy, Yakış, political advisor to Egemen Bağış, interview with the author 2010). Yaşar Yakış believes that it is highly unlikely that the EU’s policies towards Turkey may be dictated by a small country like (Greek)

Cyprus or Greece. Rather than acknowledging the emerging cultural opposition to Turkey's EU membership – if not, 'Turkey-scepticism' (Güneş-Ayata 2003) – in Europe, the EU changes the 'rules of the game' and ask Turkey to change its traditional foreign policy without giving it concrete prospects for membership. In other words, already knowing that Turkey would oppose any condition on Cyprus question, the EU employed the Cyprus question as a pretext to block Turkey's accession process.

Like the majority of the survey participants, the interviewees support the UN as the main legitimate platform for the resolution of the Cyprus problem. They put forward several reasons for this. For instance, Tanrıku believes 'the EU has not played a constructive role in the Cyprus question so far and the UN is a more experienced and legitimate institution for conflict resolution' (interview with the author 2010). Hacaloğlu explains that 'the UN is a more suitable platform because it applies universal rules while always taking particularity of the conflict into consideration' (interview with the author 2010). According to Yazgan, the UN is more credible than the EU in the eyes of Turkish public in terms of impartiality (interview with the author 2010). While Greece and Greek Cyprus are EU members, the interests of Turkey and Turkish Cyprus are not represented in the EU (Kart, interview with the author 2010). Hence, unless Turkey and Turkish Cyprus are admitted in the EU, the EU would not be considered as a legitimate facilitator in the Cyprus peace process (Aksoy, Yakış, interview with the author 2010). An anonymous bureaucrat uses the metaphor of a football game to describe the Turkish general perception of the EU in the Cyprus question: 'The EU cannot simultaneously be both a referee and a player' (interview with the author 2010). In this context, the Cyprus question is not an EU affair (Çalışkan, interview with the author 2010). Unlike the UN, the EU's involvement in the Cyprus question is not based on an agreement between Cypriot communities. Moreover, the mandate of the EU is not conflict resolution. Nevertheless, many interviewees believe that without the EU's pro-active support to the UN, it is unlikely to find a viable solution to the Cyprus question in the near future (Çerçi, Arıtman, Dağı, Öztürk, Dilek, Çatalpınar, Erbatur, anonymous bureaucrat 2, interview with the author 2010).). They expect the EU to put political pressures on the Greek Cypriot community to take initiatives to resolve the Cyprus conflict under the aegis of the UN.

Unlike one third of the survey participants, Turkish parliamentarians demonstrated significant reluctance to accept a trade-off between Turkey's EU bids and its national interests on the Cyprus question. Both government and opposition MPs highlight that due to geographical proximity and a shared historical past, Turkey has strategic interests in Cyprus. When asked whether they would prioritize Turkey's interests in Cyprus over its EU membership, the majority of the interviewees protest such comparison. Erbatur states that 'we are exactly at that critical point [in our negotiations with the EU] and this is unacceptable' (interview with the author 2010). 'Turkey would neither forego its interests in Cyprus for the sake of EU membership nor would choose Cyprus over the EU' (anonymous political advisor to Egemen Bağış, interview with the author 2010). According to the interviewees, these are generally thought as separate questions in Turkish foreign policy and should be considered independently from each other. Hacaloğlu argues that a trade-off between Turkey's interests in Cyprus and Turkey's EU membership is not logical and it only results from the EU's reluctance to accept Turkey as a member. In other words, rather than admitting that it is not ready to 'absorb' Turkey –which still suffers from major limitations in democratization and regional economic disparities– the EU reinforces such problematic link between Turkey's EU membership and its policies towards the Cyprus conflict (Ibid.).

Tanrikulu (MHP) explains that the question of whether Turkey's EU membership was more important than Turkey's Cyprus policy was discussed during a number of Inter-Parliamentary Committee meetings and concludes that nobody could openly state that EU membership was more important than Turkey's interests in Cyprus for fear of contradicting Turkish public opinion (interview with the author 2010). Similarly, Pazarıcı (CHP) thinks that any Turkish Government which would 'sacrifice' Cyprus for the sake of Turkey's EU membership would pay a severe price: it would not only lose in the following elections but it would also lead the country to political chaos (interview with the author 2010). Yakış (AKP) argues that due to its geographical proximity and shared history, Cyprus will always be on Turkey's agenda whereas not only Turkey's EU membership prospects but also the very future of the EU remains uncertain (interview with the author 2010). Mercan (AKP) says that Turkey's interests in Cyprus outweigh the benefits of the EU membership (interview with the author

2010). Aksoy (AKP) states that Turkey would lose a great deal of international prestige if it gives substantial concessions to the Greek Cypriot community: in that case, ‘even Turkey’s EU membership would not remedy such loss of prestige’ (interview with the author 2010). Finally, it is suggested that even if Turkey complies with the EU conditionality, its compliance would neither guarantee Turkey’s EU membership nor satisfy the Greek Cypriot community, which may continue to demand further concessions from Turkey, such as the withdrawal of the Turkish military unit from Cyprus (Erbatur, Tanrikulu, Yakış, interview with the author 2010).

Only two interviewees (academic and anonymous bureaucrat 3) believe that Turkey’s EU membership prevails over its Cyprus policy. In the global era, the strategic importance of Cyprus has not only declined but also, supporting the Turkish Cypriot community, which is largely isolated from the international community in economic, social, cultural, and political terms, has proved highly costly for Turkey. Despite their common de-emphasis on Turkey’s strategic interests in Cyprus, they nonetheless oppose the opening of Turkey’s harbours and airspace to (Greek) Cyprus without receiving anything in return. ‘In foreign policy you cannot give [anything] without taking [something in return]’ (Durna, interview with the author 2010). In this regard, they join an overwhelming number of interviewees who use the word ‘reciprocity’ at least once in order to highlight that in return for a Turkish reform on Cyprus question, the EU and the Greek Cypriot community should lift all embargoes against Turkish Cyprus (Ceylan, Çerçi, Mercan, Öztürk, Dilek, Aksoy, Yakış, Pazarcı, Erbatur, Uras, Yazgan, Durna, Çatalpınar, interview with the author 2010). Otherwise, Turkish public reaction to the reform would be harsh. Moreover, Pazarcı (CHP) argues that Turkey’s EU membership could appease the segments of Turkish society that currently perceive the EU as ‘one-sided, pro-Greek, and hegemonic’ (interview with the author 2010). Similarly, Erbatur (CHP) says that a viable solution could only be found when Turkey becomes an EU member and thus, is able to negotiate on equal terms with Greek Cyprus and Greece. Moreover, a NGO leader (Durna, interview with the author 2010) suggests that he is against all kinds of barriers against free movement of people. Free movement reinforces peace and understanding.

Finally, like the majority of the survey participants, many interviewees perceive the existing global-level constraining pressures on Turkey as feeble. Mainly the UN, the

USA and the EU are reported as pressurizing Turkey to reform its Cyprus policy. As discussed above, the UN is perceived as the major legitimate source of pressure whereas the EU is often accused to be pro-Greek. For its part, the USA is willing to see Turkey as an EU member and to see the termination of all conflicts between its Turkish and Greek allies in the North Atlantic Treaty Organization (Erbatur, interview with the author 2010). Aksoy and Çatalpınar mention the European Court of Human Rights as another source of pressure on Turkey's Cyprus policy (interview with the author 2010). They are critical of the Court's decisions for relegating a protracted political conflict to merely technical issues such as property rights. Yakış explains that there are certain international nongovernmental campaigns on the preservation of churches in Turkish Cyprus and the question of missing persons during the Cyprus conflict. However, there have been no well-known INGO pressures on the Turkish Government to open its harbours and airspace to Greek Cyprus. An anonymous bureaucrat explains this with a general lack of interest from the international community: 'The issue is either deemed as an internal affair of the EU, or simply as unimportant' (anonymous bureaucrat 2, interview with the author 2010).

Another explanation is about the nature of foreign policy. Foreign policy is different than human rights, where active interventions by international community are more frequent and legitimate (anonymous bureaucrat 2, interview with the author 2010). Sovereign states are legitimately entitled to pursue their strategic interests in the international political arena. Even though one is universalist, this does not keep him/her from admitting the priority of strategic interests in the foreign policy domain (Hacaloğlu, interview with the author 2010). Hence, save for the UN's mediation, no exogenous pressure is legitimate (Öztürk, interview with the author 2010). In addition, the international community lacks legitimate tools to coerce Turkey to change its Cyprus policy: 'No one can threaten Turkey to annul its UN membership if it does not compromise on its Cyprus policy' (anonymous bureaucrat 1, interview with the author 2010). Furthermore confusion prevails over which actors are right in the Cyprus conflict. The UN tends to treat the Cypriot communities equally rather than admitting the Greek Cypriot leadership as the official government and the Turkish Cypriot community as a minority. Moreover, it is not clear whether Turkey's interventions on the island have been legitimate or not, given Turkey's constitutional guarantorship. In this context, there is no powerful international lobby about the

Cyprus question (Hacaloğlu, interview with the author 2010). According to some interviewees (Dağı, Erbatur, Dilek, Aksoy, Yakış, Çalışkan, political advisor to Egemen Bağış), the international community perceives Turkey as a 'rightful' party in the Cyprus question. They state that as a guarantor power under the London–Zurich agreements of 1960, Turkey used its legitimate right to intervene in Cyprus in order to end inter-communal violence in 1974 and Turkish military presence on the island has prevented possible clashes between two Cypriot communities. Moreover, in their opinion, Turkey's support for the Annan Plan showed to the world that Turkey was genuinely willing to solve the Cyprus problem. On the other hand, by rejecting the Annan plan, Greek Cypriots proved their intransigence.

