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THE EUROPEAN UNION AS A NORM ENTREPRENEUR: TURKEY'S CASE

by

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INTRODUCTION

In this thesis, I analyze the political implications of the enlargement of the European Union (EU). I claim that the EU acts as a norm entrepreneur on candidate countries, rather than as an agent that seeks to maximize its benefits in a so-called anarchic international environment.

This analysis is guided by the constructivist approach. The *raison d'être* of the enlargement can be explained in a sociological perspective in which the EU is conceived of as a liberal international community, and in which enlargement is understood as the inclusion of countries that have come to share the EU's liberal values and norms.

To demonstrate the impact of the EU on candidate countries, I will use Turkey's accession as a case study. Many have accused the EU of attempting to intervene in the domestic affairs of the candidate countries by forcing them to implement Copenhagen political criteria. It has been said that Turkey will face ethnic conflict and political turbulence if it implements those criteria. However, studying the concepts of human rights, democracy, democratic peace theory, and liberal norms that the EU member countries share shows that the membership criteria is designed to bring peace to Europe.

The first part of this thesis proceeds as follows. In the first chapter, the constructivist approach will be introduced. The chapter will define the aspects of constructivist theory by comparing it with different strands of rationalist approaches. How the approach describes the structure of international systems, state identity and interest, the meaning of anarchy, collective action problems or the problem of collective action? and international institutions are

examined throughout the chapter. This will be followed by the definition of norms and an argument over whether they matter. The second chapter will focus on European values and norms, which are associated with liberalism. It will end with an examination of democratic peace theory. The analysis is restricted to the assumptions and claims of the most influential contributors to democratic peace scholarship.

The second part of the thesis will focus on the conditions for the current enlargement of the EU. The third chapter will set out the role of the EU as a norm entrepreneur. It will explore the norms and values underlying the conditions for enlargement, and the ways in which the political conditions represent European norms and values. It will present the argument that the EU determines political conditions for membership with democratic peace concerns and with the goal of broadening the base of those who share European values and norms. Lastly, the fourth chapter will identify how the political conditions for enlargement try to reshape the Turkey's identity toward liberal values.

PART I

BUILDING BLOCKS OF CONSTRUCTIVIST THEORY

The widening of the EU exemplifies the ways in which an international organization shapes and influences the norms, values, and identities of individual states. A constructivist approach allows us to study the impact of ideas. The common theme of different strands of constructivist theories is how political actors define themselves and their interests and thus modify their behavior. The actors, their interests, and their preferences are analyzed and explained as the products of social structures and social interaction.¹

Since the EU's foreign policy is multidimensional, no single approach can capture the nature of it. However, constructivism's emphasis on norms and social structures makes it possible to ask a completely different set of questions from rationalist approaches when examining the European Union's enlargement. How do the member states perceive their identities and those of the applicant countries? What interests follow from these perceptions? In answering these questions, the *raison d'être* of the EU's conditional membership may become clearer.

In this chapter, a constructivist approach is introduced first. The liberal norms and values are examined next. The chapter will try to focus on the meaning of the concepts of democracy and liberalism. Then, legitimization of the EU's role as a norm entrepreneur is

¹See S. M. Walt, 'International relations: One world, many theories', *Foreign Policy*, Washington, no. 110, Spring 1998, p. 40-41 and F. Schimmelfennig, 'The double puzzle of EU enlargement: Liberal norms, rhetorical action, and the decision to the east', *Arena Working Papers*, no. 15, 1999, p. 10.

provided through the logic of “democratic peace.”



CHAPTER I

CONSTRUCTIVISM IN INTERNATIONAL RELATIONS

The constructivist argument, in contrast to the economic theorizing that dominates international relations scholarship, involves a sociological-social psychological form of systematic theory in which identities and interests are the dependent variable.² It offers alternative understandings of a number of the central themes in international relations theory, including the structure of international system, the meaning of anarchy, state identity and interest, problem of collective action and international institutions.³

Rationalist theories derived from economics. They offer the following heuristic: if you have a puzzle, formulate it as a problem for rational actors with clearly specified interests, competing in a situation characterized by scarce resources. Rationalism encompasses both liberal arguments grounded in economics and realist arguments that focus on power and coercion. In the 1980s, the differences between realism and liberalism were sharpened as neorealists and neoliberals⁴

Neorealism, which is one of the core theories of international relations, argues that the anarchic structure of international systems determines the outcomes of the interactions

² A. Wendt, 'Anarchy is what states make of it: The social construction of power politics', *International Organization*, vol. 46, no. 2, 1992, p. 394.

³ See T. Hopf, 'The promise of constructivism in international relations theory', *International Security*, vol. 23, 1998, pp. 171-201.

⁴ P.J. Katzenstein, R. O. Keohane, S. D. Krasner, 'International organization and the study of world politics', *International Organization*, vol. 52, no. 4, 1998, p. 645.

between states. With anarchic structure, we mean that there is no superior authority over states to enforce international agreements or protect the legitimate interests of states. States act in accordance with the material structural incentives of an anarchic system, and their interests and strategies are based on calculations about their positions in it. Waltz says that states are powerless to alter the system in which they find themselves trapped and he argues that the values, ethics, and moral aspirations of states are thwarted by the systematic constraint of anarchy⁵.

However, according to the constructivist way of understanding, it is the culture, norms, institutions, procedures, rules, and social practices—in addition to the anarchic environment and the distribution of power—that constitute states' conceptions of self and other. Actors develop their relations with others through norms and practices. Structure is meaningless without them. Norms describe collective expectations with "regulative" effects on the proper behavior of actors with a given identity. Culture is also part of a social process. Culture refers to both evaluative standards (such as norms and values) and cognitive standards (such as rules and models) that define the social actors that exist in a system, how they operate, and how they relate to one another. To determine the outcome in a relationship, one needs to know about this collective meaning that constitutes the actors and the structures.⁶

Actors acquire identities by participating in collective meanings. Identities are

⁵ S. Burchill and A. Linklater, *Theories of International Relations*, New York: St. Martin's Press, 1996, pp. 86-89.

⁶ See T. Hopf, *op. cit.*, p. 171-172, and P.J. Katzenstein, et al., *op. cit.* pp. 675-684.

constructed within a social world. Each identity is a social definition of its actor and constitutes the structure of the social world.⁷ They tell you and others who you are and they tell you who others are. States may have many different social identities; these can be cooperative or conflictual. According to Alexander Wendt, "...people act toward objects, including other actors, on the basis of the meanings that the objects have for them. States act differently toward enemies than they do toward friends because enemies are threatening and friends are not."⁸ To clarify this argument, Wendt gives US military power as an example. US military power has a different significance for Canada than for Cuba.⁹

The identity of a state implies its preferences and consequent actions, such as the desire for physical security, stability, recognition by others, and development or improvement of the lives of its citizens. How states fulfill the needs of their corporate identities also depends on their social identities.¹⁰ Thus, the Cold War relationship between the United States and the Soviet Union was a social structure wherein the two principals identified each other as enemies and defined their national interests regarding each other in antagonistic terms. When the United States and the USSR no longer defined each other in these terms, the Cold War ended.¹¹

Constructivists also debate about the collective action problem and collective identity

⁷ A. Wendt, op. cit. pp. 397-398.

⁸ Ibid., pp. 396-397.

⁹ Ibid., p. 397.

¹⁰ T. Hopf, op. cit., p. 175.; S. Narine, 'Institutional theory and southeast Asia: the case of ASEAN', *World Affairs*, vol. 161, no. 1, 1998, pp. 33-47.

¹¹ A. Wendt, op. cit. pp. 397-398.

formation. A. Wendt argues that collective action is a process of creating new definitions of self. He identifies two types of mechanisms that promote collective state identities: structural context and systematic process.¹²

The structures of regional or global international systems constitute interaction contexts that either inhibit or facilitate the emergence of dynamics of collective identity formation. Whereas neorealists define structure in material terms, constructivists emphasize shared understandings, expectations, and social knowledge embedded in international institutions and threat complexes, as the terms with which states define their identities and interests.¹³

By *systematic processes*, Wendt means dynamics in the external context of state action. According to him, the external context of state action is very much related to states' identity. Dependency is a key determinant of the extent to which an actor's identity is shaped by interaction. He gives the example of a child whose development is far more influenced by his or her parents than by other actors. The transnational convergence of domestic values is another determinant of the formation of identity. This can take place mostly in cultural (e.g. the rise of global consumerism) and political (e.g. the spread of democratic institutions, concern with human rights) areas. He argues that societal convergence can result from rising interdependence, and also from demonstration effects, and diffusion.¹⁴

¹² A. Wendt, 'Collective identity formation and the international state', *The American Political Science Review*, vol. 88, no. 2, 1994, p. 389.

¹³ *Ibid.*, p. 389.

¹⁴ *Ibid.*, pp. 389-390.

