

Turkey on the way to Europe

*Turkey's difficulties in complying with
the Copenhagen political criteria*



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Preface

From February until June 2006 I studied at Bilkent University in Ankara as an exchange-student. My stay in Turkey in general, and the courses I followed at Bilkent in particular, inspired me to undertake this underlying study. The courses I took about the final century of the Ottoman Empire and about Turkey-EU relations gave me valuable insights that served as useful inputs for my bachelor thesis you are about to read now. That Europe and Turkey have been in close connection during the last two centuries is something that is often forgotten, but an understanding of the historical relations between Turkey (and its predecessor the Ottoman Empire) and Europe is necessary to fully understand the present dynamics of EU-Turkey relations.

I would especially like to express my gratefulness to mr. J. Jonker Roelants, a former senior diplomat who worked for the Dutch consulate in Istanbul and the Dutch embassy in Ankara. He received me at his house in The Hague where we talked about many aspects of Turkish politics and their impact on Turkey-EU relations. Besides the fact that mr. Jonker Roelants told me a lot of interesting things about Turkey, including his opinions about the current political reality in Turkey, this meeting served as a stimulus to work on my thesis with renewed energy.

Finally, I would like to thank my supervisor prof. J. de Wilde, whose critical comments were of much use in improving some parts of this study.

Content:

1	Introduction.....	3
2	Is Turkey eligible for membership of the EU?.....	7
2.1	Europe’s fear of Turkish EU membership	7
2.2	Turkey’s Europeanness.....	8
2.3	The European past of Turkey and Atatürk’s dedication to Westernisation	11
3	Turkey undertaking political reform	14
3.1	How ‘democratic’ is Turkey?.....	16
3.2	EU demands for further reform	25
4	The military’s role in Turkey.....	30
4.1	The historical role of the Turkish Armed Forces in Turkish politics....	30
4.1.1	The National Security Council.....	34
4.1.2	The army as a powerful independent community in Turkey	36
4.2	The attitude of the Turkish Armed Forces to wards secularism and the ‘indivisible unity of the Turkish state’	36
5	The political development of Turkish political Islam	38
5.1	The transformation of Islamic political identity in Turkey	38
5.1.1	The relations between the secular establishment and the AKP	41
6	Conclusion	42

1 Introduction

After the upcoming enlargement of the European Union with Bulgaria, Romania and maybe later Croatia, Turkey is the next country on the list to join the EU. Though Turkey's level of economic development is not very different from Bulgaria's and Romania's economic performance, Turkey's EU bid seems to be a lot more controversial. This is expressed by the abundant media-attention paid to the issue of possible Turkish EU-accession. The fact that sufficient fulfilment of the Copenhagen political criteria was set as a precondition to open accession talks with Turkey indicates that fulfilment of these political criteria is the key to a successful accession of Turkey to the European Union.

The Copenhagen political criteria involve **the achievement of stability of institutions guaranteeing**

- democracy
- the rule of law
- human rights
- respect for and protection of minorities

The most recent Progress Reports on Turkey by the European Commission (2005 and 2006) have shown that Turkey has relatively many problems in meeting just these political criteria. It is likely that the political criteria will be the main issue at stake during the accession process, considering the growing emphasis from the side of the European Union on democracy and political rights during the past decades, and the complex political structure of Turkey and the numerous political problems it is involved in. These problems concern, among others:

- minority rights (especially concerning the Kurdish minority)
- the rigid secularism of the Turkish state and the position of religion in Turkey
- the pivotal role of the army in Turkish politics and
- the Cyprus problem.

These conditions make it very relevant to do a research on the extent to which Turkey is making progress in complying with the Copenhagen political criteria, and to investigate which areas are the most controversial.

The main goal of this research is to investigate why Turkey has difficulties in complying with certain aspects of the political criteria.

I will try to unravel the question why Turkey does not fulfil all aspects of the political criteria as well as it should from a historical perspective. At least part of the answer to the question why Turkey cannot and/or is not willing to meet some of the EU's demands in the political realm can be found in the country's political heritage and relates to the lack of some conditions and strong institutions which are favourable to the development of a stable democracy, according to a theory developed by Dahl, that he discusses in his book 'On Democracy' (1998). I will discuss to what degree democratic parameters and conditions like *free and fair elections, freedom of expression and control of the military and the police by elected officials* are embedded in the Turkish society and which influence the absence of some of these conditions has on the ability and willingness of Turkey to fulfil the Copenhagen political criteria.

The first part of this research will be mainly of an exploratory nature. To make a start, I will make clear why Turkey initially has the right to apply for EU membership. In doing so I will summarise the enduring Turkish quest of 'belonging to the West'. The main goals of this second chapter are:

- to place the Turkish bid for EU membership in a historical context, while sketching the pattern of Western influence which has gradually expanded in Turkey during the past two centuries
- to give an impression as to what extent Turkey can be considered 'European' nowadays

In the third chapter a list of the demands for political reform which are set by the European Union for the short- and medium-term, to improve Turkish compliance with the political criteria, will be provided. These EU demands can be found in documents like the accession partnership document and the annual EU progress reports. Turkish proposals for reform, based on the demands which are set in the EU documents, are published in the Turkish

National Program for EU accession. While making this inventory of the EU demands for political reform in Turkey I will link these demands to what Dahl said about favourable and indispensable conditions and institutions for a stable democracy. In this chapter I will make an assessment to which extent Turkey fulfils Dahl's democracy criteria by now. It will be investigated how Turkey scores on Dahl's six political institutions of modern representative democracy:

1. Elected officials
2. Free, fair and frequent elections
3. Freedom of expression
4. Alternative sources of information
5. Associational autonomy
6. Inclusive citizenship

Subsequently, the extent to which the following essential (1, 2, 3) and favourable (4, 5) conditions for democracy, as formulated by Dahl, are present in Turkey will be discussed:

1. Control of military and police by elected officials
2. Democratic beliefs and political culture
3. No strong foreign control hostile to democracy
4. A modern market economy and society
5. Weak subcultural pluralism

The recommendations and demands from the side of the European Union concerning further political reform will be linked to Dahl's theory. The question whether Dahl's democracy criteria reflect in the European Commission's judgement about the current state of Turkey's democracy will be thoroughly examined. In the following section, the central question will be whether the further demands for political reform that the European Commission poses can be judged as serving the purpose of fulfilling some of Dahl's democracy criteria better.

It will be shown that the lack of some fundamental democratic principles and pre-conditions for democracy (as described by Dahl) can be considered causes of the Turkish non-compliance with the political criteria. Naturally, the November 2005 and 2006 Progress Reports, together with Dahl's theory, will be used to substantiate these claims.

In the remainder of this study the reasons why Turkey is currently not meeting all democracy criteria will be discussed. Especially the reasons behind the Turkish failure to ensure in

particular *freedom of expression* and *state control of the military*, as well as the strict state control with respect to religion, will be discussed. My expectation here is that the Turkish political heritage of rigid secularism and ‘Kemalism’ since the years of Atatürk, the traditionally strong role of the Turkish army in domestic politics, and the presumed ‘indivisible nature’ of the Turkish nation as embedded in the Turkish constitution, with an emphasis on the ‘Turkishness’ of all its citizens and leaving no room for minority rights which are thought to undermine the so-called unitary character of the Turkish state, lie on the bottom of democratic shortcomings.

It is a well-known fact that in some particular areas in which reform is demanded by the EU, Turkey is lagging behind and reform seems very hard to achieve, if attempted at all. The problem areas especially constitute the position of the state versus religion and religious freedoms for non-Muslims and non-Sunni Muslims, the pivotal role of the army in Turkish politics and society, minority rights and non-violent expression of opinion. First the general attitudes of the Turkish armed forces and the secular establishment towards political reform and EU accession will be investigated. Attention will be paid to the views of the Turkish armed forces concerning their commitment to Turkish EU membership and the necessary political reforms as they have been identified by the EU. More precisely described: their attitudes towards secularism, the concept of the ‘indivisible unity of the Turkish state’ and the role of the Turkish armed forces in Turkish politics will be looked at. The question will be examined how the concepts of the ‘indivisibility of the Turkish state’ and secularism, and the fact that the Turkish army sees itself as the guardian of the Turkish constitution, can be linked to the problems Turkey has to comply with the Copenhagen political criteria in some of the areas in which reform is needed and to the failure to meet some of the ‘Dahl criteria’ for democracy. In discussing the role of the Turkish armed forces as a cause for the Turkish failure to fulfil some parts of the Copenhagen political criteria, secondary literature will be primarily used. Sources from independent scientists, as well as EU documents, papers prepared by (former) members of the Turkish armed forces and reports written by the independent institutes TESEV & the Geneva Centre for the Democratic Control of Armed Forces and the Centre for European Security Studies (CESS) will be consulted.

Finally, the remarkable shift in attitude towards EU accession by the representatives of political Islam in Turkey will be discussed. A look will also be taken at the causes of the tense relationship between the secular establishment and Turkish political Islam in general, and the AKP in particular.

2 Is Turkey eligible for membership of the EU?

2.1 Europe's fear of Turkish EU membership

The Turkish government's wish to become a member of the European Union has stimulated a great deal of suspicion among mainly conservative and Christian political parties in Europe, like the French UMP, the German CDU/CSU and the Austrian ÖVP (van Herpen 2004). The most cited reasons not to let Turkey in are:

- Turkey is too big and too poor to be absorbed properly by the European Union.
- Turkish membership will lead to a massive influx of new, low-educated migrants.
- Turkey's democratic credentials are doubtful. Turkey will not be able to meet the democracy criteria demanded by the European Union.
- Turkey is geographically not a European country. 90 % of its surface is situated in Asia [see par 2.3].
- Turkey is an Islamic country, with a different culture which does not fit into 'Christian' Europe. In other words, it is a civilisational outsider (van Herpen 2004, Tekin 2005) [see par. 2.3].

It is indeed true that Turkish accession to the Union will shift the power balance within the Union, just like it did when the UK entered in 1973. In the 1960's, de Gaulle actively opposed British accession because it would affect France's powerful position. But the number of seats the ten new countries that joined in 2004 have taken in the European parliament is far bigger than what Turkey ever would get. So, Turkish accession is not insurmountable for the reason that Turkey is too big. The enlargement of the EU with Turkey just should be seen as being as massive as the enlargement of 2004.

