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The European Union's Enlargement
Process and the Collective
Identity Formation in Turkey
The Interplay of Multiple Identities

Yaprak Gürsoy and
Meltem Müftüleri-Baç



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Abstract

This paper analyzes the impact of the EU enlargement process on Turkish collective identity formation. EU conditionality influences Turkish collective identity by bringing to the forefront issues on democracy, civilian control of the military, impartiality and independence of the judiciary, and minority rights. The paper investigates how different social and political groups in Turkey react to the reform process and argues that there is an ongoing adaptation process in Turkish politics to the EU political criteria and norms parallel to the accession negotiations with the EU. The latter is important at two different levels: First, Turkey increasingly accepts the EU norms in civil-military relations, human rights and recognition of minority rights. Second, these changes and diffusion of norms from the EU into Turkey generate a transformation of the Turkish collective identity.

Keywords

Acquis Communautaire – Copenhagen Criteria – Democracy – Enlargement – Identity
– International Relations

Introduction

Turkey is currently negotiating for the European Union accession. Consequently, Turkey is undergoing a major political, economic and social transformation in order to adapt the EU norms and *acquis*. Of all the countries negotiating with the EU, the Turkish case is highly unique because of its profound differences from the rest of the EU, the most marked difference being its predominantly Muslim population. When the EU opened accession negotiations with Turkey on October 3 2005, this created a major impact on the collective identity debates in Turkey. Different actors in Turkey have varying perspectives on how the reform process should be carried out and whether or not Turkey must amend its political and legal structure to conform with the *acquis* at all. The most important actors in this debate are the political parties, military and the judiciary.

One dimension that causes dispute among these actors is Turkish democracy and human rights issues. The second related dimension is the secular character of the Turkish Republic and minority rights. While nationalist and secularist actors, such as the security forces, judiciary, and the Republican People's Party, are not necessarily opposed to EU membership, they protest the EU reform process because, in their view, granting rights to minorities and liberalizing the regime threatens Turkish secularism and sovereignty. These actors uphold the basic principles of democracy; however, they fear that actors that especially support political Islam and Kurdish separatism might take advantage of the EU's liberal norms to disturb the freedom of the seculars and the Turkish majority. Thus, interestingly, Turkish collective identity is based on democracy and freedom for all actors involved. As a result, the debate that the EU reform process has brought about is not on these fundamental norms; but on the limits of the liberalization. Finding a balance between the rights of the minorities and Islamists, on the one hand, and the rest of the population, on the other hand, without damaging the civil liberties of one another, is the real challenge.

This paper will analyze these social and political cleavages in Turkey by examining the reform process. EU conditionality impacts Turkish collective identity by bringing to the forefront issues on democracy, civilian control of the military, impartiality and independence of the judiciary, and minority rights. Analyzing the amendments that had been made on these issues with EU conditionality and looking at the reactions of the nationalist and secular actors will highlight the current and ongoing debates on Turkish collective identity. This is particularly important as these amendments resulted from the Turkish political will to comply with the EU political criteria as part of the accession process. This paper in this fashion demonstrates the impact of the EU enlargement process on Turkish collective identity formation.

Background –Turkey, the EU, and the political reform process

Since this paper looks at the ongoing political reform process as it is stimulated by the European Union and its impact on collective identity formation in Turkey, a brief introduction as to the background of this relationship is necessary. The turning point in terms of increased political conditionality that the EU has on Turkey came in 1999 when Turkey officially became a candidate country for EU membership during the European Council's Helsinki Summit. Six years later, in October 2005, accession negotiations began with Turkey. It is through the perspective of EU membership that

Turkey approved series of political reforms in this six year time period. The EU's political conditionality and the Turkish desire to fulfill these political criteria in order for accession negotiations to begin became critical in triggering a vast political transformation in Turkey which in turn impacted the collective identity formation in Turkey. This is not to say that the EU has no impact on Turkey prior to 1999. On the contrary, Turkey and the EU have a long relationship since the signing of the Association Agreement in 1963 and the establishment of a customs union in 1995. However, it was not before the 1999 Summit and the promise of full membership that the EU became an anchor for Turkey's political liberalization and reform process.¹ According to the Copenhagen political criteria, EU "membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities."² The first Accession Partnership Document for Turkey after the Helsinki Summit was issued in November 2000 and prioritized the necessary reforms that Turkey had to carry out in accordance with the Copenhagen criteria.³

This brings us to the question as to what kind of problems existed in Turkish political system and its socio-political identity that needed to change in order for accession negotiations to begin. On the top of the list is the 1982 constitution. The Turkish Constitution of 1982 was put into force during a military coup d'état and it reflected the contemporary concern of the armed forces with stability and order, which Turkish society seemed to lack in the 1970s. The constitution granted autonomy to the military from civilian powers and restricted several fundamental political rights, including freedom of expression and association. That is why the political changes and reforms in Turkey were directed mainly to the 1982 Constitution. Turkey's membership to the EU depended on changing these articles of the constitution and the relevant laws.

Following EU's decision to grant candidate status, the Turkish parliament ratified nine harmonization packages, which entailed "a number of reforms in some sensitive areas that would have been unthinkable just a few years before."⁴ In October 2001, the Turkish Grand National Assembly passed the first harmonization package that included 34 changes in the 1982 constitution. These first set of reforms lifted some of the restrictions on freedoms of expression, organization and assembly.⁵ In addition, a new civil code was adopted in 2001 in order to ensure protection of women's property

¹ For an historical overview of Turkish-EU relations, see William Hale, *Turkish Foreign Policy, 1774-2000* (London: Frank Cass, 2000); Meltem Müftüleri-Baç, *Turkey's Relations with a Changing Europe* (Manchester, UK: Manchester University Press, 1997); Ziya Öniş, "An Awkward Partnership: Turkey's Relations With the European Union in Comparative-Historical Perspective," *Journal of European Integration History*, 7, 1 (2001): 105-119. For an analysis of the decision in the Helsinki Summit regarding Turkey, see Meltem Müftüleri-Baç and Lauren M. McLaren, "Enlargement Preferences and Policy-Making in the European Union: Impacts on Turkey," *European Integration*, 25 (2003): 17-30; Ziya Öniş, "Luxemburg, Helsinki and Beyond," *Government and Opposition*, 35, 4 (2000): 463-483.