Constructivists also developed explanations for international institutions. Christian Reus-Smit defines institutions as stable sets of norms, rules, and principles that serve two functions in shaping social relations: they constitute actors as knowledgeable social agents, and they regulate behavior.¹⁵ The literature on international relations presents different accounts for basic institutional practices. Neorealists attribute the nature and extent of international institutional cooperation to the power and interest of hegemonic states. The neorealist analysis argues that in an anarchic environment, states are concerned first and foremost with their own survival and relative power. Therefore, international cooperation is difficult to achieve and is possible only under circumscribed conditions. Such organizations are formed only out of necessity, that is, if states cannot independently maintain their autonomy and defend their position within the international power structure. If institutional commitments reduce states' freedom of action and entail the risks of long-term losses in autonomy and relative power, states prefer not to accede to international organizations.¹⁶

Neoliberal institutionalism¹⁷ shows that cooperation under anarchy is possible within the international system. Robert Keohane is the theorist who is largely responsible for the development of neoliberal institutionalism. He developed a rationalist argument to explain the existence of international institutions but at the same time challenged the realist analysis and most of Waltz's ideas. Keohane confronted the core assumption of realism: the way actors

¹⁵ C. Reus-Smit, *The Moral Purpose of The State*, New Jersey: Princeton University Press, 1999, pp. 12-13.

¹⁶ See S. Narine, op. cit. pp. 33-40; C. Reus-Smit op. cit., pp. 17, F. Schimmelfennig, op. cit., pp. 5-6.

¹⁷ Dominant strand in liberalism.

behave in a condition of anarchy. He accepted Waltz's assumption that states were utility maximizers; what he disputed was the result of maximization under anarchy. Where Waltz argued that the logic of anarchy leads nations into conflict, Keohane saw that cooperation could be achieved in an anarchic environment. He posited that cooperation produces benefits superior to conflict, and the collective gains from coordination outweigh the solo benefits of conflict. Nations belong to institutions because they see the benefit of cooperation and seek to overcome the obstacles to collective action that inhibit collaborative action.¹⁸ "Institutions create the capability for states to cooperate in mutually beneficial ways by reducing the costs of making and enforcing agreements...[Also] they reduce the uncertainty by promoting negotiations in which transparency is encouraged."¹⁹

However, both Keohane and Waltz neglected nonrationalist and nonmaterial aspects of the interaction of units. Neither one paid much attention to culture, ideas, values, or the internalization of norms and cultures that structure interaction. Even Keohane himself accepts that and utters it in his writings: "Students of institutions, such as I, sought to gain credibility by showing that our theories are as realistically based in interests and power as those of our realist adversaries...Ironically enough, however, the theory of strategic interaction on which we all rely has insistently argued that beliefs are crucial to understanding any game-theoretic

¹⁸ See P. A. Gourevitch, 'Robert O. Keohane: The study of international Relations', *PS: Political Science and Politics*, vol. 32, no. 3, 1999, pp. 623-628.

¹⁹ R. Keohane, 'International institutions: Can interdependence work?' *Foreign Policy*, no.110, 1998, pp. 86-88.

situation.”²⁰

While rational approaches focus on how the preferences and interests of states are formed, constructivist theory focuses on the effect of international institutions on the identities of international actors. They shape, constrain, and give meaning to state action. At the same time, the institutions themselves are changed by the activities of actors.²¹



²⁰ R. Keohane, ‘Governance in a partially globalized world presidential address, American Political Science Association, 2000’, *American Political Science Review*, vol. 95, no. 1, 2001, pp. 6-7.

²¹ See S. Narine, *op. cit.* p. 35-45.

CHAPTER II

DEMOCRACY AND LIBERALISM

In this chapter, the norms and values that are embodied in the EU's enlargement process are introduced. The chapter begins by defining what norms are and by reviewing the debate over their significance. European values and norms are associated with liberalism, so the chapter describes democracy, liberalism, and illiberalism. Lastly, the chapter focuses on democratic peace theory in order to allow readers to see the effects of democratization within international politics.

What is a norm? Different scholars define and use the concept of "norm" in very different ways. One way to conceive of norms, from economically oriented approaches, is to define them as "self-enforcing behavioral regularities, often represented elegantly as equilibria of n-person coordination games possessing multiple pure-strategy Nash equilibria."²² This definition derives from the rational assumptions that ideas, values, or norms can only play a role as instruments for asserting and justifying given interests. The definition leaves out norms' role of social construction at shaping actors' identities and interests and it only includes the behavior that is driven by short-term material incentives.²³

By contrast, constructivism defines norms as standards of behavior, not just as

²² J. Epstein, "Learning to be Thoughtless: Social Norms and Individual Computation," *Santa Fe Institute Working Paper*, no. 00-03-022, 2000, pp. 1-2.

²³ J. T. Checkel, 'Norms, Institutions, and National Identity in Contemporary Europe', *International Studies Quarterly*, vol. 43, 1999, p. 84. and A. Florini, 'The Evolution of International Norms', *The Journal of Conflict Resolution*, vol. 36, no. 4, pp. 365-366.

behavioral regularities. As explanatory variables, their status moves from intervening to independent. They are not a superstructure on a material base; rather, they help to create and define that base.²⁴ Accordingly, Finnemore gives the following definition for norms: “a set of intersubjective understandings readily apparent to actors that make behavioral claims on those actors.”²⁵

There are two methodological problems that the constructivist approach faces regarding norms: proving the existence of norms, and showing the impact of norms on behavioral outcomes. The first of these problems flows from the meaning constructivists give to norms. As Farrell puts it, constructivists recognize norms as having objective existence. They exist only because people collectively believe they exist, not because they have material reality. Therefore, we have only indirect evidence of norms, but because they have moral assessments, they leave a trail of communication among actors. The United States’ explanations of why it continues using land mines in South Korea reveal that it recognizes the norm against the use of such mines.²⁶ International law and decisions of international bodies are also evidences of norms.²⁷

Multiple norms influence the behavior of actors. It is difficult to predict which norm is

²⁴ J. T. Checkel, ‘The Constructivist Turn in International Relations’, *World Politics*, vol. 50, no. 2, 1998, p. 328.

²⁵ A. Florini, ‘The Evolution of International Norms’, *The Journal of Conflict Resolution*, vol. 36, no. 4, p. 364.

²⁶ M. Finnemore and K. Sikkink, ‘International norm dynamics and political change’, *International Organization*, vol. 52, no. 4, 1998, pp. 892.

²⁷ Farrell, ‘Constructivist Security Studies: Portrait of a Research Program’, *International Studies Review*, vol. 4, no. 1, 2002, pp. 60-61.

most influential. Domestic norms, as well as regional and international norms, influence actors. These norms can compete with each other or can have similar patterns on the behavior of actors. For example, international norms about women's rights often compete directly with strongly held domestic norms, while international and domestic norms show a similar pattern regarding the illegality of the slave trade²⁸

Goertz and Diehlin assert that in assessing the impact of the norm on behavior, one must include measurements of strength at both the international and national levels. They summarize the principal aspects of measurement of norm influences as

1. Identification of behavior strengthening or corresponding to the norm.
2. Verification that the history corresponds roughly to the behavioral measure.
3. Incorporation of historical stability of norms with the possibility of change in strength.
4. Reflection of the varying degrees of acceptance by the actors whose behaviors are supposed to be influenced by the norm.²⁹

According to Finnemore and Sikkink, norms influence behavior can be understood as a three-stage process. The first stage is norm emergence; the second stage involves broad norm acceptance and the third stage involves internalization.³⁰

²⁸ Ibid. p. 53; Finnemore and Sikkink op. cit. p. 893.

²⁹ Gary Goertz, and Paul F. Diehl, 'Toward a Theory of International Norms', *Journal of Conflict Resolution*, vol. 36, no.4, 1992, p. 646.

³⁰ Finnemore and Sikkink, op. cit., p. 895.

1. Norm Emergence: The characteristic mechanism of the first stage is persuasion by norm entrepreneurs. Norm entrepreneurs attempt to convince a critical mass of states (i.e. norm leaders) to embrace new norms. They call attention to issues or even create issues by using language that names, interprets, and dramatizes them. For example, a Genevese Swiss banker named Henry Dunant had personal experience at the battle of Solferino in 1859 and helped found an organization (now the International Committee of the Red Cross) to promote the idea that medical personnel and those wounded in war be treated as neutrals and noncombatants through an international treaty (i.e. the First Geneva Convention).³¹

Organizational platforms are a second element in the creation of new norms. Sikkink and Finnemore point that all norm promoters at the international level need some kind of organizational platform from and through which they promote their norms. They use those international organizations' expertise and information to change the behavior of other actors. Greenpeace, the Red Cross, and Transafrica are the examples of platforms that are constructed specifically for the purpose of promoting the norm. Entrepreneurs can also work from standing international organizations, such as the United Nations, that have purposes and agendas other than simply promoting one specific norm.