Another rational argument against Turkish accession is that it is so poor. Indeed, the BNP/head in Turkey is only 60% of that of Poland, one of the poorest new member states, but it is not poorer than Bulgaria and Romania (www.evd.nl, 2006). For these reasons the Turkish accession, which has to be prepared carefully, will take some time, but delay does not imply cancellation here.

The fear that many Turks will migrate to Western Europe after EU accession is legitimate. As long as Turkey remains much poorer than most other member states, migration will be an option to consider for many Turks. The presence of large Turkish minorities in particularly Germany, The Netherlands, Belgium and Denmark will make it more attractive for Turks to migrate to these countries. To prevent a massive influx of Turkish workers the same kind of arrangements as with the new East European members can be made. This means that during the first period after accession there will be a limitation in the amount of Turkish workers which will be able to migrate to other EU countries, in a similar manner as is the case now with immigrants from the ten new member states to the EU-15. In the meantime Turkey may develop economically like Portugal, Spain and Greece did after their EU accession, so that the Turkish push factors will become less significant. Alternatively, countries may ask a certain level of education from a potential migrant, or can demand that a migrant will only be admitted if in the possession of an employment contract.

Another argument against Turkish EU accession is that Turkey is not yet a fully developed democracy. Turkey's human rights record has improved considerably during the past years, but there is still room for further improvement. Also the political power of the military and lack of minority rights provide room for criticism (Rouleau 2000). But the prospect of EU membership has showed to be an incentive to strengthen democracy and will continue to work like an anchor for reform. This hypothesis has proved its truth with Greece, Portugal and Spain, which were only democracies in a very early stage of development when they joined the EU. Now they are all three stable and advanced democracies. In the next chapter Turkey's democratic credentials will be discussed. Dahl's 'democracy criteria', conditions for democracy to flourish, most importantly *freedom of expression, associational autonomy, control of military and police by elected officials, democratic beliefs and a political culture, weak subcultural pluralism* will get a central role in this discussion.

2.2 Turkey's Europeanness

An often heard argument against Turkish membership in the European Union is that Turkey should not be eligible for EU membership, because it is mainly situated outside Europe. Actually, I once heard a Greek-Cypriot member of the Turkey-European Union parliamentary committee claiming that Turkey could not be admitted to the European Union for the reason of Turkey's location. Then I thought by myself that, if this were true, Cyprus should not have been admitted to the EU for the same reason, being situated south of (Asian) Anatolia in the

eastern part of the Mediterranean. The Treaty on the European Union does not mention the 'borders of Europe'. With regard to the procedure of accession to the Union, it is stated only that any European state can apply for EU membership, if it honours the principles mentioned in article 6 of the Treaty on the European Union (Verdrag betreffende de Europese Unie 1992, art. 49).

The line which geographically separates Europe and Asia is drawn at the Bosphorus, and divides the city of Istanbul in two. But isn't it inherent to the definition of Europe, being an area with such diverse cultures, that it is impossible to draw a line somewhere and say 'this belongs to Europe and this does not'? 'Europeanness' and European culture go far beyond geographical boundaries. Europe is not such a homogeneous entity that it can be claimed to have clear boundaries, like a nation state. For example, you notice the difference immediately when you cross the border between The Netherlands and Germany, but crossing the Bosphorus from Europe to Asia has only a geographical meaning.

Moreover, in 1963 the European Economic Community and Turkey signed the Ankara Agreement, which made Turkey an associate member of the European Union. Only European countries were given the possibility of associate membership (Yesilada 2004). So, already in 1963 it was obvious that the geographical location of Turkey was not an obstacle to become a member of the European Economic Community (the predecessor of the European Union). Actually, in 1948 Turkey already became a member of the OECD and in 1949 Turkey was admitted to the Council of Europe (Riemer 2003). Also, since 1959 Turkey has been an important NATO ally and thus was firmly incorporated into the Western system during the Cold War (Tekin 2005). So it must be clear that Turkey's geographical location cannot be an obstacle to full membership in the European Union.

In his essay *The Clash of Civilizations* Samuel Huntington argues that Turkey is a 'torn country'. Atatürk pulled Turkey away from the Islamic sphere of influence during the 1920's and 1930's, whereas Turkey's predecessor the Ottoman Empire had played the leadership role in the Islamic world for about six centuries. Atatürk opted for a westward course and he wanted to reshape the Turkish society, traditionally based on Islamic values, after a Western model. Thus, he was tearing Turkey between the Islamic world and the West (Huntington 1996).

But the public debates in Europe over Turkey's accession to the EU have shown that Europe is 'torn' as well, deeply divided over its cultural identity, unable to answer the question whether European identity, and therefore its external and internal boundaries, should be defined by the common heritage of Christianity and Western civilization or by its modern

secular values of liberalism, universal human rights, political democracy and tolerant and inclusive multiculturalism (Casanova 2006).

Many influential Europeans, from the French minister of Internal Affairs Nicolas Sarkozy to late pope Johan Paul II, have stressed that Turkish (Islamic) civilisation is not compatible with contemporary European civilisation. They fear that Turkey's vast reform programs during the eight decades since the Republic was established, have only been superficial, creating a modern westernized elite, but failing to free the mass of the Turkish people from the backwardness of traditional society. The difficult integration of Turkish guest workers in Western Europe may be an indication that there is some truth in this assumption. Teitelbaum and Martin (2003) stress that "their [Turkish guest workers'] integration was also impeded by sharp differences between Turkish and European cultural views on the roles of men and women, by the deep significance of Islam in the daily lives of many Turks".

On the other hand, even if 'Europe' is based on Christian values, as some European leaders have suggested, even then we must refer to the place where these Christian values originate from, which is the Middle East, a geographical region situated outside Europe.

Turkey's membership will also reinforce the consciousness that millions of citizens of the present European Union are not of Judeo-Christian origin. By 'welcoming Turkey to Europe' Huntington's 'clash of civilizations' thesis can be enfeebled and, while civilisational and cultural differences have got a lot of attention in recent years, similarities between Turkey and the present EU member countries can be emphasised. As will be discussed later, Turkey shares important traditions with Europe: parliamentary democracy, a sense of rationality, separation between religion and state and the idea of progress (Tekin 2005). Muslim communities within the EU will be stimulated to integrate in European societies and shake off their suspicion of 'Europe being against Muslims', so they will be more likely to develop a feeling of being at home in Europe, facilitating increased inclusiveness and tolerance among EU citizens of different cultural origin.

Turkish accession will enhance the EU's credibility in claiming its position as a 'morality-based actor in the international arena' (Tekin 2005). By allowing a Muslim country in its midst, the EU will once and forever confirm that it does not discriminate and that it is based on universal values, religious values not being a binding element.

The combined facts that Turkey is comparable to France in its degree of secularism, and that nothing in the EU's founding Treaty of Rome or in the proposed text of the EU Constitution, on which all EU leaders agreed, refers to a common Christian heritage of the member states,

makes the argument that countries with predominantly a Muslim population are not welcome in the EU, invalid.

So the answer to the question whether Turkey is eligible for EU membership must be a yes. There is no objective reason to exclude Turkey from the enlargement process beforehand. Nowhere Turkey's location is mentioned as an explicit obstacle for EU accession; neither can Turkey's Islamic heritage be an objective criterion to refuse its accession to the EU on the long term. After the Second World War Turkey has been involved in Europe's major political and military cooperation projects. Membership of the EU would be a logical next step on Turkey's way to Europe.

In the next section the centuries-long attachment of Turkey to Westernisation and European civilisation, which has been given a boost under the leadership of Mustafa Kemal Atatürk, will be discussed.

2.3 The European past of Turkey and Atatürk's dedication to Westernisation

Being a country inhabited almost exclusively by Muslims, it is understandable that Turkey meets suspicion with its bid for EU membership. But Turkey's history is much closer to European civilisation than many might think. The Ottoman Empire, which heartland was formed by the present Turkey and which capital was Istanbul, ruled over the most of South Eastern Europe for four centuries. As late as 1831, one in three inhabitants of the Ottoman Empire were Christian, most of which lived in the Ottoman lands in South Eastern Europe (called Rumeli) (Shaw 1977). Apart from this European and 'Christian' connection in terms of population and territory, the Ottoman Empire started to Europeanize from the beginning of the 19th century onwards, in response to the weakening power of the Ottomans versus the European powers.

Sultan Mahmut II started with the modernisation of the army after a European model, and later influential British, French and German advisors were hired to train the army in European tactics. Mahmut's successor Abdulmecit declared the 'Tanzimat', a period of vast reforms which reformed not only the military further, but also created a European-style centralized government and bureaucracy and all kinds of modern European institutions, like secular courts and ministries (Shaw 1977). Commercial, criminal and civil courts were established in the years between 1860 and 1890, all based on French and Italian examples. The traditional monopoly of justice of the ulema (Islamic clergy) and the millets (every ethnic group in the

empire had its own courts and laws and provided social services to its people; originally there were Muslim, Greek, Jewish and Armenian millets) disappeared and nowadays Turkey is the only Islamic country with a fully secular legal system. The Tanzimat culminated with the signing of a Constitution in 1876 and the installation of a parliament in 1877. These developments indicate that the Ottoman sultans surely were to some extent inspired by European ideas like the separation of powers and European blueprints of how to structure a state. Moreover, the Ottoman sultans also started to adopt the lifestyle of Western monarchs. They moved from Topkapi palace into the new western-style palace Dolmabahçe in 1876, and earlier they had adopted the western style of clothing (Shaw 1977).