² Quoted in William Hale, "Human Rights, the European Union and the Turkish Accession Process," *Turkish Studies*, 4, 1 (2003): 108.

³ "Turkey: 2000 Accession Partnership," Annex to *Council Decision of March 8 2001 on the Principles, Priorities, Intermediate Objectives and Conditions Contained in the Accession Partnership with the Republic of Turkey*, available at the European Commission's website on enlargement (http://ec.europa.eu/enlargement/turkey/key_documents_en.htm).

⁴ Paul Kubicek (2005) "The European Union and Grassroots Democratization in Turkey," *Turkish Studies*, 6, 3: 361.

⁵ For a detailed analyses of these changes, see Hale, "Human Rights, the European Union and the Turkish Accession Process," 110-118.

rights in marriage. The following year in 2002, two other constitutional packages changed the anti-terror law and allowed broadcasting in languages other than Turkish. The most important development was the package of reforms accepted in August 2002 which did away with the death penalty in Turkey.

After the November 2002 elections, the newly elected Justice and Development Party (JDP) accelerated the reform process by enacting six additional constitutional packages and revising the penal code. These amendments, among others, put into operation the previously ratified reforms, abolished the already modified state security courts all together, increased freedom of press, allowed for the penalization of civil servants who employed torture and attempted to prevent violence against women and children.⁶

It would be expected that these harmonization packages also introduced changes in civil-military relations. The 2001 amendment package rephrased the functions of the National Security Council (NSC). The NSC is an institution that brings together the representatives of the civilian cabinet and the chief of the general staff, the commanders in chief of the army, navy and air-force. The Council was first created after the 1960 military intervention, but its powers were increased with each subsequent coup. After the 1980 intervention, the NSC became "the most decisive leg of a dual system of executive decision making, the other leg being the council of ministers."⁷ The power of the NSC emanated in part from the 1982 constitution, which obligated the civilian cabinet to "give priority consideration" to the decisions of the NSC.

The 2001 reform package amended the 1982 constitution so that the NSC would now only "advise" to the council of ministers and the latter would only "evaluate" the decisions of the NSC.⁸ In July 2003, the new parliament introduced several other changes. The secretary general of the NSC, who had previously been a military officer, was now replaced by a civilian and his powers were reduced. The number of civilians working in the under-secretariat was increased relative to the military officers. The regular meetings of the NSC were reduced from once a month to once every two months. Apart from these changes in the NSC, the military lost some of its powers due to other seemingly unrelated reforms. For instance, the state security courts were revised in 1999 and the seat of the military judge was eliminated. In 2004, the state security courts were abolished all together. Similarly, the 2004 Ninth Constitutional Package changed the composition of the Council of Higher Education and eliminated the seat that was held by a military officer.⁹

⁶ Meltem Müftüler-Baç (2005) "Turkey's Political Reforms and the Impact of the European Union," *South European Society and Politics*, 10, 1: 21-29; Ergun Özbudun (2007) "Democratization Reforms in Turkey, 1993-2004," *Turkish Studies*, 8, 2: 179-19.

⁷ Ümit Cizre Sakallıoğlu (1997) "The Anatomy of the Turkish Military's Political Autonomy," *Comparative Politics*, 29, 2: 158.

⁸ Özbudun, "Democratization Reforms in Turkey," 193-194, Ergun Özbudun, 2001 *Anayasa Değişiklikleri ve Siyasal Reform Önerileri* (Istanbul: TESEV Yayinlari, 2002), 27-28.

⁹ Metin Heper (2005) "The European Union, the Turkish Military and Democracy," *South European Society and Politics* 10, 1: 37; Gareth Jenkins (2007) "Continuity and Change: Prospects for Civil-Military Relations in Turkey," *International Affairs*, 83, 2: 346-347; Ilter Turan (2007) "Unstable Stability: Turkish Politics at the Crossroads?" *International Affairs* 83, 2: 331-332; Özbudun, "Democratization Reforms in Turkey," 193-195.

From 2001 to 2004, “more than one-third of the original text of the Constitution was amended”¹⁰ in accordance with the Accession Partnership Document. In response, the European Council decided to open accession talks with Turkey in December 2004. Despite this achievement, the acceleration gained with the reform progress came to an abrupt halt during the last two years of Justice and Development Party government. The last major reform was carried out in September 2005, with the amendment of the penal code.¹¹ Yet, it must be acknowledged that the reform process underway since 1999 has radically changed the hold of the Turkish military in politics. An important aspect of that change was that, as a result of these reforms, a previously taboo subject - the role of the military in Turkish politics - began to be openly debated. This is highly important in terms of the impact it has on Turkish collective identity as a warrior nation.

In order to fulfill the Copenhagen political criteria and become a full member of the EU, Turkey still needs major legal reforms. In addition, important adjustments must be made in the implementation of these reforms. The most salient political challenges ahead of full membership to the EU are problems with Turkish democracy and human rights.¹² Another major obstacle and an area that EU enlargement impacts Turkey is Turkish foreign policy with regards to Greece and Cyprus. The European Council decided in December 2006 that negotiation talks will not begin on eight chapters and other chapters will not be provisionally closed until Turkey fully executes the Additional Protocol to the Association Agreement. Currently, Turkey does not apply the Additional Protocol to the Greek controlled Republic of Cyprus. Turkey must resolve its conflict with the Greek Cypriots and Greece before it becomes a member of the EU. Despite its salience for Turkey-EU relations, Turkish foreign policy toward Greece and Cyprus is beyond the scope of this paper. The following sections will focus on the impact of EU on Turkish democracy and human rights.