Whatever their platform, norm entrepreneurs usually need to secure the support of state actors to endorse their norms. Also, for an emergent norm to reach the second stage, it must become institutionalized in specific sets of international rules and organizations. Since 1948, emergent norms have increasingly become institutionalized in international law, in the rules of multilateral organizations, and in bilateral foreign policies. Such institutionalization

³¹ Ibid., pp. 895-897.

clarifies what the norm is and what constitutes its violation, and spells out specific procedures by which norm leaders coordinate disapproval and sanctions for norm-breaking.³²

What motivates norm entrepreneurs? The answer varies with the norm and the entrepreneur, but Finnemore and Sikkink refer to empathy, altruism, and ideational commitment. "Empathy exists when actors have the capacity for participating in another's feelings or ideas... Altruism exists when actors actually take action designed to benefit another even at the risk of significant harm to the actor's own well-being... Ideational commitment is the main motivation when entrepreneurs promote norms or ideas because they believe in the ideals and values embodied in the norms, even though the pursuit of the norms may have no effect on their well-being."³³ As this statement reflects, constructivists suggest that the origins of international norms lie not in state interests but in ideas about right and wrong.

Which entrepreneurs can be called successful? Successful norm entrepreneurs are those who are able to establish, who can organize experience, who alert others that their interests and possibly their identities are at stake, and who propose solutions to ongoing problems in such a way that they resonate with relevant audiences. This social process is called framing. Frames are singular interpretations of a particular situation that constitute a social power resource and that indicate appropriate behavior. They allow advocates to create or explain broader social meanings. They thereby serve to legitimate normative orders.³⁴

2. *Norm Acceptance*: The second stage of the development of influence of norms is

³² Ibid., p. 899.

³³ Ibid., p. 898.

³⁴ R. Payne, 'Persuasion, Frames and Norm Construction', *European Journal of International Relations*, vol. 7, no. 1, 2001, pp. 37-43.

characterized by norm cascades. After norm entrepreneurs have persuaded a critical mass of states to become norm leaders and adopt new norms, the norm leaders attempt to socialize other states to become norm followers. Finnemore and Sikkink argue that the motivations for this second stage are a combination of pressure to conform, desire to enhance international legitimation, and the desire of state leaders to enhance their self-esteem; these factors facilitate norm cascades. States, norm-entrepreneur-networks, and international organizations act together as agents of socialization by pressuring targeted actors to adopt new policies and laws and to ratify treaties, and by monitoring compliance with international standards. Socialization is thus the dominant mechanism of a norm cascade, the mechanism through which norm leaders persuade others to adhere.³⁵ Ikenberry and Kupchan conceive of socialization as a process of learning in which norms and ideals are transmitted from one party to another.³⁶

In their book, *The Power of Human Rights: The International Norms and Domestic Change*, Risse, Ropp, and Sikkink evaluate the influence of international norms on the behavior of individuals and states. They present a theory of socialization through which international norms can lead to changes in behavior. To evaluate socialization and the general impact of norms international politics, they explore the links between international human rights norms and changing human rights practices. They give three reasons for choosing human rights norms to explore theoretical issues: "First, because international human rights norms challenge state rule over society and national sovereignty, any impact on domestic change would be counter-intuitive. Second, human rights norms are well institutionalized in international

³⁵ Finnemore and Sikkink, op. cit. p. 902.

³⁶ J. G. Ikenberry and Charles A. Kupchan, 'Socialization and Economic Hegemonic Power', *International Organization*, vol. 44, no. 3, 1990, p. 289.

regimes and organization, and finally, they are contested and complete with other principled ideas."³⁷

Risse, Ropp, and Sikkink apply theoretical arguments about socialization processes to the human rights area. The analysis applies a "spiral model" of human rights change that consists of five stages:

1. Repression and activation of network: An initial period in which severe state repression is challenged as a violation of human rights norms and is placed on the international agenda (as in Guatemala from 1960s to 1980s).

2. Denial: A second stage in which the government responds by denying both those charges and the validity of the norms. Such denials might take the form of the state's refusal to ratify the human rights agreements.

3. Tactical concessions: A third phase during which the government is forced to make tactical concessions to the human rights community. If the transnational network succeeds in forcing the norm violating state to make tactical concessions, local networks of human rights activists' demands will be empowered and legitimated and their physical integrity may be protected.

4. Prescriptive status: A fourth step in which there is controlled liberalization or regime change, and the acceptance of the prescriptive status of the norms. Indicators for prescriptive status may involve ratification of international human rights conventions, institutionalization of norms in the constitution or domestic law, establishment of mechanisms for citizens to

³⁷ T. Risse, Stephen C. Ropp, and Kathryn Sikkink (eds.), *The Power of Human Rights: International Norms and Domestic Change*, Cambridge University Press, New York, 1999, p. 4.

complain about human rights violations, or the discursive practices of the government engaging in a dialogue with their critics. For example, much of US trade law has been developed in tandem with the GATT codes.

5. Rule consistent behavior: The ultimate implementation of the norms through rule-consistent behavior. The governments might accept the validity of human rights norms, but still continue to violate them. Sustainable change in human rights conditions will only be achieved at this stage of the process.³⁸

3. *Internalization*: Finnemore and Sikkink assert that internalization comes next after the socialization process. It is the third stage of norm influence. “At the extreme of a norm cascade, norms may become so widely accepted that they are internalized by actors and achieve a ‘taken-for-granted’ quality that makes conformance with the norm almost automatic.”³⁹ For example, few people today discuss whether women should be allowed to vote, whether slavery is useful, or whether medical personnel should be granted immunity during war. Internalization is a way to describe how clearly the norms are codified, how long the norm has been in effect, how well it has weathered challenges, and how widely it has been accepted in discourse.⁴⁰

Once norms have emerged, we still need an explanation as to why particular norms become influential. There are a series of hypotheses in the literature about the conditions under which norms will be influential. The hegemonic socialization approach suggests that at

³⁸ T. Risse, Stephen C. Ropp, and Kathryn Sikkink (eds.), pp. 22-33 and also D.P. Stewart, ‘Human Rights at the millennium’, *The American Journal of International Law*, vol. 95, no. 1, 2001, p. 233.

³⁹ Finnemore and Sikkink, op. cit., p. 904.

⁴⁰ Farrell, op. cit., p. 51.

the international level, hegemony articulates a set of normative principles in order to facilitate the construction of an order conducive to its interests.⁴¹ However, not all norms are the result of hegemonic pressures. With women's suffrage, or the global campaign against apartheid, hegemonies were followers, not leaders. Another explanation for the spread of norms is that norms entrenched at the states' domestic levels are projected internationally. For example, international human rights norms resulted from the internationalization of domestic human rights norms.⁴²

In the end, whatever the source of international norms, the result is the same: The structure of regional or global international systems constitute contexts for interactions that either inhibit or facilitate collective identity formation. In terms of shared understandings, expectations, and social knowledge embedded in international institutions, states define their identities and interests.⁴³

As it is mentioned in the beginning of the chapter, the norms that have the most effect on the EU are associated with liberalism. Liberal norms emphasize the liberal principles of social and political order: social pluralism, human rights, the rule of law, democratic political participation and representation. Accepting those values means being on the path to democratization? Therefore, the characteristics of democracy and liberalism and their contrasts with illiberalism gain importance.

⁴¹ Ikenberry and Kupchan, op. cit., p. 284.

⁴² K. Sikkink, 'Transnational politics, international relations theory, and human rights: a new model of international politics is needed to explain the politics of human rights', *PS: Political Science and Politics*, vol. 31, no. 3, 1998, pp. 519-520.

⁴³ Wendt, op. cit., p. 389.

The power of the democratic idea has evoked expressions of human will and intellect from Aristotle in ancient Athens to Mustafa Kemal in the modern Turkish Republic, from Thomas Jefferson's Declaration of Independence in 1776 to Winston Churchill's speeches in the 1940s.

As its etymological derivation suggests, the most basic meaning of the word “democracy” is the rule of the people. Schumpeter couches the eighteenth-century philosophy of democracy in the following definition: “The democratic method is that institutional arrangement for arriving at political decisions which realizes the common good⁴⁴ by making the people itself decide issues through the election of individuals who are to assemble in order to carry its will.”⁴⁵ This classical theory of democracy came in for a good deal of criticism. Chief troubles about the classical theory centered in the proposition that “the people” hold a definite and national opinion about every individual question and that they give effect to this opinion by choosing representatives. Therefore, more realistic theories of democracy have been proposed. Schumpeter redefines democracy⁴⁶ as an institutional arrangement in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote.⁴⁷ However, Schumpeterian concepts have received many criticisms. His definition is mainly criticized for focusing on electoral contests to the near-exclusion of other dimensions of democracy, and for ignoring the degree to which multiparty elections may effectively deny

⁴⁴ According to Schumpeter, the common good is the obvious beacon light of policy, which every normal person can be made to see by means of national argument.

⁴⁵ John Arthur (ed.), *Democracy: Theory and Practice*, Wadsworth Publishing Company, California, 1992, p. 89.

⁴⁶ This definition of democracy is the *minimalist conception of democracy*.

⁴⁷ *Ibid.*, p. 95.

significant sections of the population the opportunity to compete for power.⁴⁸

Scholars such as Collier and Levitsky refined Schumpeter's definition to exclude regimes with substantial reserve of military power that are not accountable to elected officials. On such grounds, Guatemala has often been classified as a quasi-democracy. However, such refined definitions of democracy can still fail to acknowledge the political repression that marginalizes significant segments of the population, such as the poor or the ethnic and regional minorities.⁴⁹

On the one hand, "democracy" deals with the matter of who rules, while on the other hand, "liberal" refers to the matter of how that rule is exercised. Zakaria describes liberal democracy as "a political system marked not only by free and fair elections, but also by the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion, and property."⁵⁰ The word implies that government rights are limited by individual rights, protecting the private sphere and ensuring the plurality and diversity of ends people seek in their pursuit of happiness.⁵¹

As Zakaria notes, liberal democracy is theoretically different and historically distinct from democracy. Constitutional liberalism developed in Western Europe and in the United

⁴⁸ L. Diamond, 'Is the third wave over?' *Journal of Democracy*, vol. 7, no. 3, 1996, pp. 21-22.