In sum, the survey and interview findings discussed in this section demonstrate that Europeanization in Turkey's Cyprus policy remains limited despite the EU's threat of interrupting membership negotiations. The major tendency is to emphasize exogenous factors that are constitutive of foreign policy preferences rather than constraining factors such as the costs and benefits of an action. Accordingly, the main explanatory factors are advanced as both 'EU's double-standards' and global standards on foreign policy (for example, the principle of *quid pro quo*) and conflict resolution (especially the primacy of the UN). This does not mean that Turkish experts ignore domestic interests. It rather supports the argument that national interests are re/defined in congruence with exogenous standards. As regards the differentiation between EU-level and global standards, the chapter concludes that Turkish experts are likely to oppose elements that are perceived as incompatible with global standards.

6.3. Concluding Remarks

This chapter studied the domestic arguments that are prevalent in Turkey about the EU conditionality on Turkey's Cyprus policy, i.e. extending the EU's customs union agreement to Cyprus and other EU members by opening Turkish harbours and airspace to Greek Cypriot vessels and airplanes. Before discussing the empirical findings derived from expert survey and elite interviewing, this chapter summarized the historical development of the Cyprus conflict as a global problem and Turkey's changing policy towards it with a special emphasis on the EU's involvement in

Cyprus since 1993. The EU's decision to accept (Greek-) Cypriot membership raised hopes that it would support the UN-led negotiations on reunification based on Annan plan. In this context, the EU process had a constitutive impact on Northern Cyprus: it shifted the essential basis of debates away from (Greek/Turkish) ethnic differences towards political divisions between pro-solution and rejectionists (Diez et al. 2006: 586). However, the Greek Cypriot veto against the Annan plan led some to blame the EU for having undermined the UN-led peace process. As early as the 1990s, some scholars (Kramer 1997: 25-26; Redmond 1993: 64-73) warned the EU against a possible failure to discourage the Greek Cypriot claims that implementation of the EU's *acquis* on free movement would consolidate the Greek Cypriot domination in Cyprus. Michael (2007: 599) claims that the UN's Annan plan was a 'victim' of the EU's ambivalent approach to the Cyprus question, which lacked a clear orientation and became an instrument at the hands of the Greek Cypriot leadership. Following the EU membership of Cyprus that left Northern Cyprus out, the Greek Cypriot community is likely to lose its motivation to agree on a UN solution and share sovereignty with the Turkish Cypriot community (Michael 2007: 591; Grigoriadis 2008: 165). Similarly, Veloso do Amaral (2011: 187) explains both the rejection of the Annan plan and the current deadlock in the Cyprus problem as unintended results of the EU membership process of (Greek) Cyprus, which had transformed the political context in favour of the Greek Cypriot community. In this context, some analysts (Tocci 2003) suggest that the EU may have 'catalyzed' or exacerbated the conflict, not a solution in Cyprus.

Turkey reacted harshly to the rejection of the Annan plan and the subsequent EU membership of (Greek) Cyprus that left the Turkish Cypriot community outside. Despite its initial enthusiasm to change the traditional policy towards Cyprus and encourage the reunification of the island on the basis of Annan plan, the EU membership of (Greek) Cyprus has partially blocked Turkey's relations with the EU. Accordingly, Turkish experts often describe the EU's involvement in the Cyprus question as 'counter-productive' because this has not only reinforced the territorial division and the inter-communal mistrust on the island but it has also disrupted Turkey's EU accession process (Türkeş 2007; Demirtaş-Coşkun 2009; Tüzünkan 2007: 233). The EU is increasingly accused of imposing 'double-standards' against Turkey due to its failure to pursue consistent policies that could persuade not only

Turkey and the Turkish Cypriot community, but also the Greek Cypriot community to find a viable solution in Cyprus (Eralp 2009: 6; Hannay 2006: 2).

Following the theoretical framework derived from World Polity approach, this chapter assumes that European and global factors have not only constraining but also constitutive effects on Turkey's Cyprus policy. Accordingly, it offers four alternative key factors: EU constraining stimuli, EU constitutive stimuli, global-level constraining stimuli and global-level constitutive stimuli. Here, EU-level constraining stimuli largely imply EU's membership conditionality and its sanctioning power. If Turkey does not comply with it, it is aware that it would lose the opportunity to become an EU member as well as the benefits associated with EU membership. The constitutive effect of EU stimuli relies upon Turkey's compliance with the EU's normative, cultural and cognitive standards. Hence, certain domestic preferences become illegitimate or 'unthinkable' because they are incompatible with the EU's norms or culture. Alternatively, if Turkey calculates how its social, economic and political relations with other countries and organizations in the world (not solely its EU membership prospects) would be affected had it taken a course of action, it is *constrained* by global stimuli. On the other hand, Turkish attitude is *constituted* by global stimuli if it is explained by the level of congruence between the reform in question and prevailing global norms, standards and definitions.

While many Europeanization scholars would assume that the predominant factor is 'EU-level constraining stimuli' (or EU conditionality), World Polity approach emphasizes 'global-level constitutive stimuli' (or world polity). This chapter concludes that it is the in/congruence between them, which predicts Turkish attitudes towards the EU-led reform of Cyprus policy. Rather than reform, strong EU conditionality on Cyprus policy provokes Turkish resistance because the EU seems to have been deviated from the global approach to conflict resolution implying the primary role of the UN and the international community's 'common sense' based on *quid pro quo*. Therefore, the global illegitimacy of EU conditionality in the eyes of Turkish experts and elites is a key determinant in explaining Turkish opposition to the EU's Cyprus conditionality.

The chapter also demonstrates that even in the sector of foreign policy that is traditionally associated with national survival and security, domestic attitudes are largely formed on the basis of ritualized rationality. Like the Turkish Prime Minister who explained his support for Annan plan with his trust in the UN, the Turkish experts and parliamentarians justify their opposition to reform in line with global standards such as the primacy of the UN rather than the costs and benefits of the reform. In addition, Grigoriadis (2008: 165) argues that rather than a clear determination to adopt the Annan plan, the Turkish support for Annan plan resulted from a hasty decision that had no clear domestic support. It was then ‘too late’ for convincing the Greek Cypriot community about Turkey’s commitment to the implementation of the Annan plan (Ibid.). Similarly, Greek Cypriot opinion leaders remained undecided until the referenda on Annan plan. On 29 December 2010, the Turkish media reported that Ekatherimeni published an interview with the Greek Cypriot Archbishop (Chrysostomos II) – an influential opinion leader in Greek Cypriot community – who confessed that neither Papadopoulos nor the Church had read the Annan plan before the UN-led referenda:

‘Of course the people didn’t read it [the Annan Plan]. No one did. No one knows it. The Annan Plan was 10,000 pages long’ said Chrysostomos.

Then how was it rejected?’ the journalist asked.

[Chrysostomos:] ‘We read about 500 pages. Not even the President knew the plan inside out, and he admitted as much to me. Nobody knew it’ (Hazou 2011).

[Chrysostomos:] ‘Nobody knew what was in the plan and praise be that it was refused, for there was so much in it that we did not know; I do not know where it would have taken us’ (Diplomatic Observer 2011).

Hannay put forward ‘the iron rule of Cyprus diplomacy, which, to adapt one of Newton’s laws of physics, means that any proposal by one party immediately provokes an equal and contrary reaction from the other’ (Hannay 2006: 3). In other words, the rejection of the Annan plan does not indicate that the provisions of the plan had been carefully assessed by all decision-makers in terms of domestic cost benefits (or optimal rationality). The introduction of ‘ritualized rationality’ into the study problematizes the conventional interest-based accounts

which treat all actors as capable of predicting the possible consequences of their decisions and act accordingly. Overall, a World Polity perspective has been helpful to investigate how Turkish experts and political elites justify their stance towards the EU's Cyprus conditionality. The concluding chapter will discuss the 'value added' of the factor of 'global legitimacy' and the notion of ritualized rationality derived from the World Polity School of Sociological institutionalism, which remains uncommon in studies on Turkey's Europeanization.

CHAPTER VII

CONCLUSION

This chapter draws some conclusions, answers potential criticisms and addresses some limitations and implications of this study. As explained in Chapter I, studies on Turkey-EU relations tend to adopt ‘sender-receiver’ or ‘goodness of fit’ models of Europeanization, and thus, overlook the global legitimation processes underlying domestic attitudes towards EU stimuli. The Chapter II introduces the World Polity School of Sociological institutionalism as a possible remedy in terms of providing some analytical tools such as ritualized rationality and disinterested actorhood that could uncover the taken-for-granted aspects of the interactions between the EU and its candidate, Turkey. The theoretical framework based on world polity put forward in the Chapter III, invites rethinking the EU as an ‘enactor’ and ‘carrier’ of world polity standards and introduces the factor of ‘global legitimacy’ as a key determinant of Turkey’s responses to EU’s conditional pressures. In this regard, it suggests that Turkey’s Europeanization may be ritualized in the sense that: (i) Europeanization implies the spread of global norms, standards, and definitions rather than the diffusion of a specific European culture, and (ii) is largely driven by the Turkish expectation that Europeanization would expand Turkey’s legitimate actorhood in the world (instead of Turkish parochial interests as Rational Choice institutionalists suggest). Chapters V, VI, and VII apply the proposed theoretical framework in order to explain the varying effects of the EU’s stimuli on Turkey in three difficult reform areas.