The Treaty of Lausanne (1923) marked the birth of the Turkish Republic, under the leadership of Atatürk. During his reign during the period 1923-1938 he built an entirely new Turkish state and he banned the influence of religion to the private sphere. He abolished the Caliphate in 1924 and completed the westernisation of its laws by replacing the last remnants of the Shari'a with European civil law. Atatürk's ultimate goal was westernization. He wanted to modernize Turkey after a secular, western model. Membership in the EU would perfect this mission. To reach this goal of westernisation and modernisation Atatürk founded the Turkish Republic on six principles (Blanco Villalta 1991):

- Republicanism: By abolishing the sultanate and the caliphate and founding the Turkish Republic Atatürk completed the work of the Tanzimat, which had continuously augmented the power of the state bureaucracy at the expense of the sultan's and religious leaders' powers.
- Nationalism: At a time when nationalism was at its height in Europe, Atatürk stimulated this feeling to create a strong sense of unity in the newly founded republic. The authoritarian way in which Turkey was governed until recently provided ideal conditions for effective state propaganda which aimed at making the Turks proud of their nation while producing a sense of unity among its inhabitants.
- Populism: Populism was mainly based on equality of all Turkish citizens before the law. Again the overall goal was to create a sense of unity among the people, and to eliminate the powers of the millet, again something which had been started during the Tanzimat and finished by Atatürk. The 1924 constitution specified that "every kind of group, class, family and individual special privilege is abolished and prohibited" (Shaw 1977). In 1928 Islam was abolished as the official state religion. In the Lausanne Treaty only non-Muslim minorities were given minority rights. All

Muslims were simply treated as Turks, also the Kurdish population in the East of Turkey. This was done to force the Kurds to see themselves in the first place as Turks, again to stimulate the unity of the Turkish republic.

- **Revolutionism:** This principle reflected the aim of continuous progress, as opposed to the Ottoman decline and long unwillingness to reform. Modernisation and westernisation had to be achieved through a continuous revolution, as soon as possible through radical and ‘revolutionary’ measures (Shaw 1977).
- **Secularism:** The secularism that Atatürk propagated was based on the French laicism. The institutions of the state were radically freed of all Islamic influences and religion became solely a private matter. To be able to prevent a role for religion in public, religious courts and schools were abolished and religious symbols in public buildings were forbidden. The department of religious affairs (Diyanet) was established to control the revenues of the religious foundations and to provide state-controlled religious education. Religious officials were made civil servants, in order to make it easier for the state to ‘look over their shoulder’.
- **Etatism:** Etatism was a complex and often non-transparent mixture of private enterprise and governmental supervision. Statist economic policy was developed mainly in Five-Year-Plans, which remind of communist practices. Certain branches of industry were actively promoted and state monopolies were common. Atatürk placed the interests of the community on a higher level than those of the individual and decided that the state should effectively participate in the affairs concerning the general and higher interests of the nation, in order to lead the nation to prosperity in the shortest possible time and facilitate the construction of a new country on the ruins of the Ottoman Empire.

By means of these six principles Atatürk made an effort to turn Turkey into a modern, western and above all secular state. All of these six principles have been important in shaping the Turkish state as it is now, and still are. Only Etatism and Revolutionism do not seem to have much influence in present Turkish politics and society anymore. Etatism, with its communism-like features, like limited room for private enterprise and strong state-monitoring, seems slightly outdated. The same is the case with Revolutionism. The Turkish state has rooted long since, and a revolutionist spirit is not anymore tangible in Ankara.

Republicanism is firmly anchored in Turkey, and the republican political structure has remained largely unchanged since the years of Atatürk. Nationalism is very strong among the

Turks. It is quite a plausible assertion that Turks are among the most nationalist people in the world (Bouwman 2006). Symptoms of the extreme Turkish nationalism are Atatürk's still very popular saying 'Ne mutlu türküm diyene', which means something like 'How happy that I am a Turk', the denial of any possible criticism of Turkish history including the denial of the Armenian genocide, the intense anger of Turkish nationalists and politicians when someone 'offends the Turkish national identity' and the massive presence of the Turkish flag and portraits of Atatürk during national holidays.

Nationalism and populism are still two basic principles on which the Turkish state is built. The doctrine of 'indivisible unity of the Turkish state' and the still prevailing claim that Turkish society is homogeneous are both founded on these two Kemalist principles. The principle of secularism is still deeply enshrined in the minds of the Turks, as the principles of secular law and separation of religion and state are embedded in the Turkish constitution and accepted by all important political players, including the leading Islamic AKP (WRR 2004). The revolutionary, far-going and rigid character of Atatürk's reforms did not provide room for exceptions. Ethnic minorities were oppressed if they did not wish to adapt to the ethnic concept of 'Turk', and religious minorities are still not always able to exercise their religion freely, if their attitudes do not correspond with the Sunni state-Islam (European Commission 2005). These Turkish concepts of the 'indivisible unity of the Turkish state' and secularism seem to be two of the most important thresholds for membership in the European Union, according to the 2005 and 2006 Progress Reports, and lack of cultural rights for minorities in Turkey are a main source of social unrest in the country (www.bbc.co.uk, 2006). Both of these principles have been intellectual fruits of Mustafa Kemal Atatürk. How they may inhibit EU membership in the long run will be discussed in the remainder of this research.

3 Turkey undertaking political reform

In the 2003 revised Accession Partnership, the European Union assigns a list of priorities which have to be implemented by Turkey. These concern mainly democracy and the rule of law, minority rights and foreign policy objectives. These priorities could be divided into short-term and medium-term priorities. The short-term priorities had to be met within one year, so before the publication of the 2004 Progress Report. Turkey is given more time to reach the medium-term priorities, but considerable advances in this respect were demanded from the side of the European Union within one year as well. In its 2003 revised National

Program the Turkish government expresses its deep commitment to reach the implementation of all the reforms, referring to the historical desire of the Turkish Republic and Atatürk's philosophy to integrate with contemporary (European) civilization. It also states that the desire to make progress has always been the fundamental policy principle of the Turkish Republic.

In the National Program Turkey makes clear that it will commit itself to the fulfilment of all goals related to the Copenhagen political criteria, set by the European Union in the revised Accession Partnership. The 2003 revised Accession Partnership demands from Turkey to undertake action and implement reforms in practically any relevant area. Within a year

1. freedom of thought and expression must be extended,
2. decisions to prosecute or sentence non-violent expression of opinion must be reviewed,
3. restrictions concerning freedom of association and peaceful assembly must be lifted,
4. legal and judicial protection of all religious communities as well as the enjoyment of property rights of these communities must be ensured,
5. civilian control of the military must be strengthened,
6. the European Convention on Human rights must be applied in Turkish courts and jurisprudence of the European Court of Human Rights must be extended, several treaties and conventions related to human rights matters must be signed,
7. rights for prisoners and persons being prosecuted must be extended,
8. measures to fight torture must be implemented,
9. possibilities for broadcasting in and learning of different languages than Turkish must be expanded,
10. a comprehensive approach to reduce regional disparities (especially with regard to the South east) must be developed
11. and the government must do its outmost best to settle the Cyprus issue and resolve border disputes peacefully (Accession Partnership 2003).

These are the main goals set in relation to the fulfilment of the Copenhagen Criteria, pursuing the overall goal of achieving "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities" (Accession Partnership 2003).

3.1 How 'democratic' is Turkey?

The EU demands formulated in the Accession Partnership are related to Dahl's democracy criteria to a great extent. Dahl takes *freedom of expression* as one of the six 'political institutions of modern representative democratic government' (Dahl 1998). In his broad definition of freedom of expression Dahl includes criticism of the 'prevailing ideology'. This implies that criticism on Turkey's rigid secularism, lack of rights for Kurds and Orhan Pamuk's claim that one million Armenians and 30 000 Kurds were killed in Turkey must be allowed by law. This demand corresponds with the EU's insistence on freedom of non-violent expression of opinion. Dahl's main reason to claim that freedom of expression is a vital institution for modern representative democratic government is that it gives the opportunity for enlightened understanding (Dahl 1998). By allowing different views about historical and cultural matters to be discussed a more objective and open debate is made possible which enables people to make up their own, less biased opinions. The lack of free expression of opinion on issues like the Armenian genocide, secularism and cultural minority rights display the shortcomings in freedom of expression in Turkey (European Commission 2005).

During the past years reforms have been undertaken which have extended the scope of freedom of expression. Several laws have been altered, lifting numerous legal restrictions on the exercise of the right of freedom of expression. The situation of people sentenced for non-violent expression of opinion is being addressed now, but this is being done inconsistently, partly due to the fact that the newly introduced Penal Law can be interpreted very widely, leaving too many options open for malicious government officials, judges and lawyers (European Commission 2005). I will come back to this point later.

Press freedom has improved via the adoption of the new Press Law, which for example excludes possible sanctions like prohibition of further distribution and confiscating of printing machines. Nevertheless, the continuing cases against journalists, particularly those addressing the Armenian genocide or the Kurdish issue, are a point of concern.

For example, the writer Perihan Magden is currently being prosecuted for "discouraging the people from military service", on account of an article in which she noted that conscientious objection is a human right and recognised as such by all the EU Member States and the Council of Europe (Eurlings 2006).

In its latest Progress Report the European Commission also expresses its worries about new anti-terror law, which "introduces legal restrictions on freedom of expression, the press and the media" (European Commission 2006).

A second of Dahl's 'indispensable' political institutions of modern representative democratic government is *associational autonomy*. According to Dahl, citizens of a representative democracy have a right to form independent associations and organizations, to achieve their various rights (Dahl 1998). Dahl argues that independent associations, which are made up of civilians, are a necessary source of civic education and enlightenment, which enable citizens to voice their own interests and ask attention in order to get themselves heard. A political association is the ideal means for this. Freedom of association, or *associational autonomy* as Dahl calls it, is strongly connected to the development of a civil society, which consists of these independent associations, made up of civilians. And the development of a civil society is generally assumed to be an actor greatly fostering democratization (Kubicek 2005).

Civil society has fulfilled only a marginal role in the history of the Turkish Republic, due to the Republic's centralized structure and authoritarian way of governing, combined with repressive legislature making it difficult for civil associations like trade unions and cultural or religious foundations to develop. If civil associations existed, they were usually controlled or channelled by the state through corporatist structures (Kubicek 2005).

But I think the fact that Turkey's development has occurred in an isolated setting in a brief period, with a Kemalist elite imposing Atatürk's ideology to the people, without bottom-up processes playing any role, is the most important reason accounting for the absence of a powerful and vivid civil society in Turkey. The Helsinki decision in 1999, by which Turkey was accepted as a candidate member of the EU, formed the starting point for reform giving civil associations more freedom to operate, but associations promoting a certain cultural identity or a particular religion can still not be formed.