Democratization and collective identity formation

Even though “the basic features of democracy exist in Turkey,”¹³ there are still continued problems with regards to consolidation of the regime and raising attitudinal support.¹⁴ The events leading up to the election of Abdullah Gül to the Presidency of the Republic in 2007 demonstrated the fragility of Turkish democracy. The political Islamist party in government, Justice and Development (JDP),

¹⁰ Özbudun, “Democratization Reforms in Turkey,” 195.

¹¹ Marcie J. Patton, “AKP Reform Fatigue in Turkey: What Has Happened to the EU Process?” *Mediterranean Politics*, 12, 3 (2007): 339-358.

¹² The most recent EU Commission progress report for Turkey calls attention to these issues in its political criteria section. The rest of the paper reflects the concerns that were raised in the report. Commission of the European Communities, *Commission Staff Working Document: Turkey 2007 Progress Report*, 6-26 (available at http://ec.europa.eu/enlargement/turkey/key_documents_en.htm).

¹³ Quoted in Meltem Müftüler-Baç, “The New Face of Turkey: The Domestic and Foreign Policy Implications of November 2007 Elections,” *East European Quarterly*, 37, 4 (Winter 2003): 433.

¹⁴ A democracy is considered to be “consolidated when all politically significant groups,” provide attitudinal support, perceive the institutions of that regime as the only possible political structure for policy making, and when these groups cannot imagine acting outside of the regime’s institutions. Richard Gunther, Nikiforos P. Diamandouros, Hans-Jürgen Puhle, “Introduction,” In Richard Gunther, Nikiforos P. Diamandouros, Hans-Jürgen Puhle, eds., *The Politics of Democratic Consolidation: Southern Europe in Comparative Perspective* (London and Baltimore: The John Hopkins University Press, 1995), 6-7.

nominated Foreign Minister Abdullah Gül to replace President Ahmet Necdet Sezer, whose term in office was going to end in May 2007. In April, the parliament convened to vote for the new president. However, opposition parties boycotted the session arguing that the JDP nominated its candidate without prior negotiation with the other parties. The Republican People's Party (RPP) applied to the Constitutional Court, which decided that two-thirds of the deputies must be present in the parliament for the election of the president.¹⁵ The military also took sides on this issue. On the day that the parliament first met to elect the president, the military announced on its website that the discussion on Gül's presidency was in fact a dispute over the issue of secularism. Since the JDP is a pro-Islamic party, the military declared that it observes the situation with anxiety. The announcement continued as follows:

It should not be forgotten that the Turkish Armed Forces are part of these disputes and are the certain defenders of secularism. Moreover, the Turkish Armed Forces when it is necessary will openly and clearly put forward their stance and take definitive action. No one should suspect this. The Turkish Armed Forces reserve the unshakable determination to protect the qualities [of the republic], which were given [to them] as duties openly by law.¹⁶

The pressure of the opposition parties, military, and the constitutional court convinced Gül to withdraw his candidacy

The impasse was resolved with new parliamentary elections that were held on 22 July 2007. The electorate gave the mandate back to the JDP with 46.6 percent of the votes and 341 seats. Minority parties of the previous parliament that boycotted the presidential elections, the Motherland Party and the Democratic Party, could not overcome the 10 percent threshold required for representation in the national assembly. The RPP also lost support compared with the previous elections and gained 99 seats with 20.9 percent of the votes. The only party that increased its support at the ballot box, apart from the JDP, was the Nationalist Movement Party (NMP) with 14.3 percent of the votes and 70 seats. The NMP found representation in the national assembly after one term outside of the parliament.¹⁷ The pro-Kurdish Democratic Society Party (DSP) also gained new seats by sending 20 party members to the parliament as independents. Indeed, "the newly elected parliament is now more representative of the country's political diversity"¹⁸ since it also includes Kurdish representatives.

In August, once again, Abdullah Gül declared his candidacy and presidential elections were held. This time, except for the RPP, all of the parties participated in the session, fulfilling the two-thirds requirement. Abdullah Gül became the eleventh President of the Republic. On 21 October, a referendum approved the constitutional package that the JDP government introduced before the July elections. The new amendments entailed the election of the president by popular vote, reducing his term in office from seven to five years, and requiring only one-third of the deputies present

¹⁵ "Mahkemelik," *Hürriyet*, 28 April 2007, 22, "367 Şart," *Hürriyet*, 2 May 2007, 18.

¹⁶ "Genelkurmay'dan Gece Yarisi Bildirisi," *Sabah*, 28 April 2007, 29, "Gece Yarisi Uyarisi," *Hürriyet*, 28 April 2007, 25.

¹⁷ "AKP'nin Rekoru," *Milliyet*, 23 July 2007, 1.

¹⁸ *Turkey 2007 Progress Report*, 6.

in the parliament for all decisions of the national assembly.¹⁹ This new package guaranteed that the difficulties that were faced in the election of President Gül will not be a challenge after his term in office ends in 2014.