After a careful analysis of the selected cases on Turkey’s Cyprus policy, foreign land ownership, and ombudsmanship, which have been problematic in Turkey-EU accession negotiations that started in 2005, this study suggests that Europeanization in Turkey is highly ritualized. In other words, the major driving logic of Turkish responses to EU’s conditional pressures is ritualized rationality. For instance, the Turkish government has been frequently criticized by the Turkish opposition for

passing reforms that consider neither the cultural sensitivities nor the interests of domestic society. In other words, the opposition believes that rather than the domestic demands, it is the exogenous stimuli that have motivated the adoption of reforms in Turkey. They suggest that the reforms should be discussed in the Turkish public sphere in detail in order to determine how those reforms would meet the needs of the nation and how they should be adjusted so that they make sense in the Turkish realm. However, the cases of ombudsmanship and foreign land ownership demonstrate that the Turkish government has ignored such criticisms and has adopted reforms whose compatibility with the Turkish Constitutional provisions has been contested and whose implementation has not been carefully planned. Had the reforms been adopted for solving Turkey's peculiar problems, the government would have already planned in detail how to put them into practice. As discussed in the previous chapters, the supporters of the selected reforms fail to provide a clear rationale in terms of optimal rationality for undertaking those reforms. Instead, they emphasize that those reforms are globally endorsed and by adopting them, Turkey would prove that it is a legitimate actor in the modern world. This suggests that global legitimacy is an explanatory factor in determining Turkish responses to EU-level conditional stimuli. Reforms are supported in Turkey not because they are particularly beneficial or they reinforce the 'Europeanness' of Turkish culture, but because they are globally legitimate. EU-led reforms that are not perceived as globally endorsed, face domestic opposition.

The reform of Cyprus policy is the 'hardest' case because Turkish opposition to it has led to the partial suspension of membership negotiations between Turkey and the EU and is still strong. Despite the government's attempts to alter Turkey's traditional Cyprus policy in line with the EU's Cyprus conditionality, domestic opposition has developed as a broad social phenomenon transcending political and ideological differences as well as nationalistic sentiments after the EU's interventions in that domain. Radaelli (2003: 38) calls such development 'retrenchment', which means that 'national policy becomes less "European" than it was'. So, the Turkish government has failed to bring the reform to the Turkish Parliament, being aware that it would get rejected outright. The empirical findings provided in Chapter VI demonstrate that the majority of the surveyed experts and parliamentarians tend to justify their opposition to the reform of Cyprus policy with the 'illegitimacy' of the EU's Cyprus

conditionality. They claim that the EU has not treated its Turkish and Greek Cypriot candidates equally due to a cultural affinity with Hellenistic culture and political pressures of Greece. An equally strong emphasis has been put on the global constitutive factor: the majority thinks that it is the UN which is the globally recognized actor or platform for conflict resolution, not the EU. The EU cannot replace the UN as a mediator because unlike the UN that claims to represent universality, the EU is a regional organization that represents parochial interests of its members. Furthermore, the EU's Cyprus conditionality violates not only the UN's traditional policy of equal treatment between the Cypriot communities, but also the global principle of *quid pro quo* in the foreign policy sector. Finally, there are no strong world-level pressures from other organizations to alter Turkey's traditional foreign policy towards Cyprus. In this regard, it is plausible to argue that Turkish experts and legislators perceive a clash between EU conditionality and world polity: hence, according to the majority of the respondents, the EU's Cyprus conditionality on Turkey is 'globally illegitimate'. Consequently, strong conditional pressures from the EU trigger strong domestic opposition (rather than compliance) in Turkey despite serious risks of Turkey-EU estrangement.

The case of ombudsmanship suggests opposite results. Turkish experts and parliamentarians perceive a harmony between EU conditionality on Turkish ombudsmanship and world polity: the reform of ombudsmanship is part of the UN's human rights and good governance campaigns supported by other governmental and non-governmental international organizations. Accordingly, the EU conditionality on Turkish ombudsmanship is perceived as globally legitimate and leads to the adoption of the reform despite the existence of powerful veto players such as the Constitutional Court. What is notable here is that the domestic opponents of the reform explain that they do not oppose the system of ombudsmanship *per se* but they think that the latter could not work as intended in the Turkish context that is highly corrupted and polarized. In this sense, even the opponents of the reform see the EU conditionality of ombudsmanship as legitimate. Finally, there is a significant tendency amongst the supporters of ombudsmanship to de-emphasize both the EU membership conditionality and the European origins of ombudsmanship. It is frequently argued that even without any EU membership prospects, ombudsmanship should be adopted

in Turkey, not because it is a European cultural product but because it reflects global standards and norms of good governance and human rights.

For its part, the reform of foreign land ownership creates much domestic controversy because the EU seems to overlook the social and cultural dimension of foreign land ownership by treating it as an indispensable element of European economic integration. According to the Turkish opponents of the reform, land is more than a tradeable commodity; it is an important element of national identity and sovereignty. Thus, they argue that Turkey should observe the global principle of reciprocity, which indicates a selective application of restrictions to foreigners. If Turkish nationals' right to own land in a country is limited, the Turkish government should issue similar restrictions to that country's nationals for purchasing land in Turkey. Those who support the abolition of restrictions against foreign land ownership do not necessarily justify their support with the necessity to further economic integration with Europe. Instead, they emphasize that the traditional model of self-sufficient nation state has become obsolete in the global era and that it is inappropriate to restrict the rights of people to own land in Turkey just because they are not registered as national citizens. Accordingly, they support the expansion of land ownership rights to all foreigners, both European and non-European nationals. They suggest that even if the EU imposes restrictions on Turkish free movement in Europe, Turkey should not reciprocate by limiting the EU nationals' rights on Turkish land. In this regard, not only the bifurcation of Turkish experts and parliamentarians but also their similar emphasis on global factors is worth attention.

There is an apparent clash between two competing global models on foreign land ownership. While the 'national sovereignty' model of world polity suggests strict control of natural resources and territories, the 'post-nationalist' model pulls towards the opposite direction by emphasizing the expansion of human rights, the rise of complex interdependencies, and deterritorialization processes associated with globalization in economic, social, cultural, and political realms. In this context, Turkish experts and parliamentarians find it difficult to determine whether the EU conditionality of foreign land ownership is globally legitimate. Consequently, unlike the reform of ombudsmanship, the debates on the reform of foreign land ownership are likely to continue in the near future. The Turkish government has recently passed

a new law to expand foreigners' rights to own land in Turkey, which has been immediately referred to the Turkish Constitutional Court by the main opposition party (CHP). Nevertheless, unlike the reform of Cyprus policy, the reform of foreign land ownership is not rejected for being globally illegitimate: rather, there is a 'normative over-fragmentation' in this domain at the global level. This explains the persistent attempts of the Turkish government to pass reforms in this area since 2003, but not in the case of Cyprus policy.

The cross-tabulation that follows (Table 2) compares determinacy-based and global legitimacy-based models on selected EU-led reforms and concludes that rather than the determinacy or strength of EU's conditional pressures, it is the global legitimacy factor which explains domestic attitudes towards EU-led reforms. The strength of EU's conditional pressures varies in the selected reform areas. In the case of Cyprus policy, the strength of EU's conditional pressures is the highest because non-compliance with the EU's Cyprus conditionality has been immediately sanctioned: membership negotiations have been blocked. However, in the case of foreign land ownership, the EU is able to allow for temporary derogations even after Turkey's accession. Hence, its conditional pressures are weaker than those in the case of Cyprus policy. Finally, non-compliance with the EU's conditionality of ombudsmanship is the lowest; in other words, it is unlikely to interrupt membership negotiations.

Reform Area	Determinacy of EU conditionality	Global Legitimacy of EU conditionality	Outcome/Domestic Response
<i>Cyprus policy</i>	High	Low	No reform (Retrenchment)
<i>Foreign land ownership</i>	Medium	Unknown (normative overfragmentation)	Partial reform (submitted to the Court)
<i>Ombudsmanship</i>	Low	High	Reform

Table 2. Determinacy-based and legitimacy-based approaches to the selected EU-led reforms

Overall, the study concludes that global legitimacy – defined as the congruence between EU conditionality and world polity – ‘matters’ in terms of forming Turkish responses towards the EU. It thus finds that regardless of the strength of its conditional pressures:

- *EU-led reform that is perceived as globally legitimate is strongly supported.* Since ombudsmanship is suggested by the UN as a ‘logo of modern democracy’, it is embraced by Turkey despite the fact that the EU’s conditional pressures on ombudsmanship have been weak.
- *EU-led reform that is perceived as globally illegitimate faces opposition.* The EU’s Cyprus conditionality is perceived as ‘double-standards’ and ‘deviation from the UN-led approach to the Cyprus conflict’; it is thus rejected despite the serious risk of Turkey-EU estrangement.
- *EU-led reform whose global legitimacy is difficult to be determined – due to competition between well-established global models – triggers much confusion and polarizes the domestic arena.* The reform of foreign land ownership demonstrates that global ‘normative overfragmentation’ in the domain has bifurcated Turkish elite and expert opinion between national sovereignty and human rights.