But besides the EU there have been other catalysts for the development of civil society in Turkey. One of those has been TÜSIAD (the Turkish Industrialists and Businessmen Association), which emerged as an important civil economic and political actor as a result of economic liberalization policies from the second half of the 1980's onwards. TÜSIAD was one of the strong advocates of a Customs Union between the EU and Turkey, which was installed in 1996. Another important event which boosted the rise of Turkish civil society was the 1999 earthquake in Izmit. The state proved incapable of offering quick help to the victims and various secular and Islamic associations thus played a leading role in providing disaster relief, claiming a more visible and vital role within the society (Kubicek 2005).

As mentioned before, after the rapprochement of the EU, the legal position of civil associations in Turkey has improved considerably. In 2004 the new Law on Associations entered into force. The law reduces the possibilities for state interference in the activities of associations. Exercising the right of peaceful demonstration has become easier in Turkey. Demonstrations and meetings are not anymore systematically being recorded. The right to strike is, though, still being denied to Turkish citizens. Also on the right of collective bargaining and the right to organise remain restraints. This is particularly important with respect to trade unions. In many instances it is also complicated for employees to join a trade union, or they are even not being given the chance to do so (European Commission 2005).

But associations with a cultural or religious affinity can still not be formed as promoting a certain cultural identity or religion are considered as contrary to the constitutional articles referring to the indivisible integrity of the Turkish state and the interpretation of the principle of secularism. As a result, non-Muslim religious Communities still experience difficulties in training clergy and claiming legal personality and property rights. Also, the Alevis are still not recognized as a religious minority, nor are the Kurds as an ethnic minority (European Commission 2005).

The Diyanet

The Turkish state has a firm control on the practising of religion through the 'Diyanet', the department for Religious Affairs (placed directly under the prime minister's office), which is the pivot in Turkey's religious affairs (Shaw 1977). The Diyanet was established in 1924 to replace the office of the seyhülislam and the Ministry of Religious foundations. It owns all mosques, censures sermons of imams (who have the status of civil servants) and funds religious communities. It also has the power to ban religious groups. The revenues of religious foundations go directly to the state, so all the financial powers rest with the Diyanet and therefore the Turkish state. After the military coup, the Diyanet was officially assigned the constitutional task to 'protect the Turkish national identity'. Religion is considered by Turkish state institutions, including the army, as "something that the state defines [...]". The assumption that religion is defined and limited by the state is very common" (Olgun 2005). By creating a 'national religion' (the Sunni Islam) and adopting a hostile attitude towards other religions, the state tries to avoid religion becoming politicised, with the Diyanet dictating the official Sunni state version of the Islam to be spread in the mosques and at schools (WRR 2004). This practice has since remained largely unchanged and gives the Sunni

Islam a privileged position with respect to other religions. In this way the Sunni Islam has obtained a position as Turkey's unofficial state religion. The way the relation between the state and religion is organised in Turkey is not in line with European practice. In Turkey religious foundations are not independent from the state and one religion is systematically being favoured, also financially. The Diyanet is not an independent organ taking care of the position of religion in Turkey, but it is a state institution exclusively promoting the interests of the secular state. "A former director of the DRA, for example, took every opportunity to speak of the DRA's effectiveness in promoting national unity" (Yilmaz 1996).

If Turkey were to join the EU with this system remaining unchanged, the EU would be confronted with an unusually tight relationship between religion and state (WRR 2004). In order to fulfil the Copenhagen political criteria fully, the plurality of Turkish society in general and religious plurality in particular, should be recognized formally. There are two possible ways of improving the independency of religion in Turkey. The first one is to turn the Diyanet into an autonomous and independent body, as it is impossible to claim impartiality of the state in religious affairs as long as the Diyanet is under direct state control. The second option is to abolish the Diyanet altogether, "as long as they do not infringe public security, public ethics, public health or the rights and liberties of others" (Olgun 2005). The reasoning behind the strict state control on religion which is practised today is the fear of emerging fundamentalism, and, as noticed before, to avoid religion to get involved in politics. Whether it is reasonable to think that this fear is still justified will be discussed in the section about Islamic political identity in Turkey.

Few critical comments can be made about Turkey's fulfilment of Dahl's other four political institutions of modern representative democracy: *elected officials, free, fair and frequent elections, access to alternative sources of information and inclusive citizenship*.

In Turkey control over government decision is vested in the Grand National Assembly, in which officials chosen by the people are seated. Only the role of the NSC in controlling the government is questionable in this respect, but this issue will be discussed in detail later. Elections in Turkey are held frequently and large scale fraud is unknown during the last fifteen years. A remark must be made about the electoral threshold of 10%. This threshold makes millions of Turkish citizens not represented in parliament and favours the bigger parties greatly. The AKP now forms a single government and has 363 of 550 seats in the parliament, though it only received 34.2 % of the total votes in the 2002 parliamentary elections (www.electionguide.org, 2002)! This imbalance of proportion of votes in relation to

the number of seats in parliament is caused by the millions of ‘worthless’ votes of voters who voted for parties who did not reach the 10% electoral threshold, which must be reached by political parties in order to achieve representation in the Grand National Assembly. In its 2006 Progress Report, the EU takes notion of a public debate having developed over the need to change the electoral system and the 10% threshold (European Commission 2006).

As mentioned before, press freedom has improved recently and people can choose from a range of independent daily newspapers and weekly magazines. But the prosecuted journalists remain a point of concern.

Dahl (1998) calls the concept of equality that ‘no adult permanently residing in the country and subject to its laws can be denied the rights that are available to others’ *inclusive citizenship*. Atatürk’s principles of nationalism and populism, which I explained earlier, enshrine a very strict version of inclusive citizenship. Atatürk’s nationalism says that all citizens of Turkey are an inseparable unity, no matter what their religion or ethnic origin may be. They are all Turks in the first place, and all have the same rights and duties. The principle of populism lays down that the Turkish society is homogeneous, without privileges or exceptions made for anyone (Blanco Villalta 1991). So, one can say that Turkey is a ‘perfectly’ inclusive society. But the other side of the coin is that ethnic/cultural and religious minorities do not get the chance to fully express themselves, because this could endanger the ‘indivisible integrity of the Turkish state’ and the secularism embedded in the constitution. In his definition of inclusive citizenship, Dahl includes the right to free expression of every citizen. As a consequence of the restricting nature of these constitutional articles this right to free expression is not always observed, as we have noticed before. Apart from the political significance of democracy, democratisation also has a sociological definition: that is ‘increasing equality of all people’, which can be linked to Dahl’s concept of *inclusive citizenship*. This implies also equal rights for men and women. The position of women has improved recently, thanks to the new Penal Code. Honour killings are now regarded as ‘conventional’ crimes and sexual assault within marriage qualifies as a crime now. Nevertheless, the Commission notes that violence against women still remains a significant problem (European Commission 2005).

The democratic quality of Turkish legislation has improved, but a lot of room for further democratic change remains. Freedom of expression and press freedom have improved, but significant constraints remain. Still people are being sentenced for non-violent expression of opinion and journalists addressing the Armenian genocide or the Kurdish issue are being

prosecuted. With respect to trade unions, significant constraints remain on the right to organise and the right to collective bargaining. It is also made difficult for employees to become a member of a trade union. Next to these deficiencies it is also still not allowed to form associations with a cultural or religious affinity (European Commission 2005). This prohibition is based on the Kemalist principles of indivisible integrity of the Turkish state and the interpretation of secularism.

Besides these six political institutions of modern representative democratic government Dahl lists three 'essential conditions' favouring democracy, and two 'favourable conditions' for democracy. The first essential condition for democracy is *control of military and police by elected officials*. According to Dahl, members of the police and the military must defer to democratically elected officials. If the military is under civilian control, democracy is much better served than with a military with independent political power, or with a political leader who leans on the support of the military. 20th century history, with loads of examples in Latin America and Africa, has showed that countries with a powerful military usually lack in stable democratic institutions (Dahl 1998). The National Security Council (see par. 4.1.1) is the most important body through which the Turkish military exercises formal political influence (European Commission 2004). During the past years attempts have been undertaken to restrict the powers of the NSC.

Civilian control over the NSC has been strengthened and the overall power of the NSC and its Secretariat General in particular, has been weakened. It can no longer conduct national security investigations on its own initiative and the State Security Courts, run by the military, which had the capability of trying ordinary civilians, have been abolished. Civilian control over military expenditures has also been strengthened. The Court of Auditors now has the power to audit the military expenditures (European Commission 2005). Civilians cannot be tried in military courts in peacetime anymore, unless they commit a crime together with military personnel (European Commission 2006). But the fact that the chief of general staff is still directly accountable to the prime minister outplays the minister of defence. This means that the minister of defence does not control the armed forces and is in fact subordinate to them. Actually, the constitution gives the chief of staff more power than all members of government (Rouleau 2000). So it must be concluded that *control of military and police by elected officials* is not fully effective in the Turkish case.

A second essential condition for democracy is *democratic beliefs and a political culture*. Dahl argues that a democratic political culture (that is: a country's citizens and leaders

strongly support and discuss democratic ideas, values and practices) helps citizens to believe that democracy and political equality are desirable goals, the six ‘institutions of democratic representative democracy’ should be supported, control over military and police should be in the hands of elected leaders and political differences and disagreements among citizens must be tolerated. It goes far beyond the goal of my research to discuss the features of Turkey’s political culture here. I would like to confine myself at this place to a very brief description of Turkish political culture. Parallel to the image of Turkish civil society, many assumed until recently that Turkish political culture was a reflection of the Kemalist state: nationalistic and authoritarian, with a preference for order over broadening individual rights (Kubicek 2005). Despite this image, recent survey research showed that support for democratic parameters is quite strong. Asked about their support for the EU’s democratization program, a large majority of the Turks shows support for extension of the conditions for freedom of thought, expression, conscience and religion. People are divided about the EU’s desire to decrease the role of the military in Turkish politics, and a majority is not an advocate of abolishing restrictions on broadcasting and education in ones native language (TESEV Survey 2002). The high rate of support for other democratic rights like the right to equal treatment under the law (91%), and the freedom of correspondence and communication (85%) shows that Turks generally express a solid support in democratic values. Even the ‘right to use ones native language at all times’ has a support of 74% (TESEV Survey 2002). But it is striking that there is a large discrepancy between the amount of support for abstract rights and the support in an actual situation. The majority of the Turkish population is not willing to abolish restrictions on the use of the Kurdish language, though 74% says it is supportive of the abstract right to use ones native language at all times. It is also alarming that the TESEV survey indicates that 16% of the Turks are the opinion that the right not to be tortured ‘can be restricted’.