Civilian oversight of the military

Even though the 2007 EU Commission report maintained that the recent presidential crisis “reaffirmed the primacy of the democratic process,”²⁰ the report still raised a number of important challenges that the crisis demonstrated in Turkey’s fulfillment of the Copenhagen criteria. One major problem is civilian control of the military. The military openly took part in the presidential crisis and opposed the civilian government. This raised important questions on how much EU democratic norms can be implemented in Turkey. The Turkish Armed Forces Internal Service Law still describes the role of the military as a guarantor against external and internal threats. It is the self-perceived duty of the armed forces to safeguard the integrity of the Turkish Republic and its unity with its state, nation and territory. The armed forces rigorously uphold the principles of the founder of the republic, Mustafa Kemal Atatürk. In the current context, this means protecting the country against Kurdish separatism and political Islam.

When the military generals believe that the civilians fall short of protecting the Republic, they warn the governments and recommend necessary actions either publicly or through the NSC. Such declarations of the military are taken very seriously by the civilian governments that usually “accept NSC proposals.”²¹ Even when such proposals are not immediately implemented, the politicians at least try to respond to the concerns of the generals positively. The media also covers the declarations of the military extensively and usually carries the warnings of the generals to the headlines. Thus, whenever the military raises an issue, the public’s attention is drawn to it.

The informal powers of the armed forces come partially from the secularist and nationalist politicians, who share the concerns of the military with political Islam and Kurdish separatism. Other politicians fear the possibility of another coup given that significant numbers of Turkish citizens regard the military as a trustworthy institution. There is no unity among the elites and the masses against the political influence of the generals.²²

Indeed, civil-military relations in Turkey are not to be treated only as a structural problem that would be reformed during the accession process but also as part of the Turkish collective identity. The Turkish Republic was established by the military, which did not accept the partition of the Ottoman Empire after World War One by European powers. It was Mustafa Kemal Atatürk, a military officer and later the first president of the Republic, who commanded the armed forces during the

¹⁹ “Halktan ‘Evet’,” *Milliyet*, 22 July 2007, 1, 12-15.

²⁰ *Turkey 2007 Progress Report*, 9.

²¹ Linda Michaud-Emin (2007) “The Structuring of the Military High Command in the Seventh Harmonization Package and Its Ramifications for Civil-Military Relations in Turkey,” *Turkish Studies*, 8, (1): 31.

²² Tanel Demirel (2004) “Soldiers and Civilians: The Dilemma of Turkish Democracy,” *Middle Eastern Studies*, 40, 1: 134-143.

Independence War and founded the Republic based on principles of secularism, nationalism, republicanism, statism, populism, and revolutionism. The Republican People's Party, which was founded in September 1923, brought together the military and civilian leadership of the War and implemented Atatürk's principles. Thus, the military is seen as the creator and savior of the independent Turkish nation. The fact that the military intervened three times in the republican era (in 1960, 1971 and 1980) did not damage this image of the armed forces. On the contrary, it gave the impression that the military can save Turkish politics from itself when necessary.

The emergence of a Turkish collective identity is greatly tied to the image of the Turk as a soldier and a conqueror, both inside and outside. The Turkish education system reemphasizes this collective identity by teaching the heroism of the armed forces going back several centuries. The relative success of the armed forces in collaboration with Western nations against external enemies, such as in the Korean War in the 1950s, perpetuated the positive image of the military. As a result, the Turkish society has a dominant norm which identifies Turkish collective identity as a warrior nation; this in turn is reflected onto the civil-military relations where the military is perceived to possess an aura.

Even when there are significant changes in the civil-military dynamics on a legal basis, in the Turkish mind, the military has a sacred place. The question that begs an answer then is what kind of impact the EU accession process would have not only in terms of legal, structural changes on civil-military relations but also in terms of the impact of the military on Turkish collective identity. As long as this collective identity and the kind of support it brings for the armed forces do not change, it seems unlikely that legal changes in compliance with the EU will bring about civilian oversight of the security forces.

Second, the constitutional amendments that formally changed the composition and role of the National Security Council might have actually affected intra-military relations more than civil-military relations. The NSC was created during the 1960 military coup and its powers were increased with the following two interventions partly because the Council was seen as a means to control the lower ranking officers. The NSC increased the legitimacy of the high command in executive decision-making, and thereby, prevented splits in the military that characterized the 1960 and 1971 military interventions. As Michaud-Emin asserts "the importance of the 1980 coup was that it gave the high command a political mandate, thus legitimizing and strengthening it so that it could not be undermined by lower-level actors. A reversal of that could wreak disastrous outcomes for the future of intra-military relations but not civil-military relations."²³

The constitutional package that weakened the role of the NSC in accordance with the EU *acquis* was seen as a mistake by some of the generals. A visible split occurred between those members of the armed forces that publicly criticized the amendments and the Chief of the General Staff Hilmi Özkök, who took a more liberal stance. For instance, the contemporary Secretary General of the NSC, General Tuncer Kılınç argued that the "reform package rendered the [NSC] functionless" and the EU harmonization packages, in general, were "granting capitulations to foreigners."²⁴ The

²³ Michaud-Emin, "The Structuring of the Military High Command," 30.

²⁴ Heper, "The European Union, the Turkish Military and Democracy," 38.

general voiced the concerns of many officers who believed that confirming with EU conditionality is granting privileges to European states, undermining Turkish sovereignty, and perhaps more importantly, allowing Kurdish separatism and political Islam free movement of action. The contemporary Chief of the General Staff Özkök, however, did not share similar concerns, and responding to General Kılıç, declared that “the office of the secretary general of the [NSC] is affiliated to prime ministry, not to the office of the chief of staff.”²⁵ In other words, Özkök implied that comments of Kılıç were personal and could not be attributed to the armed forces. Indeed, Özkök did not oppose the changes in the NSC and declared his faith in liberal democracy. After reminding that past military interventions in Turkey were not successful, the Chief of the General Staff declared that “from now on, we should have greater trust in the people. The [Turkish Armed Forces] should have a new vision.”²⁶