7.1. Discussion

The study confirms the assumption that there is an emergent world polity that largely constitutes Turkish responses to EU stimuli. This is an important contribution to the literature on both Turkey-EU relations and European enlargement, which tend to limit their focus on the constraining effects of particular European organizations such as the Commission, the Council of Europe or the ECHR and thus overlook the possibility of an emergent world polity that enacts and legitimates actorhood and action in the global era. By adopting a global-legitimacy model based on world polity, this study rejects the claim that EU membership conditionality is the prime cause for domestic reform, which is based on an observation that Turkey started to undertake reforms

during its negotiation process with the EU. By studying the variation in domestic responses to EU's conditionality, the study finds that such attitudinal variation results from global structuration processes. In other words, the success of the EU's conditional pressures on Turkey depends on a structural context in which it operates. Had the reforms advocated by the EU not made sense in a globally constructed system of norms, interests, and ideas, they would not be embraced by Turkey.

In this context, exogenous pressures coming not only from other European organizations but also from world-level non-governmental organizations and communities are crucial in terms of legitimating the EU's conditional pressures on its candidates, and thus, determining how EU membership conditionality is received in the domestic sphere. The following sections will discuss the major implications of the research findings for studies of Turkey's Europeanization and answer some questions that might arise such as the role of domestic veto players and political ideologies, the definition of global standards, and the logic guiding the frequent invocation of global norms and standards in justifying domestic attitudes towards EU conditionality.

7.1.1. De-centering the EU in Turkey's Europeanization

EU conditionality is a 'necessary but not sufficient condition' for domestic reform in Turkey. While strong conditional pressures exerted by the EU have failed to change the *status quo* in Turkey's Cyprus policy or to alter Turkey's foreign land ownership policy, weaker EU pressures have been followed by domestic reform, as seen in the case of ombudsmanship. The conventional argument that a reform is opposed because it is 'too costly' or it is 'against national interests' is insufficient to capture this paradox, because Turkish opposition to reforms is not necessarily justified with a cost-benefit calculus. To clarify, the majority of the Turkish experts and parliamentarians justify their opposition to the EU-led reform of Cyprus policy with two main arguments. First, they assume that it is the UN which is the legitimate actor of conflict resolution in Cyprus. Consequently, they oppose the EU's role as a 'catalyst' of peace in Cyprus because unlike the UN, the EU is not a globally recognized actor (or platform) for conflict resolution. Second, they refuse to reframe Turkey's Cyprus policy as an official part of EU membership conditionality. They refuse to establish a cognitive link between Turkey's EU and Cyprus policies: these

have always been thought as separate issues. In their opinion, it is ‘unthinkable’ or impossible to compute whether choosing one (EU membership) would be more beneficial for Turkey than pursuing the other (Turkey’s traditional Cyprus policy). Here, it is notable that ‘national interests’ is a symbolic argument that is frequently used but lacks a clear definition (Frankel 1970; Burchill 2005). It is highly doubtful that a political community can have a single voice in articulating common expectations (Burchill 2005: 13). In this context, explaining Turkish opposition with the argument of national interests overlooks the long-enduring domestic debates and contestations against the traditional Turkish policy towards Cyprus. Since the mid-1990s, several Turkish political leaders have openly questioned whether Turkish national interests should be redefined in terms of establishing good neighbourly relations with Greece and Cyprus (e.g. Mesut Yılmaz, Yaşar Yakış). Accordingly, ‘national interests’ should not be taken as a static and predetermined phenomenon that is unaffected by time and place (Burchill 2005: 30; Katzenstein 1996). Instead, it is a symbolic argument that cannot be taken as the primary cause of domestic opposition to reforms in Turkey (Aydınlı 2004: 151).

A calculus approach (cost-benefit analysis) does not explain the Turkish support for the reform of ombudsmanship either. Rather than seeing ombudsmanship as a ‘problem-solver’, Turkish reformists claim that ombudsmanship is a globally endorsed institution that is a ‘logo’ of contemporary standards of civilization. It has already been adopted in many dissimilar countries in terms of economic development, governmental complexity, population size, and political culture. It is thus appropriate to establish it in Turkey. Cost-benefit calculations could not predict domestic attitudes towards foreign land ownership either. Both opponents and supporters of foreign land ownership in Turkey discuss the ‘appropriateness’ of the reform much more than the expected benefits and costs of the reform. Besides, given the blurring of boundaries between policy sectors in the global era, it is difficult, if not impossible to explain the variation in domestic responses to EU-led reforms with a hierarchy in sectoral interests. A popular separation of ‘high politics’ from ‘low politics’ implies that foreign policy is a strategically important sector (high politics) where reform is more difficult, while economic and social policy constitute sectors of ‘low politics’ where reform is easier (Özcan 2008). However, the debates on foreign land ownership demonstrate that it is no longer possible to separate questions of ‘high politics’ from

those of 'low politics'. Although foreign land ownership is framed as a policy of economic integration by the EU (low politics), it has often been treated as a question of national security (high politics) in candidate countries (Tessler 2004).

Apart from the costs of reforms, some Rational Choice Institutionalists tend to explain domestic opposition to EU's conditional pressures with a lack of sufficient incentives and particularly, with the lack of credible membership prospects in the case of Turkey (Schimmelfennig 2008). Accordingly, they assume that Turkish harmonization with the EU has slowed down because of the EU's failure to provide an exact date for Turkey's official accession to the EU. The studied cases demonstrate that the lack of credible membership prospects trigger negative reactions in Turkey. However, the argument of 'credible membership prospects' has a limited explanatory power. First, it does not explain why some EU-led reforms are embraced while others face opposition despite the fact that they have all been debated under the same condition (lack of credible membership prospects) and during the same time period (post-2002). Besides, while the lack of credible membership prospects strengthens the hands of the opponents of the reform, it is not cited as the primary cause of domestic opposition. Many experts and parliamentarians who oppose the reform of Cyprus policy confessed that they would continue their opposition, even if the EU decides to provide full membership to Turkey. Besides, it is argued that some candidate countries may even lose their motivation to continue the domestic reform process, once they receive an official membership guarantee from the EU (Bauer et al. 2007).

Similar to the factor of EU conditionality (constraining stimuli) discussed above, EU-level constitutive stimuli have a limited explanatory power in terms of explaining domestic support for EU-led reforms in Turkey as well. Turkey's Europeanization cannot be defined as a unidirectional transmission of European norms, culture, and standards to Turkey. The studied cases demonstrate that the opponents of EU-led reforms in Turkey often point to the divergence of policies and practices in EU member states in order to claim that the EU lacks a unified culture and thus, fails to develop standardized and coherent approaches towards its candidates. Moreover, the supporters of EU-led reforms tend to de-emphasize the Europeanness of reforms and point to the universalistic nature of the policies they are willing to undertake in Turkey. They state that EU-led reforms would be embraced by Turkey even if Turkish

membership prospects were completely lost. The EU's 'Copenhagen criteria' can be renamed 'Ankara criteria' because they reflect universally endorsed rules and norms that are applicable to all societies. Overall, the study concludes that top-down accounts of Rational Choice institutionalism which focus on EU conditional pressures fail to capture that EU conditionality only accelerates the discussion of particular reforms in the domestic arena but does not necessarily determine the nature of domestic responses (whether domestic response is negative or positive) nor the direction of domestic change (whether domestic reform reflects a model advocated by the EU or adopts an alternative global template). It is the universalistic character of the reform that makes it acceptable in the Turkish arena.

7.1.2. Role of domestic factors

This study's emphasis on global factors should not mislead students of Turkey-EU relations into overlooking domestic factors. In particular, the selected cases on Turkey's Europeanization demonstrate the significance of domestic veto players. Respectively, the Turkish Armed Forces, the President of the Turkish Republic and the Constitutional Court played important roles in blocking the efforts of the AKP government to comply with the EU conditionality of Cyprus policy, foreign land ownership, and ombudsmanship. However, it is crucial to note that domestic veto players largely derive their discourse and agenda from the global arena (Schneiberg and Lounsbury 2007: 664). Besides, the powers of veto players are constrained and variable in Turkey. For instance, the political influence of the Turkish military has decreased due to several governmental reforms led by the EU. The number of civilian members of the National Security Council was increased. For the first time, a civilian bureaucrat was appointed as the Council's Secretary General. The National Security policy document was revised in November 2010 to further limit political interferences of the army.

Unlike the Turkish army which saw its political powers eradicated over time, the President of the Republic has traditionally had a symbolic veto power (Özbudun 2012). According to the Turkish Constitution, when the Parliament passes a bill and sends it to the President for a final approval, the President can return the bill to the Parliament for reconsideration only once. If the Parliament decides to send the same

bill again to the President, the latter should either approve it or submit it to referendum. Due to large costs associated with holding referenda, Turkish Presidents have frequently approved bills with which they previously disagreed. Moreover, since 2007 this post has been 'absorbed' by the AKP government, as the second leader of the AKP, Abdullah Gül, replaced Ahmet Necdet Sezer who had vetoed the laws of foreigner rights and ombudsmanship. Unlike the previous President, Abdullah Gül has abstained from using his veto on a frequent basis.