So it can be argued that democratic beliefs are quite well rooted in Turkish society, but still many of the reforms to make Turkey more democratic are not being received enthusiastically by the mass-public. The refusal to give ethnic and cultural minorities more freedoms and the lack of support for reduction of the political power of the military confirms the picture already formed before about the problematic parts of fulfilment of the Copenhagen political criteria: rights for ethnic and cultural minorities and the political power of the army. But it is also interesting to remark here that freedom of religion, the third controversial point of the political criteria for Turkey, is supported unconditionally by the public. This indicates that reform of the secular system in which religious communities which are deviant from the Sunni majority would get more space to manoeuvre and which guarantees freedom of religion for everyone,

what the EU demands but what has not been fully reached yet, at least has the support of the wide public.

Dahl's third essential condition for democracy, *no strong foreign control hostile to democracy*, is fulfilled by Turkey, as Turkey is not under foreign control.

Apart from these three essential conditions for democracy, Dahl also mentions two 'favorable conditions'. The first is *a modern market economy and society*, in which economic enterprises are predominantly owned privately, and not by the state. In a market economy the role of the state is much smaller than in a non-market economy, which favours the development of democratic institutions and self-initiative (Dahl 1998). According to the 2005 Progress Report by the European Commission Turkey can now be classified as a functioning market economy. Some former state monopolies have been privatised, competition increases and privileges of state companies have been decreased (European Commission 2005). But a market-capitalist economy naturally creates inequalities. The eastern part of Turkey, where most of the Kurds live, is much poorer than the west of Turkey. These regional disparities, with the Turkish government failing to reduce them, still regularly cause social unrest in the South East of the country (www.bbc.co.uk, 2006). The fact that the Kurds as a whole are much less developed and poorer than their ethnic Turkish fellow citizens can be a threat to the stability of the country.

Here we end up at Dahl's second favorable condition for democracy, the *absence of subcultural pluralism*. As became clear in the last sentence, Turkey is culturally not homogeneous, which has been a cause of social unrest and sometimes even civil war, not only during the history of the Turkish Republic, but even more during the last years of the Ottoman Empire and in the years following its break-up (Shaw 1977). Dahl deems cultural diversity within a country unfavourable for democracy, as cultural conflicts tend to erupt into the political arena. Often a cultural minority tries to dominate a minority and tries to impose its own rules on the minority (Dahl 1998). This is exactly what happens in Turkey. Ethnic minorities are forced to see themselves as Turks in the first place and visible expressions of their culture are oppressed (Blanco Villalta 1991). These efforts of 'turkification' culminate in, sometimes violent, resistance by members of the cultural minorities. This endangers the political stability of the country and is indeed not favorable for democracy.

Having dealt with all of Dahl's 'democracy criteria', it can be concluded that Turkey fulfils most criteria, but falls short significantly in fulfilling some of them. Turkey does not always

honour the right to freedom of expression and it is difficult for religious and ethnic minorities to form independent associations. As was remarked before, the core of the Turkish' unwillingness, which is somewhat in line with Turkish public opinion, to give more rights to ethnic minorities, is formed by one of the six principles on the base of which the Turkish republic was formed by Atatürk, the principle of populism. This principle 'lays down that Turkish society is homogeneous, without casts or privileges (Blanco Villalta 1991)'. Logically, it is against this principle to give the Kurds the right to learn Kurdish at schools as this would be an implicit recognition that the citizens of Turkey are not one homogeneous people, which would be a violation of the Kemalist principle of populism.

The role of the military in Turkish politics is another aspect of democracy where Turkey falls short in fulfilment. Though the situation has improved lately, the Turkish military still has much more a political say, and formal and informal political power, than is common in the EU. The suspicious attitude of the Turkish (secular) elite towards minorities and the refusal to give them more rights or even to recognize them reflects the Turkish public opinion, which has a suspicious attitude towards the EU reform program (Kubicek 2005).

Finally, given the fact that Turkey has to deal with subcultural pluralism within its borders, it is legitimate to pose the question whether the present centralist structure of the Turkish Republic, with different groups being treated equally, and with the existence of minorities being denied in the ideology of Atatürk, whose concepts still lie at the heart of the Turkish state, is still the most efficient way Turkey can be organised. When Atatürk concluded his quest to unite the Turkish people, the political climate of the region was radically different from now (Blanco Villalta 1991). The biggest challenge Turkey is facing may in the end simply consist of the renouncement of the concept of 'indivisible unity of the Turkish state'.

If Turkey joined the EU, it would be forced to give up part of its sovereignty, and hereby one of the core elements of Atatürk's ideology would vanish. During the course of its existence, Turkey has been an extremely 'autistic', introspect country. Not less important, since the break-up of the Ottoman empire Turks have been suspicious towards foreigners, believing that 'foreign powers want to weaken Turkey'. A well-known Turkish saying more or less stating that 'the only friend of a Turk is a Turk' illustrates this feeling. This mistrust stems from the late years of the Ottoman Empire, when England, France and Italy partitioned Ottoman-Turkish lands which culminated in the Sèvres Treaty (1919), and the early years of the Turkish Republic, when British forces instigated Kurdish rebellions, as is believed by a majority of the Turks. Still Turkey sees the EU as propagators of Kurdish nationalism and separatism (Taspinar 2003). Interestingly, nowadays 36% of the Turkish population still

equates the EU demands to the Sèvres Treaty, which indeed indicates a great deal of mistrust (Kubicek 2005). The extreme Turkish nationalism, expressed with the saying *Ne mutlu türküm diyene* (How happy am I that I am a Turk), only makes it more difficult to give up total sovereignty and to come up to the demands of the EU.

I think Turks fear that the EU wants to weaken Turkey by its demands for reform of civil-military relations and its insistence for improvement of the position of minorities. It is felt that the 'indivisible unity of the state' is brought in danger by giving minority groups the chance of expressing their culture and build their own social and cultural identities. This feeling was strengthened when the EU called Kurdish activists 'freedom fighters'. But any representative of the EU has never, neither on nor off the record, doubted Turkey's territorial integrity or supported an independent Kurdish state in Turkey. They have only demanded more minority rights for the Kurdish minority and other minorities in Turkey (European Commission 2005).

3.2 EU demands for further reform

The efforts to comply with the Copenhagen Political Criteria and the incorporation of the *acquis* have culminated into the adoption of 261 new laws in total. These include the 8th Harmonization Package for constitutional reform (May 2004), and the laws mentioned before and hereafter. Some of the amended provisions have already had important effects in practice. The Court of Cassation has applied the reforms on issues like the use of Kurdish language, re-trial, torture and freedom of expression.

In its Decision of 17th December 2004, the European Council states that it has confidence in Turkey sustaining the process of reform. It mentions six pieces of legislation which yet have to be brought into force. By means of this short sentence, the Council makes clear that there is still work to be done for Turkey in order to meet the Copenhagen political criteria better. Concerning the 2004 Recommendation on Turkey: throughout the document it becomes very clear why only the term 'sufficiently' is used in the Council Decision. Despite the significant progress which has been made in complying to the Copenhagen political Criteria, further compliance and public assistance to the reform process is needed. The Commission notices a 'development in the direction of the European norms'. It speaks about 'the ongoing reforms', and states that Turkey has 'largely' adapted to international practices concerning human rights. Still some 'practical limitations' remain. Also some decisions concerning reform have yet to be taken, and some laws have not yet been enforced. In its

conclusion, the Commission then states that the implementation of the reforms must be consolidated and be dealt with in a broader perspective. Considering the general progress made the Commission then states that Turkey meets the Copenhagen Political Criteria 'sufficiently'.

In its 2005 Progress Report the European Commission specifies these practical limitations by mentioning the points on which Turkey has to improve its legislation in order to be ready for EU membership. Among others the Commission indicates that 'several provisions on the law [on Political Parties] fall short of European standards'. During the course of 2006, "There has been no progress regarding aligning the Turkish Law on Political Parties with EU practice." Regarding freedom of religion, non-Muslim religious Communities still experience difficulties in training clergy and claiming legal personality and property rights. Also non-Muslim clergy must possess the Turkish nationality in order to be able to work for churches. And in March 2005 the Diyanet approved a sermon hostile to missionary activities. Also, the Alevis, as a non-Sunni Muslim community, are still not recognized as a religious minority and experience difficulties in opening places of worship (European Commission 2005).

Some efforts have been made to improve the situation of cultural minorities in Turkey, but the situation is still far from satisfying. The ban on broadcasting and education in other languages has been lifted, but there are still strict time-limits for broadcasting in languages other than Turkish and some other far-going restrictions still remain, so that this new law looks like a fundamental policy shift, but in reality turned out to be merely of a symbolic significance (European Commission 2005). The law allowing teaching of different languages may seem a breakthrough, but in fact it is not. Kurdish lessons are not being subsidised by the state and can only be provided to people older than 15. It seems not a coincidence that education is compulsory just until students turn 15. Minorities also face various problems related to property rights and education. Teachers at Greek schools are only allowed to teach at one school, a deputy of the Ministry of Education has most powers, and they face numerous more problems (European Commission 2005).

During the course of 2006, the situation of non-Muslim communities has not improved. Moreover, the Alevis continue to be subject to discriminatory practices. They face difficulties in opening places of worship and do not receive funding, in contradiction to Sunni-Muslim communities (European Commission 2006).

The following passage from the 2005 Progress Report reflects the attitude of the Turkish government towards improving the position of minorities in Turkey: "In October 2004 a

report released under the auspices of the Human Rights Advisory Board – a state body which reports to the Office of the Prime Minister - questioned the policy on minorities and communities, highlighting in particular the restrictive interpretation of the 1923 Treaty of Lausanne and encouraging Turkey to align its policy with international standards. The report also called for a review of the Turkish Constitution and all related laws to give them a liberal, pluralistic and democratic content with a view to guaranteeing the rights of people with different identities and cultures to protect and develop these based on equal citizenship. (...) An investigation was subsequently launched against the author of the report and the chairman of the Board and that those directly responsible for the report resigned, claiming that their positions were untenable. The Board has not been operating since this time.”