⁴⁹ *Ibid.*, p. 22.

⁵⁰ F. Zakaria, 'The rise of illiberal democracy', *Foreign Affairs*, New York, vol. 76, no. 6, 1997, p. 22.

⁵¹ M. F. Plattner, 'Liberalism and democracy: Cannot have one without the other', *Foreign Affairs*, New York, vol. 77, no. 2, 1998, p. 172.

States as a defense of the individual's right to life and property, and freedom of religion and speech. To secure these rights, constitutional liberalism emphasizes checks on the power of each branch of government, accountability of office holders to one another, equality under the law, impartial courts and tribunals, and separation of church and state.⁵² In addition to these characteristics, it requires the absence of power by military or other social and political forces that are not held directly or indirectly accountable to the electorate. Therefore, it extends beyond the minimalist and classical conceptions of democracy described above.⁵³

Zakaria defines the term “illiberal democracies” as states that hold free elections but do not honor the rule of law and the rights of their citizens.⁵⁴

In order to make a distinction between liberal and illiberal states, many standards and indicators have been developed. Coppedge summarizes these standards as the number of choices presented on a ballot; democratic selection of candidates; certain kinds of public campaign financing; guaranteed media access for all parties; opportunities for opposition parties to gain a foothold at lower levels of government; the independence of elected authorities from the armed forces and other unelected authorities; the responsiveness of civil servants to the direction of democratically elected governments; national autonomy vis-à-vis the international system; and the basic rights of citizens, which entail rights to fair trial, to due process, to be heard and treated with respect by public officials, and to be notified when

⁵² Zakaria, *op. cit.*, p. 26.

⁵³ Diamond, *op. cit.*, p. 23.

⁵⁴ C. A. Kupchan, ‘Democracy first’, *Foreign Affairs*, New York, vol. 77, no. 3, 1998, p. 122.

important actions are about to be taken, as well as rights prohibiting arbitrary arrest or imprisonment or discriminatory conscription.⁵⁵

A state can be democratic but not follow the standards stated above. With elections having been held in every country except Cuba, a study by Larry Diamond determined that all of the 22 principal Latin American countries have levels of human rights abuse that are incompatible with the consolidation of liberal democracy.⁵⁶

Zakaria suggests that while it is easy to impose elections⁵⁷ on a country, it is more difficult to push constitutional liberalism on a society. He notes that the absence of free and fair elections does not have to mean tyranny. Elections are not the only virtue of governance. Economic, civil, and religious liberties are at the core of human autonomy and dignity.⁵⁸

What if the number of liberal states increases? This question leads us to democratic peace theory. Democratic peace theory has been largely associated with Emmanuel Kant's philosophical sketch on *Perpetual Peace*. In *Perpetual Peace*, Kant sets out the main argument in three conditions.

The first condition requires states to be republics, which in today's terminology could

⁵⁵ M. Coppedge, 'Democracy and dimensions: Comments on Munck and Verkuilen', *Comparative Political Studies*, vol. 35, no. 1, 2002, p. 35-37.

⁵⁶ F. Zakaria, op. cit., p 28.

⁵⁷ In other words, "democracy."

⁵⁸ Zakaria, op. cit., p 40-41.

be translated as liberal democracy.⁵⁹ Kant believed that democracies were tyrannical, and he specifically excluded them from his conception of "republican" governments. Republicanism, for Kant, meant a separation of powers, the rule of law, protection of individual rights, respect for the rights of citizens, a system of checks and balances assuring that no single leader can drag his country into war, and classical liberal economic policies—most importantly, free trade—which create an interdependence that makes war costly and cooperation useful.⁶⁰

His second condition calls for a confederation of free states to form in order to preserve peace. If one powerful and enlightened nation can form a republic, this will provide a focal point for federal association among other states. These will join up with the first one, and the whole will gradually spread further and further by a series of alliances of this kind. Kant sees no reason why the upward spread of norms has to stop at the democratic state's borders. He says that once the pathway of normative progress is opened, the rule of law will creep into interstate relations, and this will obviate, or at least reduce, the need to rely on threats and enforcement.⁶¹

His third condition contends that a limited sense of world citizenship is needed to secure the two first conditions.⁶²

According to Cederman to grasp the logic of these arguments, it is necessary to go

⁵⁹ L. E. Cederman, 'Back to Kant: Reinterpreting the democratic peace as a macrohistorical learning process', *The American Political Science Review*, Menasha, vol. 95, no. 1, 2001, p. 16.

⁶⁰ Zakaria, op. cit., pp. 36-37.

⁶¹ Cederman, op. cit., pp. 16-17

⁶² Ibid., p. 16.

beyond Perpetual Peace. If we look at Kant's book *Idea for a Universal History with Cosmopolitan Purpose*, we will find that his reasoning depends on the idea of progress through learning. Cederman defines what Kant understands from learning as a particular type of cultural-evolutionary process in which actors use inferences drawn from their environmental variation in an attempt to select more effective cognitive constructs for future decision-making⁶³. States alter their behaviors as a consequence of taking past experiences into account. Therefore, Kantian reinterpretation of the democratic peace hypothesis can be described as a dynamic and dialectical process. The process is dialectical because catastrophic reversals, such as world wars, drive home the point that there is little choice but to eliminate violence in interstate relations. ⁶⁴

While explaining the process of learning as a social evolution, Kant put the stress on individuals' realization. Peace will emanate from individuals' realization that war is both destructive and immoral. Therefore, democratically elected leaders will have to take their people's pacific preferences into consideration before going to war.⁶⁵ However, this learning process can only develop in a very specific context. Liberal democracy allows individuals to realize their full 'civilized' potential. Kant hypothesized that "civic freedom cannot be interfered with without... a decline of the power of the state in its foreign relations. Therefore this freedom is gradually extended. If one obstructs the citizen in seeking his welfare in any way he chooses, ... one also hampers the vitality of all business and the strength of the whole

⁶³ Ibid., p. 18.

⁶⁴ Ibid., p. 15.

⁶⁵ Ibid., p. 16.

[state].” This process implies a gradual percolation of democratic norms from the citizens up to the political leaders. Yet, democracy also spreads from the top down, which accelerates individual learning, and thus, creates a more solid foundation for freedom. It is only through “good political constitution” that the people can be expected to attain a good level of moral culture.⁶⁶

Kant’s democratic peace hypothesis has found significant acceptance among academic experts. His notion inspired many academicians to investigate why liberal democratic states are unlikely to wage wars among themselves. The research agenda of neoliberal internationalism is dominated by the debate about liberal states: how far the liberal zone of peace extends, why relations within it are peaceful, and what instruments are available to states to spread liberal values.⁶⁷ On the one hand, scholars, such as Maoz, Russett, and Rummell, argue that cultural or institutional structures that coincide with democratic governance serve to hinder recourse to conflict behavior between pairs of democracies. On the other hand, scholars such as Barbieri, Farber, and Gowa advocate that democracies do not fight, largely because most of them are intensive trading partners.⁶⁸ These arguments, however, operate only when democracies face each other, not when they face illiberal opponents. In such cases, the nondemocratic opponents’ lack of popular accountability, legitimacy, transparency, and credibility cancels out the otherwise moderating effects of institutional checks and balances that prevail in relations

⁶⁶ Ibid., p. 16.

⁶⁷ J. Baylis and S. Smith, *The Globalization of World Politics*, Oxford University Press, New York, 1999, p. 155-160.

⁶⁸ E. Gartzke, ‘Kant we all just get along? Opportunity, willingness, and the origins of the democratic peace’, *American Journal of Political Science*, Austin, vol. 42, no. 1, 1998, p. 2.

among countries with democratic forms of government.⁶⁹

According to Russett, all these explanations depend on two basic assumptions.

“Firstly, states, to the extent possible, externalize the norms of behavior that are developed within and characterize their domestic political process and institutions. Secondly, the anarchic nature of international politics implies that a clash between democratic and nondemocratic norms is dominated by the latter, rather than by the former.”⁷⁰ This means that in an anarchic environment, states put their survival above any other value they seek to promote, and if states come to believe that their application of democratic norms would endanger their survival, they will act in accordance with the norms established by their rival. It follows that when two democracies confront one another in conflicts of interest, they are able to apply democratic norms in their interaction, thereby preventing most conflicts from escalating to a militarized level. However, when a democratic state confronts a nondemocratic one, it may be forced to adapt to the norms of international conduct of the latter.⁷¹

On this point, we see an interesting overlap between the neoliberals and the constructivists. They both accept the entity of anarchy in the international system and they both see cooperation between states as possible. However, this should not blind us to the point that the neoliberals also give weight to the roles of norms and identities in an international system rather than emphasizing the role of interests as a regulation force, as

⁶⁹ E. Solingen, ‘Quandaries of the peace process’, *Journal of Democracy*, vol. 7, no. 3, 1996, p. 139.