Similarly, the Constitutional Court, which has actively used its veto powers since its foundation in 1961, had a gradually diminishing role as a veto player due to the AKP government's attempts to control it. Apart from annulling new laws that it deems incompatible with Turkish Constitutional provisions, the Court has closed 24 political parties for promoting political Islam and Kurdish secessionism. It even discussed in July 2008 the closure of the governing party AKP and the political ban on key AKP figures including Abdullah Gül and Tayyip Erdoğan for violating the principle of secularism enshrined in the Constitution. In the end, it decided not to close the party but it curtailed the financial state support to the AKP. The proactive usage of veto powers by the Constitutional Court has led Turkish governments to support the appointment of like-minded judges as members of the Court. In 1990, for the first time an economist with no legal background, Haşim Kılıç, was appointed as a member of the Constitutional Court by the Özal government. He served several times as the acting head of the Constitutional Court. In 2007 with the support of the AKP government, he got elected as the head of the Court. During the Court's discussion on the AKP's closure, Haşim Kılıç was the only Court member who voted against the penalization of AKP for violating secularism. Finally, the AKP government passed a new law changing the Court's structure (for instance, the number and election procedures of members) by the referendum of September 2010, which is likely to further limit the veto powers of the Constitutional Court (Özbudun 2012: 201).

In this context, it is plausible to argue that a single political party 'absorbed' or invalidated the key domestic veto players (Tsebelis 2002:28). Nonetheless, changing the *status quo* in many policy areas, including Cyprus policy and foreign land ownership, is still difficult. By studying three reform areas where the Turkish government demonstrated considerable efforts to change the *status quo*, the thesis

assumes that it is not the governmental preferences that explain the variation in domestic compliance with EU conditionality. Also, domestic ideological differences among Turkish legislators do not prevent them from using similar arguments. Both the interviewees from the government and the opposition parties emphasize the global support for ombudsmanship while justifying their support for the establishment of a Turkish ombudsman and similarly resort to the argument of ‘double standards’ to defend their opposition to the reform of Turkey’s Cyprus policy. Rather than political ideologies (right-left division), Turkish legislators are divided on the issue of foreign land ownership along the lines of two competing global models (national sovereignty and human rights). Therefore, the criticism that the theoretical framework proposed by this thesis obscures domestic cleavages is a valid one but it mainly overlooks the fact that ideological differences are not necessarily significant in explaining domestic attitudes towards EU-led reforms. For instance, an ultra-nationalist party (MHP) coalesced with a leftist party (DSP) and adopted several EU-led reforms, including the abolition of death penalty despite protests from its ultra-nationalist voters (Müftüler Baç 2005).

Moreover, political parties in Turkey do not necessarily represent a unified front nor a clear ideology. The main opposition party (CHP) is a social democratic party which has been frequently compared to an ultra-nationalist party (MHP) due to the nationalistic tone in its criticisms against Turkey’s EU-led reform process under Baykal’s leadership (Öniş 2007). After the rise of Kılıçdaroğlu as the new CHP leader who seeks to abandon Baykal’s previous nationalistic rhetoric, many leading members of the CHP have been replaced by new faces. Hence, the main opposition party that has played an important role in vetoing the selected EU-led reforms is internally fragmented and the Kılıçdaroğlu leadership has started to redefine the CHP’s stance towards certain EU-led reforms. For instance, unlike Baykal who saw EU conditionality on minority rights as a breach of Republican principles, Kılıçdaroğlu supports the expansion of minority rights in Turkey in the context of universal norms on human rights and social democracy (Gülmez 2013).

Finally, a comparison between state-affiliated and non-governmental actors has been useful to demonstrate that the tendencies in both types of actors are similar while the proportions are different. Similar to public servants, the surveyed non-governmental

actors consisting of NGO activists, academics, lawyers, and economists dealing with EU affairs, demonstrate a general tendency to oppose the reform of Cyprus policy but the number of reformists amongst public servants is lower than those in the private sector. In brief, a World Polity perspective uncovers that Islamists, Kurdish ethno-nationalists, ultra-nationalists, and other domestic groups are similar in terms of resorting to available models and definitions that are globally legitimate, while determining and justifying their stance towards EU conditionality. In this context, this study focuses on the arguments with which domestic actors justify their attitudes, not the actors themselves.

7.1.3. Defining European and global standards

It is difficult to separate European and global norms, principles, and standards due to Europe's central role in the enactment of (post-WWII) world polity. Not only European governments, but also non-governmental organizations in Europe have traditionally been leading members of world-level expansion of science, human rights, and individualism, amongst other trends of world polity. Thus, many would pose the following question: how is it possible to distinguish global norms and scripts from those of their European designers? At the risk of reifying the global structure, some scholars attempt to draw a line between global and European norms. For instance, in her 2011 speech 'EUtopia? A critique of 'Europe as a model' in the European Union Studies Association conference in Boston, Kalypso Nicolaïdis questions whether the norms and models spread by the EU are purely European. Similarly, Immanuel Wallerstein (2006) suggests that 'universal universalism' transcends 'European universalism' in the sense that it addresses all humanity whereas European universalism seeks to subjugate the non-European world. World Polity School acknowledges a mutually constitutive relationship between European and global standards but considers the latter as ontologically prior.

The following is a summary of the findings that allow a better understanding of how the EU's relationship to its global environment is understood in Turkey. Turkish experts and legislators were asked: 'Do you think Turkey must follow European or global standards if there is a conflict between them?' The majority of the surveyed experts stated that they would choose global standards (61 per cent of public and 55

per cent of the private sector). Only 27 per cent of the public servants and 33 per cent of the experts from the private sector chose European standards as their priority. The rest of the informants (12 per cent of the public and the private category) provided the pragmatic answer that Turkey should not bind itself with any standards and instead, should follow the standards which serve its best interests on a case by case basis. Finally, a few rejected analytical separation of European and global standards as they use these terms interchangeably. Similarly, Turkish parliamentarians tend to prioritize global standards but they strongly insist on the remarkable convergence between European and global standards. They argue that Turkish emphasis on global standards does not necessarily downplay the importance of European standards which constitute an integral part of universal standards. For instance, Zeynep Dağı (interview with the author 2010) explains that there is a mutually constitutive relationship between the EU and its global environment. The EU is both a ‘standard-setter’ and a regular follower of global standards (Ibid.). In other words, it both shapes and is shaped by world polity.

According to Turkish parliamentarians, Turkey intends to ‘catch up’ with global standards through its membership to the EU because the EU does not only represent a geographically proximate area but also a particular civilization to which Turkey has contributed since the foundation of the Ottoman empire in the 13th century (Çalışkan; Çerçi; Ceylan; Dağı, interview with the author 2010). They provide two types of arguments that explain the EU’s significance in the constitution and spread of global standards. First, some parliamentarians (Aritman; Hacaloğlu; Pazarcı; Tanrıku; anonymous bureaucrat 1, interview with the author 2010) assume that global standards largely derive from European culture, history, and philosophical ideals implying primarily the values derived from the Enlightenment, the Reformation, and the Renaissance, as well as the European social, economic, and political experience that resulted in the development of liberal democratic system. Unlike the first camp that considers Europe as the cultural centre of world polity, others (Aksoy; Çalışkan; Ceylan; Kart; Mercan; Uras, interview with the author 2010) emphasize on European success in institutionalizing, implementing, and spreading global standards through previously European colonialism and currently, via enlargement. In this sense, the second camp rejects the assumption that Turkey seeks to import European values and norms. For instance, Taha Aksoy (interview with the author 2010) believes that the

origins of many so-called ‘European norms’ are located in the East, including Islamic and Far Eastern civilizations. He thinks that the EU’s role is important in terms of codifying and institutionalizing these norms. Abdullah Çalışkan (interview with the author 2010) similarly argues that Europe has been a prime site where universal norms and standards have been tested and practiced without eradicating local specificities. Consequently, due to the EU’s efforts, universal norms have become a set of tangible criteria which are ready to be imported and implemented by Turkey and other countries (Erbatur, interview with the author 2010).