Even though the hierarchy of the armed forces approved the EU process, there were still rumors that the military was split over EU conditionality and the rise of political Islam after JDP's ascend to government. In late March 2004, a weekly magazine, *Nokta*, published the alleged diaries of a former commander of the navy that implied the existence of a military conspiracy against the JDP government. The planned coup involved all of the commanders except Chief of Staff Özkök, suggesting that the coup was against him as well.²⁷ Even though such a coup attempt never materialized and the former commander of the navy denied keeping a diary, the accusations increased suspicions that the military was factionalized over the adoption of EU *acquis*. After Özkök's term in office ended, a more hawkish general became the new Chief of the General Staff, reportedly in order to keep the lower ranks more in line. There were also suggestions that the declaration of the military in April 2007, during the presidential crisis, was an attempt to prevent a possible conspiracy among the lower ranking officers. Thus, reshaping the role of the NSC to complying with the EU criteria might have weakened the military hierarchy vis-à-vis the civilians and the lower ranking officers. This could lead to problems in the future and have unforeseen results on the attitudes of the Turkish officers.

A third challenge to Turkish democracy with regards to civil-military relations is the lack of supervision of the military budget and expenditure by the parliament. Even though the NSC has been relatively weakened with the 2004 constitutional package, “no progress has been made in ensuring parliamentary oversight of defense expenditure.”²⁸ Since the 1960 coup, the military is responsible to the prime minister instead of the ministry of defense. Consequently, the ministry of defense does not oversee military expenditures. The parliamentary committee responsible from reviewing the budget does not go into details and rarely the public is involved and informed of the budget.²⁹ Besides, resources of the military outside of the budget are completely left out of parliamentary screening. In 1974, the armed forces established an endowment in order to develop arms industry in Turkey that is not properly supervised by the civilians. In 1961, the military set up the Armed Forces and Pension

²⁵ Both quoted in Heper, “The European Union, the Turkish Military and Democracy,” 39.

²⁶ Quoted in *Ibid.*, 41.

²⁷ “2004'te İki Darbe Atladığımız,” *Nokta*, 29 March 2007, “Günlükteki Komutanlar,” *Milliyet*, 04 April 2007, 1, 19.

²⁸ *Turkey 2007 Progress Report*, 9.

²⁹ Cizre Sakallıoğlu, “The Anatomy of the Turkish Military's Political Autonomy,” 159-160, Turan, “Unstable Stability,” 331-332.

Fund (OYAK), which quickly became both an important source of revenue for the military and a force in the Turkish economy. OYAK mainly functions as a social service institution: every military officer invests 10 percent of his income to the Fund to receive retirement, housing, death and disability benefits. At the same time, OYAK invests what it gathers from savings capital to other economic activities. OYAK has invested in tire, cement, agro-chemical, insurance, transportation, electronics, commercial and food processing companies. The Fund is also part of a joint-venture company with Renault to produce automobiles. OYAK, and hence the military, are important business players, whose decisions could influence not only Turkish politics, but also the economy of the country.³⁰ Yet, resources from such means are hardly ever discussed in the parliament or in public. New legal measures must be taken in this area as well to bring Turkish civil-military relations in compliance with the Copenhagen criteria.

Independence and Impartiality of the Judiciary

The 2007 presidential crisis did not only highlight concerns over military. The impartiality and independence of the judiciary was also questioned. The decision of the Constitutional Council to cancel the first round of presidential elections, because a quorum of two-thirds was not present in the parliamentary session, "led to strong political reactions and allegations that the Court had not been impartial."³¹ The judiciary is not entirely neutral and independent in political matters since high court judges, as part of the state elite upholding the Kemalist principles, share the concerns of the military with Kurdish separatism and political Islam. In the past, the judiciary closed down the more radically Islamist predecessors of the JDP, the Welfare and Virtue Parties,³² and several pro-Kurdish parties.³³

After the electoral victory of the JDP in 2002, high judges and the government had several disputes. For instance, for three months in 2007, there were no judges appointed to the 32 vacated seats of the Court of Cassation and the Council of State because of a disagreement between the Minister of Justice Cemil Çiçek and the High Council of Judges and Prosecutors (HCJP). The judges interpreted Minister Çiçek's refusal to participate in the HCJP meeting as an interference of the government to the independence of the judiciary.³⁴ In a similar instance, the Association of Judges and Prosecutors objected to the interference of the Ministry of Justice in the examination that law school graduates take in order to become judges and prosecutors. The Association especially objected the ministry's proposal to interview candidates because this would damage the impartiality of the process and allow JDP to promote its own supporters.

³⁰ Feroz Ahmad, *Demokrasi Sürecinde Türkiye (1945-1980)*, trans. Ahmet Fethi (Istanbul: Hil Yayin, 1992), 272-274, Suat Parlar, *Silahlı Bürokrasinin Ekonomi Politikası* (Istanbul: Mephist, 2005), 107-130.

³¹ *Turkey 2007 Progress Report*, 10.

³² Marvine Howe (2000), *Turkey Today: A Nation Divided over Islam's Revival*, Boulder: Westview Press, 114-147.

³³ Ioannis N. Grigoriadis (2006) "Political Participation of Turkey's Kurds and Alevis: A Challenge for Turkey's Democratic Consolidation," *Southeast European and Black Sea Studies*, 6, (4): 449.

³⁴ "Yüksek Yargıda Üye Seçimleri Kilitleniyor," *Milliyet*, 20 March 2007, 1, 18, "Danistay'dan Bakan Çiçek'e HSYK Eleştirisi," *Milliyet*, 27 March 2007, 1, 18.