⁷⁰ Z. Maoz and B. Russett, ‘Normative and structural causes of democratic peace, 1946-1986’, *American Political Science Review*, vol. 87, no. 3, 1993, p. 625.

⁷¹ *Ibid.*, p. 625.

constructivists believe.



PART II

CONDITIONALITY AND EU MEMBERSHIP: THE CASE OF TURKEY:
CONDITIONS ATTACHED TO TURKEY'S EU BREAKTHROUGH

Throughout its history, the EU has built a net of relations with outsiders. Provisions for associate members have been accorded to former colonies and to European states that chose not to join the Union. Most European nations have applied for membership. The European Union has already more than doubled its membership, from the original six⁷² at the signing of the Treaty of Rome in 1957 to the present. Four successive rounds of enlargement brought the accessions of Denmark, Ireland, and the UK in 1973; Greece in 1981; Spain and Portugal in 1986; and Austria, Finland, and Sweden in 1995.

In addition to membership applications from Turkey (1987), and from Cyprus and Malta (1990), new requests for EU membership followed the collapse of the Soviet Union. Now, the European Union is on the eve of its fifth enlargement. There are 13 applicant countries that seek to become full members to the Union. The list comprises Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, the Slovak Republic, Slovenia, and Turkey.⁷³

This last wave of enlargement differs from the former ones because of the types of conditions imposed on the candidate countries. While the European Union had not established any special criteria for candidate countries in the previous rounds of

⁷² France, West Germany, Italy, Luxembourg, the Netherlands, Belgium.

⁷³ See <<http://europa.eu.int/comm/enlargement/intro/criteria.htm>> and <http://europa.eu.int/comm/enlargement/intro/index_en.htm> access date needed here

enlargement (with the exception of generally applicable conditions laid down in the Treaties), it did so in the last round. The main aim of this thesis is to explain why and how the EU chooses those political conditions. These questions relate to another issue about the way in which the EU defines its enlargement policy.

In this part, the conditions for the current enlargement will be examined using the constructivist theory. First, the decision of enlargement will be explained, and then the process will be examined with regards to Turkey.



CHAPTER III

THE NORMS AND VALUES UNDERLYING THE CONDITIONS OF ENLARGEMENT

This chapter examines how liberal norms and values have been involved in the *acquis communautaire*, but especially in the enlargement process of the EU. According to constructivists, political conditions do not represent the cost-benefit calculations of the member states, but they are constituted to broaden the base of those who share common values and norms. The chapter explains how the political conditions of the enlargement represent European norms and values.

To the constructivists, enlargement of an international organization represents an attempt to broaden the base of those who share common values and norms. As F. Schimmelfennig puts it, if the EU is conceived of as the organization of the community of liberal European liberal states, its decision to widen can be explained as the inclusion of applicant countries that have come to share its liberal values and norms.⁷⁴ And by imposing political conditions on candidate countries, the EU becomes a norm entrepreneur. Then the political conditions of enlargement are instruments designed to shape the identities of the applicant countries and as a result, play a crucial role in the accession negotiations.⁷⁵

⁷⁴ See F. Schimmelfennig, 'The community trap: Liberal norms, rhetorical action, and the Eastern enlargement of the European Union', *International Organization*, vol. 55, no. 1, 2001, pp. 47-48.

⁷⁵ In the Helsinki European Council Presidency Conclusions, it is stated that "[Applicant states] must share the values and objectives of the European Union as set out in the Treaties." For the original text see

The belief in and adherence to liberal human rights are the fundamental beliefs and practices that constitute the European community. The EU has developed its attitude towards democratization and human rights throughout its history. To trace the norms and beliefs underlying the accession process of the EU, one should look at the *acquis communautaire*.⁷⁶ The *acquis communautaire* reflects the spirit and the identity of European integration.⁷⁷ It is one of the cornerstones of European integration that all new members of the European Union have to accept. Furthermore, the accession process depends on a detailed examination of the different chapters of the *acquis communautaire*. Although human rights were not mentioned specifically in the Treaty of Rome of 1957,⁷⁸ treaties and amending instruments since then have made explicit references to democratic principles as the basis for all Community action. For instance, in the Birkelbach report (1962), the European Parliament first established democracy as a precondition for becoming a member of the Community. Through the 1970s, respect for human rights and democracy were preconditions for the membership of Spain, Portugal, and Greece, which were under authoritarian rule. At the Copenhagen European Council in 1978, the Heads of State and Government issued the “Declaration on Democracy,” which confirmed their will to safeguard the principles of representative democracy, of the rule of law, of social justice, and of respect for human rights. The Treaty of Amsterdam, which came into

<<http://ue.eu.int/Newsroom/LoadDoc.asp?BID=76&DID=59750&LANG=1>>
accessed 24/05/2002.

⁷⁶ *Acquis communautaire* refers to the whole range of principles, policies, laws, practices, obligations, and objectives that have been agreed to or have developed within the EU.

⁷⁷ ‘EU enlargement: from Luxembourg to Helsinki and beyond’, *Research Paper 00/62*, House of Commons Library, 2000, p. 9.

⁷⁸ The treaty establishing the European Economic Community.

force on 1 May 1999, strengthened EU human rights provisions and established procedures intended to secure their protection.⁷⁹ The European Council in Nice (7-9 December 2000) welcomed the joint proclamation tendered by the Council, the European Parliament and the Commission, of the Charter of Fundamental Rights. The proclamation recognizes rights, freedoms, and principles such as the right to life; prohibition of torture and inhuman or degrading treatment or punishment; the prohibition of slavery and forced labor; the right to liberty and security; freedom of thought, conscience, and religion; freedom of expression and information; freedom of assembly and of association; equality before the law; environmental protection; the right to vote and to stand as a candidate in elections to the European Parliament; the right to vote and to stand as a candidate in municipal elections; and the right to an effective remedy and to a fair trial.⁸⁰

Article 49 (ex-Article O) of the Treaty on European Union states that any European State, which respects the principles set out in Article 6(1), may apply to become a member of the Union. In the Article 6(1), it is written that The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law,

⁷⁹ Article 6.1 (TEU) states that the Union is founded on principles that include respect for human rights, and to enforce these rights Article 7 (TEU) and Article 309(2) (TEC) authorize the Council to take measures against Member States which have infringed the principles laid down in Article 6. New Article 13 authorizes the Council to act against “discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. See ‘Human rights in the EU: Charter of Fundamental Rights’, *Research Paper 00/32*, House of Commons Library, 2000, p. 9-27 and A. Eralp (ed.), *Türkiye ve Avrupa [Turkey and Europe]*, Ankara: Imge Kitabevi, 1997, pp. 121-125.

⁸⁰ ‘Charter of the fundamental Rights of the European Union’, *Official Journal of the European Communities*, no. C364/1, 2000.

principles which are common to the Member States.⁸¹ This strengthens the EU's commitment to liberal norms.

Also, the EU echoes its views on non-economic political conditions in the Copenhagen criteria. In June 1993, The Copenhagen European Council adopted the following criteria for membership:

- The candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, and 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
- The candidate's ability to take on the obligations of membership including adherence to the aims of political, economic, and monetary union.⁸²

Examining the accession process will give us more ideas on how and which norms are embodied in the enlargement process. The accession process reflects the EU's enlargement strategy, the norms that play a role in its enlargement preferences, and how the EU acts as a socialization agent by pressuring candidate countries to adopt new policies. The initial phase of

⁸¹ 'Consolidated Version of The Treaty on European Union', Art. 49 and 6(1), for the original text of the Consolidated Version of the TEU, see <http://www.europa.eu.int/eurlex/en/treaties/dat/eu_cons_treaty_en.pdf>, accessed 22/05/2002.

⁸² 'Council Decision of March 8 2001', *Official Journal of the European Communities*, L 85/15, 2001.

the accession process is known as the screening process. It involves an analytical examination of the 31 chapters of legislation in the *acquis* to identify where national laws will have to be changed or where there might be a need to negotiate transnational arrangements. The second stage in the accession process is accession negotiations. Substantive negotiations are opened with the candidate countries on each subject area or each chapter of EU legislation. Meanwhile, the EU can set up pre-accession strategies to help the candidate countries prepare for their future membership by aligning with the *acquis* as closely as possible before accession. The main instrument of the pre-accession strategy is the Accession Partnership (AP), a mutual agreement between the Commission and each candidate state. These documents set out, in a single framework, the main short- and medium-term priorities the applicant country must meet. The key priority areas identified for each candidate in the Accession Partnership relate to the candidates' ability to take on the obligations of the Copenhagen criteria for accession. Each candidate country prepares a National Program for the Adoption of the *Acquis* (NPAA), which indicates the resources and the anticipated timetable for implementation of the accession priorities.⁸³

Once the negotiations are successfully concluded, the results are incorporated in a draft accession treaty, which is submitted to the Member States and to the European Parliament for assent. After signature, the accession treaty is submitted to the Member States and to the candidate State for ratification, which in some cases may involve referenda in the

⁸³ 'EU enlargement: from Luxembourg to Helsinki and beyond', *op. cit.*, pp. 9-13.

countries concerned. When the treaty takes effect, the candidate becomes a Member State.⁸⁴

In the next chapter, Turkey's accession process will be examined to demonstrate how the EU shapes the beliefs and norms within an applicant country.