Despite their emphasis on global standards and norms, Turkish parliamentarians acknowledge that ‘global standards’ is an abstract and elusive term because ‘There is not yet a homogenous and unique set of standards which reflect the preferences of and apply to every nation in the world’ (Tanrikulu; Erbatur; Aksoy; Hacaloğlu, interview with the author 2010). They also oppose institutionalization of global standards which would imply in their opinion eradication of local cultures. At best, global standards indicate prevailing standards in modern countries. ‘When a parliamentarian protests a law by saying that “you cannot find a similar regulation elsewhere in the world”, s/he means that you cannot find similar laws in advanced democracies’ (Aksoy, interview with the author 2010). In other words, ‘global standards imply the level of civilizational progress that the whole humanity strives for’ (Çerçi, interview with the author 2010). Hence, ‘it is a constantly moving target’ (Ibid.). According to some, the historicity of global standards results from shifts in the distribution of power within the global system. For instance, Ahmet Kenan Tanrikulu states that ‘Previously, global standards were shaped by great powers such as the Ottoman or the British empire. Following the end of the Cold War, they reflect the liberal norms of Western powers’ (interview with the author 2010). Alternatively, Nevin Gaye Erbatur, Mehmet Çerçi and Mustafa Öztürk claim that the formation of global standards implies a gradual process, and conclude that a single power or state was not able to radically change or establish global standards on a voluntary basis (interview with the author 2010). In their opinion, the establishment of ‘global standards’ substantially owes to the efforts of the UN, academics, think tanks, research centres, and opinion leaders, which seek to establish common points of reference for all nations and individuals in the world. In this sense, global standards do not serve a particular nation or community but addresses the living conditions of the entire humanity. In

addition, ‘globalization makes it possible that everyone becomes a “watchdog” against the violation of global norms in distant places and communities’ (Erbatur, interview with the author 2010). In sum, despite the acknowledged difficulty to separate European and global standards, it is important to note that these terms are not interchangeable. Another question that arises is whether frequent emphasis on global factors is a tactical attempt to persuade domestic opponents.

7.1.4. Emphasis on global factors: only instrumental rhetoric?

Rational Choice Institutionalism assumes that domestic actors hold predetermined and fixed interests which derive from the domestic arena and thus, are immune to the constitutive effects of exogenous stimuli coming from the global sphere. In this context, domestic actors instrumentalize exogenous pressures in order to maximize their self-interests. For instance, the EU is considered as an instrument at the hands of national governments, which use its conditionality as a ‘scapegoat’ to promote unpopular policies (Featherstone and Papadimitriou 2008). From a purely rationalist perspective, it could be argued that domestic actors resort to global standards instrumentally and domestic compliance with world polity models is limited to the rhetorical level or ‘is little more than window dressing’ (Goddard 2006: 42). In other words, Rational Choice accounts would reject the argument that world polity could have a constitutive effect on domestic attitudes. It is difficult, if not impossible, to detect the real motive of an informant or whether an informant is lying or not. As a remedy, this study used multiple sources of information – expert survey, elite interview, and analysis of parliamentary minutes – in order to check the authenticity of the informant accounts. Even if all of the informants had used a global discourse out of strategy, Rational Choice institutionalism still needs to explain why global norms and standards have gained such legitimating power over egoistic actors in the first place. Not only in Turkey, but also in other countries that are dissimilar to Turkey, it is usual that global norms and standards are implicitly – if not explicitly - emphasized.

A recent example is the US President Barack Obama’s emphasis on the necessity to support ‘universal values’. Obama acknowledges that ‘democracy, rule of law,

freedom of expression, and religion ... are not simply principles of the West' (BBC 2009). In the words of the US ambassador to Russia, Michael McFaul:

There is no single path to democracy. And every society and every government and every country will find their own path. And we, as President Obama has said many, many times, we're not going to get into the business of dictating that path, we're just going to support what we like to call universal values. *Not American values, not Western values, universal values* (Green 2012, *emphasis added*).

Sceptical readers may think that the universalist discourse of the US President is a strategy to spread norms and values that substantially reflect American culture and interests in the post-Cold War era. Following the dissolution of the Soviet Union, the American political elite has had the privilege to shape the new 'rules of the game' in the international political arena, and establish international institutions as 'guardians' of the new world order (Cox and Stokes 2012). Fukuyama puts forward the thesis of the 'End of History':

What we may be witnessing is not just the end of the Cold War, or the passing of a particular period of post-war history, but the end of history as such: that is, the end point of mankind's ideological evolution and the *universalization of Western liberal democracy* as the final form of human government (Fukuyama 1989, *emphasis added*).

However, Fukuyama's thesis is open to strong criticisms for overlooking the contestations against the universality of Western norms. Moreover, not only big powers like the US, but also middle and small powers refer to universal norms and standards in order to justify their decisions. For instance, the Turkish ambassador to the EU announced that Turkey was willing to embrace EU-led reforms because the latter were part of the prevailing global standards:

The European Commission's recommendations will be taken on board to the extent that they reflect *universal norms*. Take the death penalty [which Turkey abolished in 2004]. Whether or not you want to join the EU, it's a good thing to abolish the death penalty (Rettman, 2011, *emphasis added*).

Given the fact that they did not contribute to the post-WWII world order to the same extent that the USA did, it is puzzling to observe the Turkish government's frequent reference to global standards or the Pakistani leader's emphasis on the need to preserve 'universal norms' led by the UN (Zardari 2011). In addition, an emphasis on the global condition does not necessarily serve to empower national governments. For instance, a former Australian Foreign Minister (Gareth Evans) emphasized in 1989 the vulnerable position of Australia (and other countries in the world) in the global era and suggested that 'global problems such as threats to the global environment, international health problems like AIDS, the international narcotics trade, refugee care and resettlement, population growth, and debt require[d] global solutions'. Chandler argues that the end of the Cold War coincided with the rise of a globalized discourse and asks 'why political elites would seek to present themselves as acting in the interests of global humanity rather than the collective self-interest of their own constituents?' (Chandler 2009: 14, 92). He defines the global as an abstraction or 'empty words' and thinks that a strong emphasis on the global system is a political strategy to mask that '[political elites] lack a clear policy agenda, or lack the confidence openly to advocate and impose specific sets of policies' (Chandler 2009: 42).

The pre-eminence of the global, whether we talk in terms of global governance, global security or global resistance, highlights a lack rather than a presence. It is the lack of clear sites of articulations of power, the lack of clear security threats, the lack of strategic instrumental policy-making and the lack of clear political programmes (Ibid.).

Chandler's argument reinforces the limitations of the rationalist ontology that fails to grasp the constitutive impact of world polity on nation states. Chandler rightly observes that (i) national policy-makers increasingly consider the global structure in taking political decisions and (ii) they fail to provide a clear rationale based on means-ends efficiency for the policies they adopt. However, he neglects the fact that even though domestic actors obtain strategic gains from using global norms instrumentally

in the short-run, their resort to global norms and standards consolidate the constitutive effect of the global structure in the long-run (Goddard 2006: 44).

It is also necessary to consider the possibility that Turkish experts and parliamentarians report their preference for global factors over EU-level factors (EU conditionality and European norms, culture, and values) due to their current disillusionment with Turkey's EU accession process. In other words, their emphasis on global norms and standards may be an *ad hoc* reaction against the EU's perceived reluctance to admit Turkey as a full member in the foreseeable future (Tanrıku, interview with the author 2010). If that is the case, once the EU decides to allow Turkish accession, Turkish experts would abandon their current tendency to de-emphasize EU factors (Pazarıcı, interview with the author 2010). When interviewed on this point, Turkish parliamentarians confess that both the prolonged and difficult accession negotiations with the EU and the public speeches of European political leaders such as Nicolas Sarkozy and Angela Merkel against Turkey's EU membership have played a significant role in escalating euroscepticism in Turkish public opinion (Sait Dilek; Aritman; Ceylan, interview with the author 2010). There is a widespread belief that Turkey's candidacy is treated unfairly by the EU (Tanrıku; Çalışkan; Pazarıcı, interview with the author 2010). While membership of other countries such as Bulgaria and Romania, which applied to the EU later than Turkey and which have yet to fully conform to EU conditionality, has not been contested by the EU, Turkish accession has been delayed to an uncertain date for both political reasons (such as the Cyprus conflict) and anti-Turkish sentiments in the European public sphere (Çalışkan; Ceylan; Kaymakçı, interview with the author 2010). This triggers nationalistic resentment against the EU: as they feel rejected by the EU, Turks say 'If you don't want me in, I do not want to join you either' (Pazarıcı, interview with the author 2010). 'Even those who adopt a European lifestyle seem to demonstrate negative reactions against the EU's unfair treatment against Turkey's candidacy' (Aritman, interview with the author 2010).

Although the argument of 'reaction' could be behind the current rise of euroscepticism in Turkey, it is insufficient to explain why some EU-led reforms such as ombudsmanship are embraced while others are rejected. So, what explains the adoption of certain EU-led reforms in Turkey, despite growing resentment against the

EU? Furthermore, the observed decoupling between Turkey's EU membership prospects and the reform process contradicts the assumption that Turkey's current attitude towards EU-led reforms is determined by Turkish resentment against the EU's ambivalent attitude towards Turkish accession. Turkish legislators state that even though Turkey's EU membership negotiations may fail, Turkey would continue its efforts to comply with the EU-led reforms that are perceived as universal. As mentioned previously, the Turkish Prime minister suggests renaming EU accession criteria as 'Ankara criteria' and continue the reform process as previously designed. In this context, it is concluded that against the expectations of Rational Choice Institutionalism, global norms and standards are not invoked on a selective and *ad hoc* basis.