While the JDP is accused of intervening in the judiciary, there are also doubts that the judges are not necessarily neutral either. For instance, when the indictment of the Şemdinli bombing charged the commander of the army, the HCJP expelled the prosecutor, appearing to protect the military.³⁵ In January 2008, the Court of Cassation and Council of State harshly criticized the government for undermining secularism when Prime Minister Tayyip Erdoğan declared that students who wear the Islamic headscarf must be able to enter universities. At the same time, the Attorney General started an investigation that might eventually lead to a lawsuit to close down the JDP.³⁶

The policy of the Justice and Development Party to reform state-society relations in accordance with the EU threatens the judiciary, as well as the military.³⁷ These state institutions support EU membership and Westernization of Turkish society. However, the conditions that are attached to membership “are likely to undermine their power and status in society.”³⁸ As a result, they are lukewarm to such efforts. In addition, there is fear that the JDP will change the lifestyles of the secular Turkish citizens, by forcing women, for example, to cover their heads. Seen from this perspective, the EU reform process is a convenient tool in the hands of the JDP to eliminate the remaining bastions of secularism from the state. In other words, EU accession is used as a pretext to attack the judiciary and the military, the only institutions that could combat political Islam. In this context, the JDP’s attempt to interview candidate judges and prosecutors (mentioned above) is perceived as an effort to replace seculars with Islamic fundamentalists. The judiciary responds to these threats by resisting the EU reform process and blocking JDP’s efforts at liberalization. It is clear that the conflicts between the government and the judiciary, and doubts about the independence and impartiality of the judiciary, will continue to be a challenge in Turkey’s road to EU accession and remain in Turkey’s public discourse.

Human Rights and Minorities

Since the role of the military and judiciary in Turkish politics directly impacts the freedoms of expression, association and minority rights in general, a look into the human rights situation in Turkey in terms of its role in Turkish collective identity is in order. Thus, another area that European Union enlargement affects Turkish collective identity formation is human rights and minorities. The Turkish Constitution has a legal definition of minorities based on the foundation treaty of the Turkish Republic, the Lausanne Treaty of 1923. As a result, the only legally recognized minorities in Turkey are the non-Muslim citizens of the Republic (Armenians, Greeks and Jews). Non-Muslim minorities in Turkey constitute approximately one percent of the population. Yet, around 15 percent of the Turkish population consider themselves Kurdish and 5 percent Alevi.³⁹ With the effect of the European Union on Turkish politics, the rights of these Muslim minorities also became a concern.

³⁵ “Şemdinli Sarsıntısı,” *Milliyet*, 7 March 2007, 1, 18, *Turkey 2007 Progress Report*, 58 n.18.

³⁶ “Toplumsal Barış Zedelenir” and “AKP’den sonra MHP’ye Inceleme,” *Hürriyet*, 19 January 2008, 20.

³⁷ Patton, “AKP Reform Fatigue in Turkey,” 349.

³⁸ Ziya Öniş, “Diverse but Converging Paths to European Union Membership: Poland and Turkey in Comparative Perspective,” *East European Politics and Societies*, 18, 3 (2004): 493 n. 30.

³⁹ For these numbers, see the series “Biz Kimiz?” *Milliyet* 21-22 March 2007. The number for Alevis is most probably higher because a considerable number of Alevis dissimulates their identity.

When the Turkish Republic was founded out of the ruins of the Ottoman Empire in the 1920s, a series of rebellions occurred in the southeast and east of Turkey among the Kurdish population. These rebellions were repressed until the 1970s, when a radical terrorist organization, the Kurdish Workers Party (*Partiya Karkeren Kurdistan - PKK*), started its activities.⁴⁰ PKK violence increased considerably in the 1990s and cost more than 30,000 lives.⁴¹ After the leader of the PKK was captured in 1999 and sentenced to life imprisonment, guerilla fighting ceased for five years. However, in 2004, the organization resumed its activities and carried out several destructive attacks, especially after 2006, against the Turkish armed forces and the civilian population in the east.⁴²

The activities of the PKK caused the majority of the Turkish citizens to equate terrorism with Kurds. In addition, the resurgence of activities was read as an outcome of the EU process, despite the fact that the EU also considers PKK as a terrorist organization. In 2002, the Turkish constitution was changed to comply with the EU *acquis* and broadcasting and education became possible in Kurdish. The Turkish Radio and Television started to show some Kurdish programs; at least four Kurdish TV and radio stations in the east began broadcasting; and in several primary schools, children were able to learn the language.⁴³ These amendments, coupled with the reduction of the power of the military and the NSC, led to nationalist assertions that "EU-induced reform laws have weakened the Turkish state, made it impossible to effectively fight terrorism and encouraged Kurdish separatism."⁴⁴ In addition, European countries were accused of providing weapons to the PKK and supporting the Kurds against the Turkish state. Several EU countries refused to transfer weapons that were bought for the Turkish armed forces because of human rights violations.⁴⁵ The war in Iraq also led to grievances among the Turkish population. The war increased chances of an independent Kurdistan in northern Iraq. The relaxation of authority in the region allowed PKK fighters to cross the border to Turkey more frequently. The situation in Iraq was seen as the fault of foreign nations, mostly the United States. In nationalist minds, this sentiment was translated into the belief that the Kurdish problem in Turkey was generated by foreign powers who try to damage Turkish sovereignty.

The response of the Turkish state to PKK terrorism was to shelf Kurdish cultural and political rights. Education in Kurdish was banned and several court cases were opened against producers that broadcasted in Kurdish. In June 2007, the Council of State dismissed the mayor of a district in Diyarbakir and closed down the Municipality Council because public services were also carried out in Kurdish.

⁴⁰ For an overview of the Kurdish problem, see Kemal Kirişçi and Gareth M. Winrow, *The Kurdish Question and Turkey: An Example of Trans-State Ethnic Conflict* (London and Portland, OR: Frank Cass, 2003), Metin Heper, *The State and Kurds in Turkey: the Question of Assimilation* (Basingstoke and New York: Palgrave, Macmillan 2007).