⁸⁴ 'EU enlargement: from Luxembourg to Helsinki and beyond', *op. cit.*, p. 9.

CHAPTER IV

TURKEY AS A CANDIDATE

The previous chapter traces European values and norms within the political conditions of enlargement. This chapter uses Turkey's accession process to illustrate this pattern. Although Turkey's relations with the EU date back to the 1960s, this thesis focuses on the era beginning with the declaration of its candidacy status. The main aim of this thesis is to examine the accession processes of the candidates, however, I will give a brief history of Turkey-EU relations in order to show that liberal values have always played an important role in that relationship.

Turkey applied to the EEC (European Economic Community) for partnership relying on the Article 237⁸⁵ of the Rome Treaty. The EC (European Community) and Turkey agreed to sign the Ankara Agreement establishing an Association between the two sides on 12 September 1963, thirty years before the Czech Republic signed a similar agreement. When this agreement, which recognized Turkey as eligible for membership, was signed, Commission President Sir Walter Hallstein declared that "Turkey is part of Europe."⁸⁶ However, following the military coup d'état in Turkey in 1980, the Community decided to freeze its relations with Turkey.⁸⁷

⁸⁵ Repealed in the TEU, Art.O.

⁸⁶ M. Muftuler-Bac, 'The never-ending story: Turkey and the European Union', *Middle Eastern Studies*, vol. 34, no. 4, 1998, p. 240.

⁸⁷ See I. Tekeli and S. Ilkin, *Türkiye ve Avrupa Birliği 3: Ulus Devletini Aşma Çabasındaki Avrupa'ya Türkiye'nin Yaklaşımı*, Umit Yayıncılık, Ankara, 2000, pp. 34-85.

The EU reacted to the 1980 military takeover in Turkey by stating that it expected Turkey to return to civilian rule as soon as possible. Throughout 1981, the EU continued to stress the importance of the restoration of democracy in Turkey. However, Turkey did not intend to meet that requirement. Instead, the country banned the political parties that existed before the military takeover and sentenced former president Bulent Ecevit to prison. In response to these developments, the Community decided to suspend the Fourth Financial Protocol, as foreseen by the Association Agreement. Suspension of the Fourth Protocol indicates how the economic problems between Turkey and the EU became politicized. Finally in 1982, the Community decided to freeze the Association with Turkey because there was no political change. The attitude of the EU continued until the 1984 local elections in Turkey.⁸⁸

On 14 April 1987, Turkey presented its application for membership in the Community. In response to Turkey's application, the European Commission presented its opinion in 1989; the EC did not recommend starting accession negotiations. The Commission gave economic and political reasons. It noted four kinds of economic difficulties that Turkey needed to overcome:

- Structural disparities, in both agriculture and industry
- Macroeconomic imbalances
- High levels of industrial protectionism
- A low level of social protection.⁸⁹

⁸⁸ See M. Muftuler-Bac, 'The impact of the European Union on Turkish politics', *East European Quarterly*, vol. 34, no. 2, 2000, pp. 159-165 and A. Eralp (ed.), op. cit., pp. 125-134.

⁸⁹ 'Commission Opinion on Turkey's Request for Accession to the Community', 1989. For the original text, see <<http://www.mfa.gov.tr/grupa/ad/adab/opinion.htm>>, accessed

In its opinion, the Commission also stated political differences between Turkey and the EU. It especially emphasized these issues:

- After the military coup in 1980, Turkey adopted a new constitution. The system, set up by a series of reforms and on the occasion of, or following, various elections, has resulted in a parliamentary democracy closer to Community models. Public life is still marked, however, by the weight of legislation which has yet to become open to the whole range of political forces in Turkey, including trade unions.
- Although there have been developments in recent years in the human rights situation and in respecting the identity of minorities, these areas have not yet reached the level required in a democracy.
- The negative effects of the dispute between Turkey and one Member State of the Community, and also the situation in Cyprus.⁹⁰

At this point, the Commission suggested the operation of the Association Agreement and the formation of a customs union, instead of full membership. On 6 March 1995, a Customs Union Agreement was signed by Turkey and the EU, creating a customs-free zone between parties.

Turkey was still not part of the EU's immediate enlargement plans, according to the decisions of the December 1997 Luxembourg summit of the European Council. The EU did not include Turkey among the applicant countries at the Luxembourg summit— even though

22/05/2002.

⁹⁰ Ibid., accessed 22/05/2002.

Turkey applied for full membership in 1987. The EU based this decision on concerns about human rights violations, Turkey's troops in Cyprus, and its tense relations with Greece.⁹¹ The EU further stressed that strengthening Turkey's ties with the Union depended on: "1. Turkey's pursuit of the political and economic reforms, 2. improving its human rights record and better treatment of its Kurdish minority, 3. improving relations with Greece and settling the Aegean disputes through legal process, including the International Court of Justice, 4. support for the United Nations mediation efforts in Cyprus, 5. not objecting to Cyprus's membership in the EU, and 6. persuading the Turkish Cypriot community to join the Greek Cypriots at the accession talks with EU."⁹²

The Helsinki European Council held on 10-11 December 1999 was a breakthrough in Turkey-EU relations. At Helsinki, the EU recognized Turkey as a candidate for accession. In the Helsinki European Council Presidency Conclusions, it is stated, "Building on the existing European strategy, Turkey, like other candidate States, will benefit from a pre-accession strategy to stimulate and support its reforms. This will include enhanced political dialogue, with emphasis on progressing towards fulfilling the political criteria for accession with particular reference to the issue of human rights, as well as on the issues referred to in paragraphs 4 and 9(a)."⁹³ Paragraph 4 states that resolution of "outstanding border disputes" or, failing this, referral "within a reasonable time" to the International Court of Justice (ICJ).

⁹¹ Muftuler-Bac, op. cit., pp. 240-243.

⁹² B. A. Yesilada, 'Turkey's candidacy for EU membership', *The Middle East Journal*, vol. 56, no. 1, 2002, pp. 95-96.

⁹³ Helsinki European Council Presidency Conclusions, paragraph 12, 1999. For the original text, see <<http://ue.eu.int/Newsroom/LoadDoc.asp?BID=76&DID=59750&LANG=1>>, accessed 24/05/2002.

In paragraph 9, the European Council welcomes the launch of talks aimed at a comprehensive settlement of the Cyprus problem and expresses its strong support for the UN Secretary-General's efforts to bring the process to a successful conclusion.⁹⁴

The general purpose of these conditions is to ensure that Turkey takes the necessary steps to comply with European norms regarding democratic governance and peaceful resolution of international disputes.

Also, in the Conference, special emphasis is being put on the human rights issue, which is seen as one of the crucial political criteria for accession to the Union. Dialogue and cooperation will be enhanced by means of Turkey's participation in Community programs, agencies, and meetings between candidate States and the Union. This will include an Accession Partnership combined with a National Program for the adoption of the *acquis*.⁹⁵

The Accession Partnership is a key feature of the pre-accession strategy because in this manner, the EU targets its assistance towards the specific needs of each candidate so as to provide support for overcoming particular problems in view of accession. The Accession Partnership introduces principles, priorities, intermediate objectives, and conditions in the economic and political arena.

The European Council of Helsinki (December 1999) and Feira (June 2000) invited the Commission to put into place an Accession Partnership for Turkey. The EU Commission declared the Accession Partnership for Turkey on 8 March 2001. Actual membership

⁹⁴ See Helsinki European Council Presidency Conclusions, paragraph 12, 1999, <<http://ue.eu.int/Newsroom/LoadDoc.asp?BID=76&DID=59750&LANG=1>>, accessed 24/05/2002.

⁹⁵ See C. Rumford, 'From Luxembourg to Helsinki: Turkey, the politics of EU enlargement and prospects for accession', *Contemporary Politics*, vol. 6, no 4, 2000, pp. 339-340 .

negotiations between Ankara and Brussels cannot begin until these reforms are implemented.