7.2. Some Limitations and Implications

The following section discusses some potential implications of this study for Turkey-EU relations and addresses three main limitations, which derive from (i) the decoupled nature and the historicity of world polity that influence Turkish attitudes towards the selected EU-led reforms; (ii) traditional trade-off between the number of cases and in-depth analysis; and (iii) the limited generalization of the findings to other EU candidate countries. First of all, this study finds that domestic actors in the selected EU candidate country, Turkey, determine their attitude towards EU conditionality in congruence with the prevailing global standards of world polity. World polity is not a static and ahistorical hegemonic empire. If that was the case, it would be easier to predict the direction of global transformations and consequently, that of domestic reforms because world-polity pressures would have targeted global homogenization. However, world polity is both decoupled and dynamic; additionally, global standards and norms have a historical character. In this sense, it would be misleading to explain domestic reforms that took place in the previous era and to predict future policies in line with world polity models. Some scholars believe that global norms have a lifetime of their own (Finnemore and Sikkink 1998). In other words, global norms and standards are born in a specific historical context and are later replaced by other norms and standards over time in line with the shifts in the historical context. For example, slavery, colonialism and fascism are amongst the

global norms and institutions that were substituted by the global model on human rights in the post-WWII era. In particular, the question of foreign land ownership should be carefully studied in the long-term in order to trace how the current world polity takes shape in the near future. World Polity scholars expect the emergence of an eclectic model that merges two competing global norms that are equally institutionalized in the post-WWII world polity. For instance, the model of ‘sustainable development’ derives from the fusion of developmentalism and environmentalism (Frank et al. 2000b: 126). Accordingly, it is possible to hypothesize that Turkey’s reform of foreign land ownership would follow an emerging model that reconciles national sovereignty and human rights. For example, the emerging UN principle of the ‘Responsibility to Protect’ supports humanitarian interventions in case of national governments’ failure to protect their populations (Report of the UN Secretary-General 2012).

A second major limitation of this study results from the number of cases that are investigated through expert survey and elite interviews. By selecting three reform areas, the study had to limit some empirical details that might demand a larger place in a single case study. However, this does not compromise the findings of this study. For instance, in the case of ombudsmanship, ongoing debates on the suitability of particular political figures such as the former Turkish President of the Republic, Süleyman Demirel, have not been treated in detail. The personal characteristics that are attributed to a legitimate ombudsman such as impartiality and fairness have already been explained. The debates on whether Demirel or other Turkish political figures could meet such expectations are not the concern of this thesis. What matters is that there is a prevailing uncertainty around who will be Turkish ombudsman and how s/he will work even after the adoption of the law. In the case of foreign land ownership, the decisions of the Turkish Constitutional Court are not retroactive: in other words, foreigners who buy Turkish land from the date of adoption of the law to the date of its annulment by the Constitutional Court, do not lose their ownership rights. Hence, there is a reaction against the sale of particular places such as ‘*Sevda Tepesi*’ (Love Hill) located in Istanbul, which was bought by a Saudi Arabian prince in mid-1980s, who has recently been allowed to establish a touristic residence in that area. Rather than focusing on particular concerns, the thesis sought to find the general tendencies towards land acquisition by foreigners and the main reasons behind

domestic opposition to foreigners' right to own land in Turkey. Hence, it emphasizes that the majority of those who oppose foreigners' right to own land in Turkey do not do so because of their concerns over particular locales. They oppose foreign land ownership because they see Turkish territories as 'motherland', an indispensable constitutive element of Turkish national identity and sovereignty. As regards the case of Cyprus policy, the thesis provides a general overview of the Cyprus conflict due not only to space constraints but also to the specific aims of this research. Detailed analyses on the reasons of the Cyprus conflict and the role played by other international actors such as the USA are already abundant (see for example, Constantinou 2007; Necatigil 1993; Markides 1977). By focusing on the EU, the thesis intends to contribute to the developing literature on the EU's role in Cyprus conflict (Diez et al. 2006; Diez and Tocci 2005).

Finally, by investigating the processes through which world polity models affect a single country (Turkey), this study diverges from the World Polity School's general tendency of conducting cross-country (large-N) comparative research. Consequently, the variable of 'structural location in world polity' used by previous research has only been of limited use in this study. World Polity School explains the variation of national attitudes towards exogenous stimuli with whether the country is centrally located in world polity or is at the periphery, depending on the degree of its connection to the UN and other global governmental and non-governmental organizations. Boyle adapts this variable to a single-N study by distinguishing domestic actors as those who are affiliated with the state and those who are not. She thus expects that state-affiliated actors would insist on the 'national sovereignty' model of world polity whereas non-state actors would emphasize the global institution of human rights. In the studied cases on Turkey-EU relations, structural location of domestic actors – public servants and parliamentarians as state-affiliated actors, and experts in law, economics and NGO members as representing the private sector – could be a factor that influences individual attitudes towards exogenous stimuli.

However, an approach based on the structural location of domestic actors underestimates the internal divisions within the state and non-state actors in question. Some parliamentarians had stronger attachment to the global claims of human rights than some experts who are not affiliated with the state. Further research could better

grasp whether structural location in world polity leads to predictable attitudes towards EU stimuli. For instance, the study suggests a comparison of Turkey with other EU candidate countries. Current EU candidates such as Macedonia, Croatia, Serbia or Montenegro, which have sought both EU membership and transition to liberal democratic system after the dissolution of Yugoslavia, could be assumed to be similar to Turkey in terms of being located at the periphery of world polity and attempting to move to the core through harmonization with EU conditionality. Besides, the study of general attitudes in previous candidate countries such as Poland which faced similar contestations from the EU due to its large population and religious conservatism (Öniş 2004), or Greece which shares a similar scepticism against foreigners and an Ottoman legacy (Grigoriadis 2008) could generate valuable findings in terms of testing whether the arguments that explain the Turkish case are generalizable to other candidates.

Despite its potential limitation in terms of generalizability, the case study on Turkey's Europeanization is an important contribution to World Polity literature, which often adopts (large-N comparative) research designs that overlook cultural and historical specificity of the domestic societal context (Drori and Krücken 2009: 20). Boyle argues that 'neoinstitutionalists ... rarely take differences in individual reactions to policies seriously' (2002: 6) and suggests that there is a need to 'examine the interaction of homogenous global policy with heterogenous local actions' (Ibid: 7). Similarly, Finnemore (1996) believes that many World Polity scholars tend to overlook the political contestations of globally induced reforms. In this sense, in-depth and qualitative information derived from single-country studies could shed light on the complex processes through which global models are translated into the domestic context (Schofer and McEneaney 2003).

Lastly, mainstream EU-centric accounts based on three prevailing 'myths' on the EU as (i) a single political community that is devoid of a global context, (ii) a normative-civilizing power that represents a superior civilization, or (iii) a strategic-economic instrument at the hands of national governments, overlook persisting divergences and serious inconsistencies in Europe; idolize the EU as Kantian despite the proliferation of European policies suggesting otherwise (particularly since September 11 terrorist attacks, such as restrictive policies against non-EU immigrants or some European countries' cooperation with the US in the controversial trials of Guantanamo);

underestimate domestic reformism and creativity; misleadingly define support for EU-led reform as progressivism while domestic opposition as *status-quoism*, if not anti-modernism; and consequently, miss a whole series of global legitimation processes underlying domestic reform and resistance. By establishing the ‘missing link’ between domestic reform and the global structure with the help of the World Polity School of Sociological institutionalism, this study deconstructs the prevailing ‘myths’ on the EU and refines the mainstream ‘sender-receiver’ and ‘goodness of fit’ accounts of Turkey’s Europeanization.

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APPENDIX I. Institutional affiliations of survey participants

1. Informants from public institutions

Undersecretariat of the Prime Ministry for Foreign Trade
Turkish Court of Accounts
Turkish International Cooperation & Development Agency (TIKA)
Turkish Broadcasting Agency (TRT)
Turkish Parliament
Ministry of Environment and Forestry
Turkish Ministry of Labour and Social Security /EU and IPA Coordination
Department
Republic of Turkey Prime Ministry - Administration for Disabled People
Ministry of Foreign Affairs
Secretariat General for EU Affairs
Republic of Turkey Prime Ministry-State Planning Organization /Centre for EU,
Education& Youth Programmes
Republic of Turkey Prime Ministry - Undersecretariat of Customs /DG for the EU &
External Relations
Ministry of Trade and Industry-Small and Medium Enterprises Development
Organization (KOSGEB)/EU and Foreign Relations Department EU
Coordination Directorate
Republic of Turkey Prime Ministry - Privatization Administration
Ministry of Transport and Communication
Development Agency Middle Northern Black Sea Region
General Directorate of Highways/ Department Of Strategy
Ministry of Industry and Trade
Republic of Turkey Prime Ministry – Turkish Statistical Institute
(TUIK /TURKSTAT)
Ministry of Justice/DG for EU Affairs
Turkish Employment Organization (İŞ-KUR)
Nevsehir Municipality/ Strategy Development Department
Bursa Municipality/ EU Coordination Centre

Note: The institutional affiliations of the 17 informants which are members of the Association of the European Union Experts of Turkey and which preferred to respond to the online survey are unknown.

2. Informants from the private sector

Lawyers

Ankara Bar Association/ External Relations Commission

İstanbul Bar Association

Bolu Bar Association

Bitlis Bar Association

Çelikler Law Firm

Barlas & Partners Law Firm

Garanti Bank /DG for Legal Affairs

Gün Law Firm

Note: 31 lawyers chose to respond to the online survey. Consequently, their institutional affiliations are unknown.