Other concerns regard the freedom of expression. Some rather vague articles of the new Penal Code, mainly article 301, have been used to try journalists addressing the Armenian and Kurdish issues. Examples include the Pamuk and Dink cases. The publishing of some books on these questions continues to be forbidden incidentally (European Commission 2005). Last July the Turkish Cassation Court confirmed a six-month prison sentence for the Armenian-Turkish journalist Hrant Dink for insulting ‘Turkishness’ in articles he wrote on Armenian identity, on the basis of article 301 of the Penal Code. The Penal Code has remained unchanged throughout 2006, so the Commission insists that article 301 must be brought in line with European standards. The Progress Report concludes that “freedom of expression is not yet guaranteed by the present legal framework” (European Commission 2006).

Compared to 2003, the situation in the East and South-East has improved gradually, but progress has been slow and uneven, and no efforts have been made to improve the situation of the internally displaced persons, which have been forced to move away from Kurdish villages in South East Turkey, when the emergency situation was in force there. Their total number is an estimated three million. The Law on Compensation of Losses resulting from Terrorist Acts (2004) meant that people who had suffered since the instalment of the emergency situation gained the right to material compensation.

Generally, the Commission adopts a more critical stance towards Turkey than in its previous report. Progress is still being made, but it is slowing down and the number of areas in which progress is stagnating increases (European Commission 2005). In its 2006 Progress Report, the Commission says “a return to normality in the Southeast can only be achieved by opening a dialogue with local counterparts. A comprehensive strategy should be pursued, to

achieve the socio-economic development of the region and the establishment of conditions for the Kurdish population to enjoy full rights and freedoms. Issues that need to be addressed include the return of internally displaced persons, compensation for losses incurred by victims of terrorism, landmines as well as the issue of village guards” (European Commission 2006).

Concerning the political power of the Turkish military and the power diffusion in the NSC between civilian and military members the Commission remarks that more advanced legislation is needed on this topic, to ensure its appropriate implementation. According to the Commission, it remains a problem that some of the roles and duties of the army are being defined very widely, so that it retains a wide space to manoeuvre. Also, military members of the NSC have lately addressed issues of political, social and foreign policy in public speeches. The succession of Hilmi Özkok as chief commander of the Turkish armed forces by the ‘hawkish’ general Yasar Büyükanit is not a good sign either. Büyükanit is seen as more conservative and keen on a tougher stance towards the European Union in the accession talks. He seems unwilling to bring the role of the Turkish army more in line with European practice (Bernard Bouwman 2006). In a recent report by the Foreign Affairs Committee of the European Parliament, MEP Camiel Eurlings expresses his deep concern about the ‘resurgent’ role of the army in Turkish politics (Eurlings 2006). Also the 2006 Progress report is critical: further alignment of civil-military relations with EU practices is stagnating. The Court of Auditors remains unable to carry out ex-post audit of defence expenditures.

As the Commission states: ‘Statements by the military should only concern military, defence and security matters and should only be made under the authority of the government’ (European Commission 2006). This is not yet the case in Turkey. The 2006 Progress Report also urges Turkey to make the chief of general staff accountable to the minister of defence, instead of directly to the prime minister’s office. In all EU countries, the army’s commanders are directly accountable to the minister of defence. Because this is not the case in Turkey, the position of the defence minister is weak. In fact the chief of general staff has much more political power (Sariibrahimoglu 2005).

According to the Commission, Turkey also makes progress in executing judgements of the European Court for Human Rights, and in applying its case law. Still, the Council of Europe noted that a vast number of cases remains where the decisions of this court had not been implemented. In its 2006 Progress Report, the Commission stresses that four Additional Protocols to the EHCR have not been ratified yet. Ratification of these protocols is considered

an absolute priority by the Commission, in order to safeguard the deference of human rights in Turkey (European Commission 2006). In an effort to institutionalise human rights protection, Turkey has set up several institutions, such as the Human Rights Presidency. These institutions have had very little impact though, as their independence from the government is being questioned.

Pre-trial detention rules are now meeting European standards, and sentences for torture have been raised. Concerns still remain about widespread torture. The same counts for enforcement agents being suspected of torture who escape punishment. The Turkish constitution now also accepts the supremacy of international and European treaties ratified by Turkey over domestic law. The 'Justice Academy', training (future) judges and prosecutors in getting acquainted with European law practices and the European Convention on Human Rights, apart from Turkish law, has been established. Thus Turkey made a good effort in meeting the prerequisite of providing necessary training for its judicial officials. Within the new Penal Code, there is for example the possibility of a law enforcement officer being present during meetings between a suspect and his lawyer (European Commission 2005). Turkey ratified numerous treaties improving the position of human rights in the country. For example, the European Convention on the Exercise of Children's Rights was signed. Nevertheless, child labour remains a significant problem in Turkey, despite the raising of school age to 15 years. Access to a lawyer during pre-trial detention is improving significantly, though the degree of access varies throughout the country (European Commission 2005). New anti-terror law makes it possible to deny access to a lawyer for 24 hours after detention (European Commission 2006).

The conclusions of the 2005 EU Progress Report make clear that minorities still are in a very difficult position in Turkey and that the Turkish government has to improve the positions of religious and cultural minorities, restrict the political influence of the army more clearly and must do more to guarantee freedom of expression. The European Commission criticises mostly those areas where Turkey falls short in fulfilling Dahl's 'democracy criteria'. The critical remarks of the Commission are generally related to the things Dahl says about prerequisites for democracy in his book *On Democracy*. The restriction of freedom of expression and the lack of the right to establish independent associations for ethnic and religious minorities are subject to most severe criticism by the Commission, together with the role of the army in Turkish politics. This picture is not different in the 2006 Progress Report.

Still freedom of expression, minority rights and the political role of the army are the main issues the EU wants Turkey to work on seriously.

In the following chapters an assessment will be made of the reasons why Turkey has these problems in complying with certain elements of the Copenhagen political criteria. First the historical role of the Turkish Armed Forces in Turkish politics will be dealt with. Then the attitudes of the Turkish armed forces towards secularism and the concept of the ‘indivisible unity of the Turkish state’ will be discussed. It will be argued how the political influence of the army inhibits Turkish compliance with the Copenhagen political criteria. The reasons behind Turkey’s failure to fully meet Dahl’s ‘democracy criteria’ and conditions for democracy like freedom of non-violent expression of opinion, control of the army by elected officials and minority rights, will be examined.

4 The military’s role in Turkey

4.1 The historical role of the Turkish Armed Forces in Turkish politics

Traditionally, the army has been a highly-valued and pivotal institution for the Turks. As the Turkish General Staff argues on its website: “Beginning from the Turkish nations in Central Asia till today, being a soldier was not considered as a profession, since every Turk was regarded as a naturally born warrior. The God-given military mission [...] was accepted by the Turks as an ideal for all times” (Turkish General Staff 2006). During the existence of the Ottoman Empire the most important military corps, the Janissaries, had extensive political power until it was abolished in 1826 (Shaw 1977). After the collapse of the Ottoman Empire the Turkish military under the leadership of General

Mustafa Kemal (Atatürk) drove the occupying foreign forces out of Anatolia. The soldiers defeated not only the foreign powers, but also the conservative defenders of the sultanate and caliphate. Atatürk and his right hand Ismet İnönü, both high ranked generals in the Ottoman army and the leaders of the Turkish ‘War of Liberation’ (1919-1923), symbolised the leading role of the army in structuring the Turkish Republic and establishing a unitary and secular state. In 1924 a constitution and a parliamentary system were adopted and the Turkish

military assigned itself the role of ‘guardian of the constitution’ (Centre for European Security Studies 2005).

For these reasons the Turkish military has an unusually tight relationship with both the civilian leadership and the Turkish society. Illustrating this role of the army as self-assigned guardian of the Turkish Republic, the chief of the Turkish General Staff, Yasar Büyükanit, lately addressed the Islamic fundamentalist danger threatening Turkish secularism; the commander of the Turkish navy Yener Karahanoglu stated that the Turkish Armed Forces will never do any concessions implying a redefinition of the Turkish concept of secularism, in order to enable EU accession; the commander of the Turkish land forces said that the Turkish Armed Forces will continue to ‘defend the unity of the Turkish state and the secular state’ (NRC Handelsblad 2006). It is very unusual for European army officials to make such political statements.

Despite these regular intrusions of the Turkish General Staff into the political realm the Turkish army is by far the most trusted institution among the Turkish people. The Turkish army operates in a much wider spectrum than its European counterparts, but, according to the former chief of the General Staff Hilmi Özkok it is logical that the Turkish army is a ‘military like no other’. In a speech in August 2005 he emphasised that “every country has different needs, conditions, values, histories, societal concerns, and dynamics” (Aydinli e.a. 2006). It goes beyond any doubt that the task of “defender and protector of the constitution and of republican and honest civilian rule” which was assigned to the Turkish Armed Forces in the 1924 constitution, legitimized military intervention in politics.

So, in 1924 the Turkish army was assigned the task to safeguard the unitary and secular character of the Turkish state. The first time the army felt the need to intervene occurred in 1960, when the ruling Democratic Party became increasingly authoritarian, oppressing the oppositional CHP. Already since nearly three years, political unrest had been growing, induced by the increasing censorship of the press and the oppression of the opposition. With the Democrat Party also proposing ‘relaxation of religious restrictions’, and the threat of civil war growing, the military intervened on 27th of May 1960. A group of officers, representing the Turkish Armed Forces, overthrew the government, in name of guardianship of the Kemalist nation-state. As Turkish politics were in a deadlock, democracy was in danger and Turkey was suffering a severe economic crisis, the military intervention enjoyed wide support. It was the only way to bring change in government, because under the current

constitution not enough democratic safeguards were present and it was easy for the majority to sideline the opposition. After the coup the army established the National Unity Community (NUC), consisting of generals, businessmen, academics and economists, which acted in the place of the dissolved Grand National Assembly. After elections in 1961, and after the execution of former Prime Minister Menderes and the ban of his Democrat party, civilian rule was restored again. A "new and democratic" constitution was drafted by the Constituent Assembly in 1961 granting, indeed, civil liberties and social rights (Hale 1994).

So far, so good. After performing its constitutional duty as guardian of the Turkish nation-state, the army handed over the power to the civilian authorities and returned to their barracks. But this is not quite what happened. The new constitution created an advisory body to the government on both internal and external security, the National Security Council (NSC) (see par. 4.1.1). The army, that had drafted the constitution, established methods of checking the elected governmental bodies, staffed the House of Representatives with supporters of the regime and created the NSC to monitor politics more closely from now on.