An analysis of the Commission's Regular Report indicates that short- and medium-term political priorities and intermediate objectives have been identified for Turkey in the Accession Partnership. Briefly, the short-term political criteria are to:

- Strengthen legal and constitutional guarantees for the right to freedom of expression
- Strengthen legal and constitutional guarantees of the right to freedom of association and peaceful assembly and encourage development of civil society
- Strengthen legal provisions and undertake all necessary measures to reinforce the fight against torture practices
- Strengthen opportunities for legal redress against all violations of human rights
- Improve the functioning and efficiency of the judiciary, including aligning the State security court with international standards. Strengthen, in particular, the training of judges and prosecutors on European Union legislation, including in the field of human rights
- Maintain the de facto moratorium on capital punishment
- Remove any legal provisions forbidding Turkish citizens to use their mother tongue in TV or radio broadcasting
- Develop a comprehensive approach to reduce regional disparities, and in particular, to improve the situation in the southeast, with a view to enhancing

economic, social, and cultural opportunities for all citizens.⁹⁶

The mid-term political criteria are to:

- Make every effort to resolve any outstanding border disputes and other related issues, in accordance with point 4 of the Helsinki conclusions, in the context of the political dialogue and under the principle of peaceful settlement of disputes as per the UN Charter
- Guarantee full enjoyment of all human rights and fundamental freedoms by all individuals without any discrimination and irrespective of their language, race, color, sex, political opinion, philosophical belief, or religion. To further develop conditions for the enjoyment of freedom of thought, conscience, and religion
- Review the Turkish Constitution and other relevant legislation with a view to guaranteeing rights and freedoms of all Turkish citizens as set forth in the European Convention for the Protection of Human Rights; to ensure the implementation of such legal reforms and conformity states
- Abolish the death penalty, to sign and ratify the Protocol with practices in EU Member 6 of the European Convention of Human Rights
- Ratify the International Covenant on Civil and Political Rights and its optional Protocol and the International Covenant on Economic, Social and Cultural Rights

⁹⁶ 'Council Decision of March 8 2001', *Official Journal of the European Communities*, L 85/16-85/17, 2001.

- Adjust detention conditions in prisons to bring them into line with the UN Standard Minimum Rules for the Treatment of Prisoners and other international norms
- Align the constitutional role of the National Security Council as an advisory body to the Government in accordance with the practice of EU Member States
- Lift the remaining state of emergency in the southeast
- Ensure cultural diversity and guarantee cultural rights for all citizens, irrespective of their origin. Any legal provisions preventing the enjoyment of these rights should be abolished, including in the field of education.⁹⁷

Each country's Accession Partnership is complemented by its own "National Program for the Adoption of the Acquis" (NPAA), which gives details of each country's commitments with regard to achieving the Copenhagen criteria and adopting the 'acquis communautaire'. It contains a timetable for achieving the priorities and objectives and, where possible and relevant, indicates the human and financial resources to be allocated.

Turkey announced its National Program on 19 March 2001. It was submitted to the EU Commission on 26 March 2001. The Gothenburg European Council of 15 and 16 June 2001 regarded the announcement of the National Program as a "welcome development" and "urged Turkey at the same time to take concrete measures to implement the priorities of the

⁹⁷ 'Council Decision of March 8 2001', *Official Journal of the European Communities*, 24.03.2001, L 85/19.

Accession Partnership, which is the cornerstone of the pre-accession strategy.”⁹⁸

The preparation and the announcement of the NPAA is a major political development, given the serious constraints in Turkey. First of all, there is a three-party coalition government in office. They are ideologically different (nationalist right, social-democratic left and center left) and therefore fractious, so reaching to a consensus on reforms is extremely difficult. Secondly, the secularist military in Turkey faced the dilemma of whether or not to support the strengthening of human rights in Turkey and to upholding the ideals of the Turkish republic against the Partiya Karkeren Kurdistan (PKK)⁹⁹ and the Islamic fundamentalists.¹⁰⁰ The military worried that these parties can easily use human rights as a pretext to disrupt domestic social order. Thirdly, the corrupted mechanisms in Turkish politics are lobbying implicitly to not change the status quo as the NPAA promises a transparent system. The EU played a prominent role in overcoming these constraints by forcing Turkey to prepare the NPAA, which represents a big step towards the completion of Turkish democratization.¹⁰¹

⁹⁸ Presidency Conclusions, Göteborg European Council 15 and 16 June 2001, SN 200/1/01 REV 1, p.2.

⁹⁹ The Kurdish Workers Party, which is running a terrorist campaign to establish an independent, breakaway Kurdish state.

¹⁰⁰ Social movement politicizing Islam, expressing political dissatisfaction with the existing secular order in Turkey and trying to Islamize the whole of society --including sexual relations, family concepts, private and public divisions, science, government and the rule of law. For the rise of the Islamist movement in Turkey and the bases of its popular support through Islamist political parties see N. Narlı, ‘The rise of the Islamist movement in Turkey’, *Middle East Review of International Affairs*, vol. 3, no. 3, 1999.

¹⁰¹ See A. Sozen, ‘Democratization in Turkey: Copenhagen Criteria for EU membership and reflections on Turkish foreign policy’, *Paper prepared for presentation at the 2002 Annual Conference of the International Studies Association in New Orleans*, 2002, p. 26.

Turkey's NPAA starts with "the Turkish Government will speed up the ongoing work on political, administrative and judicial reforms and will duly convey its legislative proposals to the Turkish Grand National Assembly. The goal is to strengthen, on the basis of Turkey's international commitments and EU standards, the provisions of the Constitution and other legislation to promote freedom; provide for a more participatory democracy with additional safeguards; reinforce the balance of powers and competencies between State organs; and enhance the rule of law. In the context of the reform process regarding democracy and human rights, the review of the Constitution will have priority. The constitutional amendments will establish also the framework for the review of other legislation."¹⁰²

As is indicated in the introduction to the NPAA, Turkey intends to fulfill the Copenhagen criteria and complete the accession process, on the basis of the existing military-drafted 1982 constitution. However, the 1982 constitution involves some restrictive characteristics. This comes mainly from the empowerment of the executive branch in behalf of respect for fundamental rights and freedoms.¹⁰³ When the constitution was adopted in 1982, it had placed restrictions on freedom of association and freedom of assembly, as well as imposing restrictions on political participation by the pre-1980 political parties and their leaders. In 1987, martial law was lifted with the exception of Southern Anatolia, and political restrictions were eliminated with a referendum. However, in the European Parliament's 1995 report, Turkish

¹⁰² The Turkish National Program for the Adoption of the Acquis (unofficial translation). For the original text of the NPAA, see <<http://www.mfa.gov.tr/grupa/ad/adc/EUintroduction.htm> > , accessed 29/05/2002.

¹⁰³ See M. Soysal, *100 Soruda Anayasanın Anlamı [The Meaning of Constitution in 100 Questions]*, Gerçek Yayınevi, İstanbul, 1997.

democracy was stated to be far from the European standards.¹⁰⁴ In 1995, Turkey again amended the 1982 Constitution. With these amendments, the ban preventing association with political activity was removed (Article 33 of the 1982 Constitution); the prohibitions on trade unions to engage in politically motivated activities was repealed (Article 52); certain categories of civil servants were given the right to form trade unions (Article 53); the voting age was lowered from 21 to 18 years of age (Article 67); rules governing the formation of political parties and party membership were liberalized to achieve broader participation in the democratic process (Article 68); and political parties will be allowed to work with organizations like trade unions, associations, foundations, and vocational institutions (Article 69).¹⁰⁵

In 2001, the Turkish Parliament adopted another package of 34 constitutional amendments to meet some of Turkey's Accession Partnership priorities. One of the prominent changes is the amendment of the provision in Article 118 concerning the role and the composition of the National Security Council. In Turkey, the military continues to have an important influence in many areas of political life, particularly through the National Security Council. The National Security Council (NSC) is a body in which service chiefs meet regularly with government leaders and which acts largely as a transmitter for the military's political instructions.¹⁰⁶ Before the amendment, Article 118 of the 1982 Constitution had stated not only that the NSC shall submit its recommendations for the internal and external security of

¹⁰⁴ See M. Muftuler-Bac, 'The impact of the European Union on Turkish politics', op. cit., pp. 165-170.

¹⁰⁵ 1982 Turkish Constitution, Part Two: Fundamental Rights and Duties, Chapter One, General Provisions, Article 13. For the original text, see <<http://www.mfa.gov.tr/grupc/ca/cag/Part2.htm>>, accessed 04/06/2002.

¹⁰⁶ See J. Gorvett, 'The EU watches as Turkey's military, banned Islamists and emerging civil society vie for the future', *Washington Report on Middle East Affairs*, 2000, Vol. 19, p 58.

the country to the Council of Ministers, but also that the Council of Ministers must give priority to the recommendations of the NSC to ensure the existence and independence of the State, the integrity and the indivisibility of the country, and the peace and security of the country.¹⁰⁷ After examining the role of the NSC in Turkey, the 2000 Regular Report of the EU Commission emphasized that the National Security Council, in practice, seriously limits the role played by the government.¹⁰⁸ In addition, in Part III of the AP it is stated that in the mid-term, Turkey should align the constitutional role of the National Security Council as an advisory body to the Government in accordance with the practice of EU Member States. However, the NPAA ignores the political power of the NSC and in its Article 1.2.15 defines it as only a consultative body in areas of national security. Positive steps were taken in the last amendment of the Constitution to increase the number of civilian members of the NSC from five to nine while keeping the number of military representatives at five. In addition, the Government is now required to “evaluate” its recommendations instead of giving them “priority consideration.”

Also, the NPAA promises guarantees in the field of human rights and fundamental freedoms and limits capital punishment. Freedom of thought and expression is discussed in the Article 1.2.1 of the NPAA. It is stated that in the short –term, the Turkish government plans to review Article 312 of the Turkish Criminal Code,¹⁰⁹ articles 7 and 8 of the Anti-

¹⁰⁷ See P. Tank, “Turkey as a Special Case for the EU: Will the generals Retreat from politics?” International Peace Research Institute, vol. 32, no. 2, 2001, Oslo, pp. 220-221.