Economists

Şanlıurfa Chamber of Commerce and Industry (CCI)

Mersin CCI/Project Department

Bingöl CCI

Samsun CCI

Mersin Chamber of Shipping

Isparta CCI

Zonguldak CCI

Eskişehir Chamber of Commerce (CC)

İzmir CC

Gaziantep CC

Afyonkarahisar CCI

Fatsa CCI

Gaziantep CC

Yalova CCI

Eskişehir Commodity Exchange

Türkiye İş Bank

The Union of Chambers and Commodity Exchanges of Turkey (TOBB)

Turkish Industry & Business Association /Foreign Relations Department (Tüsiad)

Economic Development Foundation (İkv)

Giresun CCI

Kayseri Chamber of Industry

Nevşehir CC

Ordu CCI

The Board of Directors at Foreign Economic Relations Board (DEİK)

NGOs/Academics

The Turkish Economic and Social Studies Foundation (TESEV)

Ankara University European Research Center (ATAUM)

Abant İzzet Baysal University

Kültür University

Trakya University
George Washington University-Institute for Middle East Studies
Çankiri Karatekin University
Economic Policy Research Foundation of Turkey (TEPAV)
Yeditepe University
Süleyman Demirel University-EU Centre
Hacettepe University
Toplum Gönüllüleri (Community Volunteers) Foundation (TOG)
Association of Committees for Monitoring Parliamentarians and Elected Officials (TÜMIKOM)
Kurdish Democracy Culture and Solidarity Association (Kürd-Der)
Civil Society Development Center (STGM)
Turkish Retired Officers Association (TESUD)
Kırlareli University

Other

Delegation of the European Union to Turkey-RELEX Ankara (5 respondents)
Turkey-EU Joint Parliamentary Committee (1 respondent/SPD MEP in European Parliament)
European Commission/Education and Training (1 respondent)

APPENDIX II. Questionnaire

Introduction

This survey has been prepared for the doctoral dissertation on ‘Turkey-EU Relations from World Society Perspective’ in the Department of Politics and International Relations at Royal Holloway, University of London. The aim of the survey is consult the opinions of EU experts/lawyers/economists/NGO activists in Turkey. I will be glad if after completing the survey, you could send it to my institutional email address m.d.buhari@rhul.ac.uk.

I thank you very much in advance for your valuable support to my academic research.

Unless requested otherwise, the names of the survey participants will be kept strictly anonymous.

Best regards,

Makbule Didem Buhari

PhD candidate and Teaching Assistant

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1- Which concepts (below) related to the European integration are important, in your opinion?

	Not important	Quite important	Important	Very important
A- Economic integration				
B- Political integration				
C- European Commission & Court of Justice				
D- EU Intergovernmental Conference & Council of Ministers				
<i>E- Other (please specify)</i>				

2- Which factors (below) are important in terms of influencing Turkey's decision-making?

	Not important	Quite important	Important	Very important
A- Worldview of the Turkish government				
B- Turkey's national interests				
C- European Union's membership conditionality				
D- Individual interests of EU member states				
E- Interests of the United States of America				
F- World standards				
<i>G- Other (please specify).....</i>				

3- For an EU candidate state, which factors (below) are important to align with, in your opinion?

	Not important	Quite important	Important	Very important
A- National interests of the EU member states				
B- World view of the European public opinion				
C- World views of the European Commission and the European Court of Justice				
D- Discourses of International Non-Governmental Organizations such as Amnesty International				
E- Discourses of International Governmental Organizations such as International Monetary Fund and World Bank				
F- Other (Please specify).....				

4- If the EU membership conditionality conflicts with global norms and practice, which one should Turkey take as reference, in your opinion? (please select only one answer)

A- European standards	
B- World standards	
C- Other (please specify).....	

5- Do you think that ombudsmanship (*Kamu Denetçiliği* in Turkish) should be established in Turkey? (Please select the statement/s below that you agree)

	I AGREE
A- Ombudsmanship is a precondition for EU membership	
B- Ombudsmanship is a global institution and it is an important condition for being counted as a modern and democratic country.	
C- The establishment of ombudsmanship in Turkey would demonstrate Turkey's Europeanness.	
D- The institution of ombudsmanship is still absent in many countries of the world. So, it is not perceived as a beneficial institution in the world.	
E- Ombudsmanship is against national interests.	
F- Ombudsmanship is against national identity and culture.	
G- The institution of ombudsmanship is a problem-solving mechanism used in the world and which can help Turkey.	
H- <i>Other (please specify)</i>	

6- Do you think that Turkey should lift domestic restrictions towards foreigner rights to own land in Turkey?

A-Yes	
B-No	
C-I don't know	

6a- If your answer is yes, please state why. (Please select the statement/s below that you agree)

	I AGREE
A-Lifting restrictions towards foreigners would bring economic, social and political benefits to Turkey.	
B-Lifting restrictions towards foreigners has become a global policy in the modern world. And as Turkey is a modern country, it should follow world standards.	
C-It is observed that world countries which lift restrictions towards foreigners achieve higher economic growth.	
D-This is necessary for EU membership.	
E-Restricting foreigners' rights is against European identity and culture. So, Turkey should demonstrate its Europeanness by lifting the restrictions against foreigners.	

F-Turkish culture is one of tolerance and hospitality. So, Turkey should lift the restrictions against foreigners	
G-Other (please specify).....	

6b- If your answer is no, please state why? (Please select the statement/s below that you agree)

	I AGREE
H-Lifting restrictions towards foreigners might bring political, social and economic challenges against Turkey.	
I-Lifting restrictions towards foreigners might threaten Turkish culture and identity.	
J-Since there is no such institutionalized norm in the world, Turkey as a sovereign state, is free to maintain restrictions against foreigners.	
K-World countries which lift restrictions towards foreigners face economic, social and political problems.	
L-European countries still apply restrictions towards foreigners in order to protect themselves from economic and social problems.	
M-There are no European standards in this policy area. So, as all other sovereign states, Turkey is free to maintain restrictions towards foreigners.	
G-Other (please specify).....	

7- Do you think that Turkey should abrogate the Article 301 of the Turkish Penal Code which stipulates that “A person who publicly denigrates Turkish nation, the Republic or the Grand National Assembly of Turkey, shall be punishable by imprisonment” ?

A-Yes	
B-No	
C-I don't know	

7a- If your answer is Yes, please state why (Please select the statement/s below that you agree)

	I AGREE
A-The abrogation of the Article 301 is a precondition for full EU membership.	
B-The Article 301 is incompatible with Turkey's European identity.	

C-As freedom of expression is a well-established global principle, the abrogation of the Article 301 is an important criterion for being counted as a modern and democratic country.	
D-The Article 301 torpedoes Turkey's economic, political and social relations with other countries in the world.	
E-Other (Please specify).....	

7b- If your answer is No, please state why. (Please select the statement/s below that you agree)

	I AGREE
F-There is no such institutionalized principle in the world. Many countries still have regulations similar to the Article 301.	
G- It is observed that world countries which abrogated such articles have faced negative repercussions.	
H-There is no such European standards in this domain.	
I-This is not an important criterion for EU membership	
J-Other (please specify).....	

8- 'In your opinion, should Turkey open its harbours and airports to (Greek) Cyprus even if the Cyprus problem has not reached a conclusion?

A- Yes	
B- No	
C- I don't know	

8a- If your answer is Yes, please state why. (Please select the statement/s below that you agree)

	I AGREE
A-This is a precondition for EU membership.	
B-Turkey should demonstrate that it is a modern country by developing good neighbourly relations with Cyprus.	
C-By doing so, Turkey could improve its diplomatic and trade relations with other countries in the world.	
D-This is what is appropriate for Turkey's European identity.	
E-Other (please specify).....	

8b- If your answer is No, please state why. (Please select the statement/s below that you agree)

	I AGREE
F-For Turkey, the Cyprus problem is more important than the EU membership. So, opening harbours and aerospace to Cyprus would mean political concession and would be incompatible with Turkey's national interests.	
G- Due to its cultural affinity with the Greek Cypriot community, the EU imposes double-standards against Turkey.	
H- The international community is aware that Turkey is the rightful party on the Cyprus question. So, there are no world pressures against Turkey.	
I- Conflicts like the one in Cyprus are resolved under the aegis of the UN, not by the EU	
J- Other (Please specify)	

9- Do you think that access to internet sites should be banned in Turkey? (You can select multiple options)

	I AGREE
A-If only the websites in question are banned in the majority of the world countries, I would approve such a ban in Turkey too.	
B-If only the websites in question are banned in the majority of the European countries, I would approve such a ban in Turkey too.	
C-If the websites in question threaten Turkey's national interests, I would approve such a ban in Turkey.	
D-Since this is incompatible with freedom of expression, which is an important principle in the modern world, I would never approve such a ban in Turkey.	
E-If the websites in question insult Turkey's national identity, I would approve such a ban in Turkey.	
F-I would never approve such a ban in Turkey as it does not fit with Turkey's European identity.	
G-Other (Please specify)	

10. What are the main benefits of EU membership for Turkey, in your opinion?

	Not important	Quite important	Important	Very important
A- Consolidation of democracy, human rights and the rule of law in Turkey				
B- The ability to follow more closely the technological advancements in the EU member countries				
C- The right to free movement within the EU and facilitated trade with EU countries				
D- Turkey's recognition as a modern country in the world				
<i>Other (please specify)</i>				