The justification of the second coup d'état on 12th March 1971 was the apparent failure of the government to deal with the terrorism and social unrest caused by ideological disputes between Marxists, Ultra-Nationalists and Islamists. Pressured by a 'memorandum' issued by the army Prime Minister Süleyman Demirel resigned (Chtena 1999). The military regime stayed in power until 1973, when presidential elections were scheduled. The Parliament was not willing to conform to the army's preferences over the presidential candidate. Instead it consented to have a presidential candidate that would be neutral and not 'known as an opponent of the 27 May and 12 March interventions' (Chtena 1999). This Presidential incident was viewed by many as a military defeat inflicted by the civilian government on the military. In fact, the army itself was divided on the issue of succession (Chtena 1999).

The third take-over by the army occurred on 12th September 1980, as a reaction on the state of anarchy and increasing street violence between right- and left-wing supporters. The generals installed a civilian cabinet to carry on the day-to-day administration of the country and staffed it with non-party technocrats. In 1983, after three years of martial law, power was handed over to civilian authorities again, but not after the military had designed a new constitution anchoring their political power, banning political parties and their leaders and curtailing civil rights and liberties. The powers of the NSC were augmented as well, transforming it from an advisory to an 'instructive' body. It also was assigned the right to make laws. These reforms

remained in charge during the 1980's. During the 1990's the NSC came under greater civilian scrutiny and it again adopted its original role as an advisory body (Chtena 1999).

The fourth military intervention in Turkey was quite different from the other three. This time the danger to the secular character of the state came from the corner of the political Islam. Also, the military did eventually not intervene directly, but only (implicitly) threatened to do so. On March 1, 1997 the NSC issued 20 directives to strengthen secularism that the government should take. They aimed at curtailing the number of participants in religious training programs, controlling the sphere of action of "illegal Muslim sects", implementing the existing restrictions on Islamic dress and investigating the revenue sources (Islamic owned businesses) of the Welfare Party (WP) (Prime Minister Necmettin Erbakan's party). If Erbakan did not comply, although not explicitly stated, the soldiers would intervene for the fourth time. Erbakan complied after protesting that "in Turkey governments are formed in Parliament, not in the NSC" (Chtena 1999). Had he not done so, an intervention would have probably occurred since the Turkish Armed Forces regard the Islamic fundamentalists as one of the greatest dangers for the Republic. Last October, the Chief of General Staff Yasar Büyükanit stated that "there is a fundamentalist threat in Turkey and everything has to be done to destroy it", in reaction on current Prime Minister Erdogan's statement that Islamic-fundamentalist threat is not present in Turkey (Outshoorn 2006). In early June 1997, Erbakan was then ousted from his office with the charges of "undermining the secular basis of Turkey's modern republic and its pro-Western stance in foreign and military affairs" (Chtena 1999).

It is clear that the Turkish Armed Forces have not lost their grip on Turkish politics since their first coup in 1960. By means of the creation of the NSC and adapting its powers to the military's conceived needs, and by introducing a new constitution twice, the military institutionalised its guardianship of the Turkish nation-state. Despite the regular suspension and curtailing of democratic rights and the sometimes excessive use of force during the 1970-73 and 1980-83 military rule, the Turkish military has always remained very popular. For example, 90% of the Turks approved the 1982 constitution which restricted many democratic and civil rights (Aydinli e.a. 2006).

The Turkish army, in the minds of the people, is not just there to defend the country against invaders, it is considered as a 'separate community'. As stressed before, the chief of general

staff is still accountable to the prime minister instead of the minister of defence. This exceptional position of the Turkish chief of general staff reflects the extraordinary role of the army in Turkish politics.

That the army really has a special place in the minds of the Turks, I noticed on a late, warm May evening on the bus station of Ankara. When I entered the station around 11.30 p.m. it was full of shouting and singing young men and their families, who had decorated themselves with Turkish flags. Hundreds of people were dancing and singing songs to celebrate that they or their sons were being sent off to fulfil their military duty. As Aydınli e.a. (2006) formulate it: “Many Turks today still think of Turkey as ‘asker millet’, an army nation, reflecting their perception that a symbiotic relationship binds the state to the armed forces that founded it and now protect it. For the Turkish public, the military is inseparable from the idea of the nation.”

After having discussed the political role and formal tasks of the National Security Council and the independent organisational character of the Turkish military, the attitudes of the Turkish Armed Forces towards secularism and ‘the indivisible unity of the Turkish state’, and the extent to which those views are incompatible to European practice, i.e. the question why they inhibit total fulfilment of the Copenhagen political criteria, will be commented upon.

4.1.1 The National Security Council

When it was created in 1961, The National Security Council consisted of the President, the Prime Minister, the ministers of defence, foreign and internal affairs and the Chief of General Staff of the Turkish Armed Forces plus the commanders of the land forces, navy, air force and gendarmerie (European Centre for Security Studies 2005). The NSC’s composition has changed regularly since then. Currently, the NSC has seven civilian members, of which the secretary-general does not have the right to vote. With the military having five seats, the civilians thus have a very small majority (European Commission 2005). Despite this civilian majority, the influence of the military on political decision-making should not be underestimated. The minister of Defence is a member of the NSC, but in practice he has very few powers. The General Staff is not subordinated to the ministry of defence, but directly to the Prime Minister’s Office, contrary to European practice.

The task of the NSC is to advise and coordinate “the necessary basic concepts to the Council of Ministers in the national security decision-making process” (Özcan 2005). Furthermore, the Turkish constitution states that “the Council of Ministers shall give priority consideration to the decisions of the National Security Council concerning the measures that it deems

necessary for the preservation of the existence and independence of the State, the integrity of the country and the peace and security of society”. This text does not only indicate that the government is expected to follow up the NSC’s advices, but also that the range of issues the NSC considers itself responsible for goes beyond the area of national security in a strict sense. Moreover, article 2a of the National Security Council Law provides a definition of national security: “National Security means the protection of the constitutional order of the State, its nation and integrity, all of its interests in the international sphere including political, social, cultural and economic interests, as well as the protection of its constitutional law against all internal and external threats” (European Commission 2005).

Recently efforts have been made to reduce the influence of the National Security Council. This has culminated in a majority position of civilian members of the NSC. But this, combined with the fact that the NSC now is a purely advisory body, does not mean that the military’s political influence has really decreased. As a Turkish senior civil servant noticed: “Commanders come...with clear briefs and solid files of evidence. Politicians do not measure up to them” (European Centre of Security Studies 2005). A clear sign that military leaders do not wish to give up their political power is that military members of the NSC still regularly express their views about domestic and foreign policy issues which have little to do with national security, although it must be noted that the Turkish definition of national security stated above actually covers any policy field (European Commission 2005). Moreover, because all decisions in the NSC are made by consensus the military is always in the position to use its ‘qualitative superiority’. As Inur Çevik, editor in chief of the *Turkish Daily News*, put it: “The military present their views and want them to be taken into consideration; no government dares challenge their views and ‘advice’” (Rouleau 2000).

Since its creation in 1961 the NSC has fulfilled an increasingly decisive role in Turkish politics. It started as an advisory body which main task was offering ‘information’ to the government. After the 1971 intervention it was empowered to ‘recommend’ measures, and following the 1980 intervention governments were urged to ‘give priority to the NSC’s advices’. This increasing power culminated in the NSC being the initiator of ousting the Erbakan-led government in 1997. Despite the recent changes made, making the NSC an advisory body again and augmenting the number of civilian members, suspicion on the side of the EU understandably remains.

4.1.2 The army as a powerful independent community in Turkey

The EU requires that Turkey's domestic and foreign policies are shaped by civilian authorities. In this section, it will be showed that this is absolutely not the case. First of all, the interesting fact that the Turkish armed forces officially consider the AKP as an indirect fundamentalist threat indicates that the elected government does not determine what can be seen as a threat (Sariibrahimoglu 2005). The army makes its own independent deliberations and is thus to a large extent independent from the government. The General Staff of the Turkish armed forces is responsible for the security affairs of the republic and shaping policies, plans and programmes of the army. "It is the General Staff that works out what armed forces the Republic should have, and draws up plans and programmes accordingly" (Centre for European Security Studies 2005).

Officially, the budget of the Turkish army is discussed by the Grand National Assembly like any other budget. But in fact the defence budget is treated like a formality. Officially, the defence budget in 2006 was 10% of the total budget, but in practice this figure is misleading, because several defence expenditures have not been taken into account. For example, 2.5 billion YTL is used for the Defence Industry Support Fund (Sariibrahimoglu 2005). The Turkish Ministry of Defence is officially independent from the army, but in practice functions as its support apparatus. It does the recruitment work for the army, procurement of weapons and other equipment and it manages the well-being of Turkey's "military-industrial complex". Military personnel occupy most important positions in the Defence Ministry. Civilian personnel are employed only in social services and technical fields (Centre for European Security Studies 2005).

4.2 The attitude of the Turkish Armed Forces towards secularism and the 'indivisible unity of the Turkish state'

Since the foundation of the Turkish Republic in 1923, its 'founding fathers', the Turkish armed forces, have been functioning as a guardian of the strict Kemalist principles like populism and nationalism, but above all secularism and republicanism. The Turkish military considers the protection of secularism and the 'indivisible unity of the Turkish state' as their core competences. The 1982 constitution, which is still in force, gives them a lot of manoeuvring space to fulfil this duty, as became clear in the preceding paragraphs. In his

paper *Turkey's Dream of Democracy* (2000) Eric Rouleau discusses how the Turkish army carries out this duty of protecting Turkey's national core values. He starts giving an example about the army high command urging Ankara to take advantage of a parliamentary recess in August 2000 to issue a decree making it possible to dismiss civil servants suspected of Islamist or pro-Kurdish sympathies, as these people could constitute a danger to secularism in the first case, and the unity of the Turkish state in the second case. In the end, President Sezer refused to sign the decree so it was not accepted.