¹⁰⁸ 2000 Regular Report from the Commission on Turkey’s Progress Towards Accession, 8 November 2000, p. 14.

¹⁰⁹ The article prohibits “inciting people to hatred and enmity on the basis of class, race or regional differences.”

Terrorism Act, the Act on the Establishment of Radio and Television Enterprises and Their Broadcasts, and the Act on Press. It does not subscribe to abolishing Article 312 of the Turkish Criminal Code, which restricts the freedom of thought, but only considers reviewing it.¹¹⁰ President Ahmet Necdet Sezer approved the amendments to Articles 312 and 159 of the Turkish Penal Code, along with a series of other changes on 18 February 2002. The revised Article 312 now reads as follows: “A person who openly lauds a crime or who incites people to violate the law will receive a prison term ranging from six months to two years. Prison terms of 1-3 years will be given to individuals who incite hostile feelings or hatred in people by emphasizing differences based on social class, race, religion or region in such a way as to endanger law and order. In addition, a person who insults a certain sector of society or harms human dignity will receive the same punishment. If these crimes are committed using the media, the punishment will be twofold.”

As for the use of mother languages, the NPAA rejects the idea of TV or radio broadcasts in mother tongues. In Article 1.2.9, it only states “The official language and the formal education language of the Republic of Turkey are Turkish. This, however, does not prohibit the free usage of different languages, dialects and tongues by Turkish citizens in their daily lives. This freedom may not be abused for the purposes of separatism and division.”¹¹¹ Regarding medium-term priorities, it is mentioned in the NPAA that Turkey will sign and put

¹¹⁰ The Turkish National Program for the Adoption of the Acquis. See <http://www.mfa.gov.tr/grupa/ad/adc/EUintroduction.htm>, accessed 29/05/2002.

¹¹¹ Ibid., accessed 29/05/2002.

into practice the conventions to which the EU member states are party, such as the Council of Europe's European Charter for Regional. The Minority Languages and Framework Convention for the Protection of National Minorities is not mentioned in that article.

The 2001 amending of the Constitution deleted a number of restrictions from Article 13, thus narrowing the grounds for limiting fundamental rights and freedoms. Before the amendment, Article 13 read: "Fundamental rights and freedoms may be restricted by law, in conformity with the letter and spirit of the Constitution, with the aim of safeguarding the indivisible integrity of the State with its territory and nation, national sovereignty, the Republic, national security, public order, general peace, the public interest, public morals and public health, and also for specific reasons set forth in the relevant articles of the Constitution." After the amendment, the same article read: "Fundamental rights and freedoms may be restricted only on the basis of specific reasons listed in the relevant articles of the Constitution without prejudice to the values defined therein and only by law. These restrictions shall not conflict with the letter and spirit of the Constitution and the requirements of the democratic social order and the secular republic and the principle of proportionality."

As for freedom of the press, another amendment has been introduced. The provision that publication shall not be made in any language prohibited by law" has been removed (Article 28). The general restrictions of Article 26 also apply to the expression and dissemination of thought and opinions in writing and other media. The constitutional provision on the principles to be observed by political parties has been amended. Sanctions can be imposed upon a political party if "actions" committed by members who violate a number of basic principles are endorsed by the party as a whole, but the grounds for banning

political parties remain unchanged (Article 68). As regards cultural rights, progress can be reported with the amendment of articles 26 and 28 of the Constitution, in which the provision forbidding the use of languages prohibited by law has now been abolished.

Human rights violations in Turkey have been a problematic issue for a long time. Many human rights violations are connected with the Kurdish terrorist action that broke out in 1984. While remaining publicly committed to the rule of law and respect for human rights, some members of the security forces (i.e., the special anti-terror police forces, Jandarma,¹¹² village guards, and Turkish National Police forces in the urban areas) commit serious human rights abuses. The PKK also commits widespread abuses, including the frequent murder of non-combatants—mostly Kurdish villagers, civil servants, and teachers, as well as prisoners.¹¹³ Human rights violations are not limited to the southeastern part of the country. Prison conditions throughout Turkey do not conform to the minimum standards of the Council of Europe or to those of the United Nations. Most prisons are crowded, medical care is lacking, hunger strikes are common and lengthy trials are frequent. Since 1980, more than 400 people have died in police custody, apparently as a result of torture.¹¹⁴ Most recently, the Human Rights Association (IHD) in Turkey issued a report, which found that 762 cases of torture in police custody, including beatings and sexual abuse, had taken place in the first nine months of 2001.¹¹⁵ Short-term plans about fighting against torture and inhuman or degrading treatment in

¹¹² Police force in the countryside.

¹¹³ 'Turkey country report on human rights practices', United States Department of State, Bureau of Democracy, Human Rights and Labor, 1998, p.1.

¹¹⁴ See Turkey, No Security Without Human Rights, Amnesty International Publications, London, October 1996, p. 2.

¹¹⁵ J. Gorvett, 'Human rights, Cyprus issues loom over Turkey's EU aspirations', *The Washington*

the NPAA are to:

- review the Act on the Duties and Competences of the Police, No. 2559, and the relevant regulation; the Act on the Organization, Duties and Competences of the Gendarmerie, No. 2803, and the relevant bylaw; and the Act on the Coast Guard Command, No. 2692, and the relevant regulation
- undertake arrangements to modernize the Forensic Medicine Institution.

And in the medium term, the Turkish government plans to:

- enact the new Turkish Criminal Code
- enact the new Code of Criminal Procedure
- explore the availability of financial resources for training law enforcement personnel for the prevention of human rights violations and increase the use of technology to monitor places where incidents of human rights violations continue to occur
- introduce legal provisions on the joint and several liability of perpetrators of torture.

Pre-trial detention provisions are to be brought further into line with European Convention of Human Rights (ECHR) standards on the basis of the amendment of Article 19 of the Constitution, which reduces to four days the period of police custody before bringing

the person detained before a judge in cases of collective offenses. The 1999 Regular Report of the EU Commission states that there are also several other procedures to be brought in line with ECHR standards, notably automatic judicial review and medical examination as mentioned in the previous report.

Also, Article 1.2.8 of the NPAA reflects Turkey's opinion on capital punishment. It is left to the decision of the political power. In the Article 1.2.8 "According to the Constitution of the Republic of Turkey, only the Turkish Grand National Assembly is authorized to make the decision to enforce a final sentence of capital punishment." In the same Article, it is also stated that "the abolition of the death penalty in Turkish criminal law, its form and its scope, will be considered by the Turkish Grand National Assembly in the medium term."¹¹⁶ The revised Article 38 of the Constitution limits the death penalty to cases of terrorist crimes and to times of war or imminent threat of war.

In addition, there are other issues that will be reviewed in the short-term and the medium-term: the state of emergency; alleviating regional disparities to increase economic, social, and cultural opportunities for all citizens; improving the functioning and effectiveness of the judiciary, including the state security courts; training of law-enforcement personnel and other civil servants on human rights issues; pre-trial detention; freedom of association; and peaceful assembly and the civil society.

¹¹⁶ The Turkish National Program for the Adoption of the Acquis (unofficial translation), <<http://www.mfa.gov.tr/grupa/ad/adc/EUintroduction.htm>> , accessed 29/05/2002.

CONCLUSION

Prevailing theoretical approaches to understand the enlargement process of the EU, why the EU imposes political conditions on candidate countries and why these conditions play a preeminent role in accession processes are out of date. Neorealism draws its view of explaining international relations from wartime conditions. However, the so-called anarchic structure of world wars and the Cold War are over. Under current circumstances, norms and values play a more determinist role in shaping the ways that states relate to each other. Moreover, another strand of the rational approach, neoliberalism, is far from explaining norms and values embodied in the formation of state preferences. It does not take norms, ideas and values as variables, but treats those concepts as exogenously given.

As is seen in Turkey's accession, the EU acts as a norm entrepreneur in the enlargement process. Turkey's existence as an actor in this process is dependent on the international system. State actors enter the interaction with other actors having some pre-existing ideas about who they are and their ability to act. Turkey represents itself as a democratic actor in the international realm, however, this presentation of self is contested by the EU. Because the Union's role definitions are important, contestations may influence Turkey's definition of identity. There are many anti-democratic practices in Turkish domestic politics, such as problems coming from Kurdish issues, human rights violations, prohibitions on political parties, and restrictions on the use of mother tongues. If a democracy is viewed in terms of Joseph Schumpeter's definition, then Turkey qualifies as a democracy. However, this is a minimalist definition. Turkey is an electoral democracy but lacks many features of a liberal democracy. The EU prompts Turkey to undertake measures

to eliminate its democratic deficit in exchange for full membership. The accession has stimulated the reform process in Turkey and recent amendments are a significant step toward strengthening guarantees in the field of human rights and fundamental freedoms.

In conclusion, throughout this thesis I situated the EU's enlargement process in a constructivist perspective. The EU acts as a norm entrepreneur and shapes candidate countries' domestic political conditions in order to widen the democratic and peaceful sphere of Europe.



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