⁴¹ Müftüleri-Baç, "Turkey's Political Reforms and the Impact of the European Union," 25.

⁴² The most violent and disputed attack against the security forces was in Hakkari, Dağlica. See *Milliyet*, 22 October 2007, 16-17. In 3 January 2008, a PKK bomb in Diyarbakir killed two high school students and several others, including military officers. *Milliyet*, 4 January 2008, 15.

⁴³ Grigoriadis, "Political Participation of Turkey's Kurds and Alevis," 449, *Turkey 2007 Progress Report*, 22.

⁴⁴ Patton, "AKP Reform Fatigue in Turkey," 346.

⁴⁵ Heper, "The European Union, the Turkish Military and Democracy," 37.

Indeed, no language other than Turkish is permitted in public areas. Several charges were also made to Democratic Socialist Party (DSP) for being involved with PKK terrorism. Since languages other than Turkish are not allowed to be used by political parties, the use of Kurdish by the DSP also raised eyebrows.⁴⁶ Despite persistent public demands, the DSP did not denounce PKK activities, increasing suspicions that party members were affiliated with the terrorist organization. In addition, the program of the party envisions autonomy to six provinces in Turkey that are dominated by the Kurds. Such actions of the DSP were viewed as extremism and brought about forceful retaliation by the state. The DSP gained 20 seats in the parliament after the July 2007 elections; however, four months later, the Attorney General appealed to the Constitutional Court to close down the party.⁴⁷ The chairman of the DSP was also arrested because he avoided serving in the military by obtaining a fabricated health report.⁴⁸

The EU enlargement process also influenced freedom of religion and expression in Turkey. Nationalist aggression against non-Muslim citizens increased especially after several EU member states passed resolutions that recognized the death of Armenians during World War I as “genocide.”⁴⁹ An open discussion of this issue was prohibited within Turkey and several court cases were opened up against people who characterized the massacres as “genocide.” These people were charged especially under article 301 of the Criminal Code, which prohibits expressions that insult Turkishness. For instance, Elif Şafak was prosecuted because in her novel, *The Bastard of Istanbul*, one of the characters refers to the deaths as “genocide.” Similarly, Nobel Prize winner, Orhan Pamuk, was prosecuted because he claimed that Armenians were killed during the war.⁵⁰

Other religious minorities also face restrictions. Alevis are seldom recognized as a religious community.⁵¹ Their religion, which is a mixture of Sunni and Shiite Islam with other local and religious cultural practices, is usually portrayed as a branch of Sunni Islam, the faith of the majority of the Turkish population. Mandatory religion classes in primary schools and textbooks do not introduce Alevi Islam to children. The Directorate of Religious Affairs, the state institution that administers places of worship, does not provide services to the Alevis. Indeed, Alevi places of worship, called the Cem houses (*Cemevi*), are not recognized by the state and the community is restrained in establishing them.⁵²

Alevis are also confronted with difficulties in political representation. The community has supported the secular principles of Mustafa Kemal Atatürk since the foundation of the Turkish Republic. A possible resurgence of political Islam would translate into

⁴⁶ *Turkey 2007 Progress Report*, 22.

⁴⁷ “DTP’ye Kapatma İstemi,” *Milliyet*, 17 November 2007, 1, 20.

⁴⁸ All male Turkish citizens at a certain age must be conscripted for various months. For the arrest of Nurettin Demirtaş, see “Demirtaş’a Uçak Körüğünde Gözaltı,” *Milliyet*, 18 December 2007, 1.

⁴⁹ Patton, “AKP Reform Fatigue in Turkey,” 346.

⁵⁰ In both cases, the charges were later dropped. “Şafak İçin Jet Beraat,” *Milliyet*, 22 September 2006, 1, 18; “Orhan Pamuk Davası Düştü,” *Milliyet*, 23 January 2006, 1, 20.

⁵¹ For an overview of the Alevis in Turkey, see Lütfü Kaleli, *Alevi Kimliği ve Alevi Örgütlenmeleri* (Istanbul: Can Yayınları, 2000); Tord Olsson, Elisabeth Özdalga, and Catharina Raudvere, eds., *Alevi Identity: Cultural, Religious and Social Perspectives* (Istanbul: Swedish Research Institute in Istanbul, 1998).

⁵² Grigoriadis, “Political Participation of Turkey’s Kurds and Alevis,” 454.

reactions against non-Sunni citizens, including the Alevi. Indeed, the Alevi faced several attacks in the 1990s by extreme Islamists. In July 1993, Madımak Hotel in Sivas was set on fire, killing seventeen people who were participating in the Alevi *Pir Sultan Abdal* festival. Similarly, in March 1996, fifteen people were killed during sectarian fighting in Istanbul. As a result, the majority of community has continued to vote for the secular Republican People's Party. Parties that are perceived as Islamist, such as the Justice and Development Party, have not been able to gather support among the Alevi.⁵³

The political identification of the Alevi with the RPP against such Islamic fanaticism, however, brought about other challenges to the community. The RPP strictly upholds the principle that the nation is indivisible and that there are no ethnic or religious minorities. Accordingly, there were controversies on whether or not the Alevi should be considered as a minority, even within the members of the community itself. The term minority has negative connotation in Turkish society and is affiliated with non-Muslims and treachery against the nation. Some Alevi members were worried about the results of being characterized as a religious minority and even objected to the European Commission reports that described them as such. Thus, it is doubtful how much the RPP can truly represent the Alevi community.⁵⁴

Apart from restrictions exercised by the state against freedoms of expression and religion, individual cases of violence against religious minorities have reached troublesome levels. In January 2007, Hrant Dink, a journalist of Armenian origin that was tried under Article 301, was assassinated. The investigation following Dink's murder revealed oversight of the police and the gendarmerie. In addition, no charges were brought against the members of the security forces who articulated their approval of the perpetrators. Individual aggressions also took place against the members of the Christian clergy and other non-Muslim citizens. In February 2006, a Catholic priest was killed in the Black Sea town of Trabzon; in April 2007, three Protestants in Malatya were brutally murdered for publishing books on Christianity; in November 2007, an Assyrian priest in Mardin was kidnapped; and in July 2006 and December 2007, two Catholic priests were attacked in Samsun and Izmir, respectively.⁵⁵

These events raise important issues on Turkish collective identity. On the one side are ultra-nationalist actors that perceive "Turkishness" as an ethnically based monolithic identity and reject the notion that Turkey's collective identity can encompass groups, such as the Kurds, Alevi, and Armenians, that do not belong to the Turkish speaking Sunni Muslim majority. These actors oppose and are inflamed by the criticisms of the European Union and its member states. The liberal reforms that were carried out within the framework of EU compliance are viewed as concessions to foreign powers. The remarks of the European states on the rights of the religious and ethnic minorities, human rights violations, article 301 of the Penal Code and the prosecutions

⁵³ For the political orientations of the Alevi after the November 2002 elections, see Ali Çarkoğlu, "Political Preferences of the Turkish Electorate: Reflections of an Alevi-Sunni Cleavage," *Turkish Studies*, 6, 2 (2005): 273-292.

⁵⁴ Grigoriadis, "Political Participation of Turkey's Kurds and Alevi," 456.

⁵⁵ "Büyük Provokasyon," *Milliyet*, 6 February 2007, 1, 17; "Kabus Sürüyor," *Milliyet*, 19 April 2007, 1, 18; "Rahibi Fidyeye İçin Kaçtırdılar," *Milliyet*, 29 November 2007, 1, 4; "Samsun'da Fransız Rahip Bıçaklandı," *Milliyet*, 3 July 2006, 1, 16; "İzmir'de Rahip Bıçaklandı," *Milliyet*, 17 December 2007, 1, 17.

are perceived as threats to Turkish sovereignty and an attempt against Turkey's independence. The response of these nationalist actors to the EU ranges from assassinating minorities to resistance against liberalization reforms. The acceptance of these multiple identities in Turkey and granting political rights is now an issue of contention in Turkish politics which has been brought to the surface by the Turkish accession process. Thus, it is highly likely that as negotiations proceed, the pressures coming from the EU as part of the EU political conditionality to recognize multiple identities in Turkey will increase and a transformation of the Turkish collective identity would unfold.

Conclusion

This paper argued that there is an ongoing adaptation process in Turkish politics to the EU political criteria and norms parallel to the accession negotiations with the EU. This is important at two different levels: First, Turkey increasingly accepts the EU norms in civil-military relations, human rights and recognition of minority rights. Second, these changes and diffusion of norms from the EU into Turkey generate a transformation of the Turkish collective identity. For example, by accepting the existence and cultural-political rights of different identities in Turkey, the officially accepted Turkish identity based on an ethnic Turk who is also a Muslim is being challenged. This challenge would be resolved by the emergence of a new consensus in Turkish society as to who constitutes a Turk.

The ongoing adaptation process in Turkey is an important transformation that has been greatly motivated by the Turkish accession process to the EU. There are two different implications that one can draw from this transformation process. First, through the case study of Turkey, one can argue that the EU's transformative power is important in bringing about socio-political change in acceding countries. The above analysis provides us with empirical evidence on the normative power of the EU and its limits as well. The analysis of the Turkish political transformation contributes to the political conditionality literature on the European Union. This is why, once the political reforms in Turkey are thoroughly analyzed, one would be able to draw out a correlation between the Turkish accession negotiations and the Turkish political reforms. The EU has acted as an anchor to bring out the underlying reformist tendencies and enabled the reformers with a bargaining chip to encounter opposition to reform coming from different circles in Turkey. This is an important observation strengthening the viewpoint that the EU as an external player is able to encourage political change, and consequently a process of norm diffusion and redefinition of collective identity.

On the other side of the coin, one can deduce specific conclusions with respect to the Turkish case from the above analysis. The political transformation in Turkey is possible due to the political will of the ruling elite rather than its resistance to the EU. There is a dominant perception in some European circles that Turkey's ability to incorporate European norms is greatly restricted by the reluctance of the political elite to adopt the necessary reforms; however, the analysis provided in this paper demonstrates that this is not the case. In most instances, the Turkish political elite have been eager in adopting the reforms in order to meet the accession criteria for the EU. The political reforms aim at strengthening the pillars of liberal democracy in Turkey and if one argues that a core component of European identity is linked to the

liberal democratic tradition in Europe, then the Turkish political transformation is closing the so-called gap between the Turkish identity- as defined in authoritarian terms and the European identity-as defined with respect to democratic principles. In other words, as Turkey moves along its political reform process as motivated by the EU accession process, there is a shift in the Turkish identity bringing it in line with the European identity. This is an effective blow to the position put forth in certain European states as “Turkey is not part of Europe”.

This process of redefinition of a Turkish collective identity is directly tied to the above mentioned and analyzed political reforms in Turkey that are motivated and stimulated by the EU. In other words, as Turkey confirms the EU norms and political criteria in order to reap the benefits of EU membership, this adaptation process leads to a transformation in the Turkish collective identity. This is how the EU enlargement process impacts the collective identity in Turkey. The major implication of this redefinition of Turkish identity in this fashion is that it makes the argument that Turkey does not fulfill the political accession criteria, so it falls outside the scope of the European identity, void.

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