Over time, the Turkish military has more and more 'hijacked' the concept of Kemalism. All actions the army takes are legitimate, because they are taken to defend the legacy of Atatürk. This is the way the army reasons. Modern Kemalism as it is propagated by the Turkish army has been reduced to the two elements mentioned before: the indivisibility of the nation and its territory and the secularism of the republic. These must be defended at all costs, 'in the name of Atatürk'. "To succeed or survive in modern Turkey, all opinions, initiatives, and behaviour must conform to the ideas or intentions – real or imagined – of Kemal Atatürk" (Rouleau 2000).

Actually, the strict Kemalist orthodoxy displayed by the army is at odds with history. Some of Atatürk's core principles, like Revolutionism and Etatism, just like his single party system, have been abolished long since. Secondly, in contradiction to Atatürk's will, the armed forces have intervened in the affairs of the state constantly since 1960. Finally, Atatürk laid down the principle that Turkey should not get involved in the internal affairs of other countries (just like other countries should not get involved in Turkey's internal affairs), but his successors in the military have defended Turkish-speaking minorities in other countries and sometimes even illegally intervened (in the case of Cyprus). Still the army considers it legitimate to prosecute those who offend the principles of Kemalism, or what is left of it (Rouleau 2000).

It is clear that the Turkish military has a lot of interest in taking the lead in the two-front war against Islamic fundamentalists and Kurdish separatists. After the disappearance of the Soviet threat it needed a new danger "to confirm its traditional legitimacy as a guardian of the Kemalist legacy and to increase its credibility with the public" (Rouleau 2000). The greater these dangers to secularism and national integrity seem, the stronger the position of the army will be. So it is not surprising that army officials make statements about the "alarming fundamentalist threat", like commander of general staff Büyükanit recently did (Outshoorn 2006). As the position of the army is strengthened when visible threats to 'Kemalism' are ubiquitous, it has a huge interest in continuing Kurdish violence. According to the Turkish press, some moderate Kurdish leaders have been killed or arrested by military officials,

gendarmierie personnel or secret service agents, in order to make sure their moderate standpoints would not be heard anymore (Rouleau 2000).

It is clear that the Turkish defence organisation needs a lot of restructuring to be brought in line with EU practice. But it is highly doubtful whether the Turkish armed forces will support changes as wished by the EU, as they would surely lessen the army's political power. As Naval Commander Yener Karahano glu put it: "I believe we will have to count our fingers after shaking hands with the EU" (Sariibrahimoglu 2005). Military officials also see the EU as threatening secularism and insisting on extensive rights for minorities.

On the other hand, the Turkish military is, like its founder Atatürk, oriented to the West. As a representative of the secular establishment, and because of the decade-long cooperation through NATO, the army feels attached to Europe. Last but not least, it would rather see Turkey integrated in the European Union than see it more attached to the Islamic countries of the Middle East. Therefore the Turkish armed forces embrace an ambiguous approach towards EU membership. They would welcome Turkey's membership, but only if retaining their privileged status (Sariibrahimoglu 2005).

5 The political development of Turkish political Islam

5.1 The transformation of Islamic political identity in Turkey

After the Turkish Republic had been founded and the sultanate and caliphate, and with them the last remnants of the Shari'a were abolished, Turkey became a secular one-party state, pursuing a strict Kemalist ideology, which content has been discussed extensively earlier. In 1946 a multi-party system was introduced. With large parts of the electorate, especially those living on the countryside, being unconfident about the oppressive government attitude towards religion, the newly founded Democrat Party (DP) promised greater tolerance and respect for religion and less government intervention in religious affairs. This relaxed attitude towards religion brought the DP to power in 1950 and the influence of Islam in politics again increased, after having been banned entirely during the early years of the Republic. Religious education was introduced at schools and greater government support for the training of clergy

was expressed and the call to prayer could again be read in Arabic (Margulies & Yildizoglu 1988).

After the 1960 military intervention, which was among others a reaction on the relaxation of religious restrictions, Islam's political appeal increased. The first Islamic political party, the National Order Party, was founded in 1970 by Necmettin Erbakan. After it had been closed down by the Constitutional Court for using religion for political purposes, it was re-founded as the National Salvation Party. This first Islamic political movement in the Turkish Republic is known as the "National View" (Milli Görüş), with all its political ideas referring to Islam (Dagi 2005). The National View movement, receiving 11,8% and 8,6% of the votes in the 1973 and 1977 elections, firmly criticised the westernization of Turkey and saw it as eroding traditional Islamic values. The West was conceived as 'mother of all evils'. Erbakan opposed the introduction of Western ideas and values in Turkish society, but instead searched contact with the Islamic world in an effort to mobilise power and balance Western influence in Turkey. Erbakan advocated an "Islamic way of life", proposing a 'just order' (based on Islam) as a new political system for Turkey (Shankland 2005). Interestingly, Erbakan made a distinction between Western ideas and Western technology. For Turkey to be able to escape Western hegemony, it should develop itself economically, and therefore Erbakan propagated the development of heavy industry, using Western technology (Dagi 2005). Nevertheless Erbakan did not make an effort to deliberate why these technologies were developed in the 'pernicious' West, and not in the 'morally superior' Islamic world.

After the military regime, which was in power in the beginning of the 1980's, had closed down all political parties in 1983 the Welfare Party was founded as a successor of the NSP. In 1995, the WP won the general elections and Necmettin Erbakan became prime-minister in a coalition-government. With anti-Westernism growing after the rejection of Turkey's bid for full membership of the European Community in 1989, the interest of WP, having the most clear-cut anti-western program, was well served. In 1997 Erbakan had to step down, pressured by the NSC and the armed forces, being accused of having become "the centre of anti-secularist activities" (Dagi 2005).

The Virtue Party (VP) was founded as the successor of the Welfare Party in 1998. With Erbakan being banned from politics for five years, a radically different approach to the West was adopted. Because of the judgement by the Constitutional Court which resulted in the ban of the WP the Islamist political movement chose a radically different path. The anti-Westernism of Erbakan's days had disappeared and western political values like democracy, human rights and the rule of law were adopted. The VP also accepted secularism as the base

of the Turkish Republic, though it “should not be a means to limit freedom of religion and belief” (Dagi 2005).

From fierce critics of the West the Islamists became advocates of Turkish EU membership. It is not that difficult to explain this remarkable rapprochement of the Islamists towards the West, with the VP-leaders pushing the government to comply with the Copenhagen political criteria. The Islamists felt threatened by the secular establishment after the ban of the WP and Erbakan, and to secure their existence they turned to a powerful ally, the EU. As the EU insisted on more religious freedom and less state influence in religious affairs, the Islamists knew they were on their side in this matter. This fact combined with the Islamists being in an awkward position due to secular pressure, the smartest thing they could do was calling on the EU for help. With the army, the judiciary and bureaucracy being in the secular ‘camp’ and thus wanting to exterminate political Islam and its heirs, they realized that they could survive only in a country that was democratically oriented, respecting civil and political rights, and moreover integrated further into the western world, particularly the EU (Dagi 2005). And so they did. The pro-EU course of the Islamists was confirmed in 2002, when the newly founded AKP (Adalet ve Kalkinma Partisi – Justice and Development Party), led by the moderate conservative Tayyip Erdogan, former mayor of Istanbul, won 34% of the votes in the general elections, while the traditionalist Felicity Party supported by Erbakan did not win representation in parliament. As Ihsan Dagi (2005) concludes: these election results marked the end of political Islam in Turkey. The AKP kept its ties with Islam, with many of its political ideas based on Islamic values, but abandoned it as a political program. The firm support for EU-membership Erdogan expresses excludes the possibility that he secretly would aspire to turn Turkey into an Islamic state, as fulfilment of the Copenhagen criteria makes this impossible (Dagi 2005). Paradoxically said, it was in Erdogan’s and the political Islam’s interest to adopt a pro-EU stance. This step had to be taken to secure that political parties with Islamic credentials could continue to play a role in Turkish politics, but at the same time a purely Islamic political program had to be abandoned in order to get EU-support. So, in this way, the EU proved to be capable of ‘imposing’ political reforms on Turkey, because the EU’s wish for democratization and human rights overlapped with the Islamists’ search for protection against the Kemalist establishment (Dagi 2005).

5.1.1 The relations between the secular establishment and the AKP

Since the AKP government came to power in 2002, the relations between the Turkish armed forces and the AKP have remained tense. High-ranked generals, like the commander of General Staff Yasar Büyükanit, regularly express their severe worries about the “Islam-fundamentalist danger” threatening secularism in Turkey (de Volkskrant 2006). The army generally expresses the opinion of most secular Turks. It is the mouthpiece of secular Turkey: the army, the president and the bureaucracy. After the AKP had won the elections in 2002, secular Turkey was shocked, but remained relatively silent. But tensions came to an outburst last May when a secular judge was killed by a Muslim-extremist, after he had stipulated in a court case that a Muslim woman was not allowed to wear a headscarf, not only when teaching (which is unthinkable in secular Turkey), but also on her way to school. Because Erdogan had criticised the judge he was deemed responsible for the murder by secular Turks. A large demonstration for secularism in general and against the murder in particular in the mausoleum of Atatürk followed (NRC Handelsblad 2006). The AKP is trying to strengthen its grip on bureaucracy by replacing secular civil servants with pious Muslims. The effects of this can be clearly seen in the programming of the state-owned broadcasting company TRT, whose programs are more and more lavished with a Muslim sauce.

This evidence of the ‘sneaking Islamisation’ of Turkey constitutes some justification for the enduring threats against and warnings for Turkey’s AKP government issued by the army, which sees secularism being in severe danger. It is indeed the question whether Erdogan, once a vassal of the Nestor of Turkish Muslim-fundamentalism Necmettin Erbakan, has indeed changed so much as he wants the EU to believe, portraying his AKP no longer as an Islamist party, but as a political party in the tradition of the Christian-Democrat parties in Europe. But it is not that long ago that Erdogan, then mayor of Istanbul, recited a poem stating that “the minarets of the mosques are our bayonets, the pious our believers and the mosques our barracks” in the fight to turn Turkey into an Islamic state (NRC Handelsblad 2006). Did Erdogan, still being a pious and conservative Muslim whose administration raised the taxes on beer, wine and raki by more than 100% and whose wife always wears a headscarf and very seldom appears in public, really become a democrat who accepts secularism, or does he have a secret agenda for the ‘Islamisation of Turkey’?

It can be contended that Erdogan will never strive to an Islamic state in Turkey, considering the fierce opposition against any movement in the direction of more ‘Islam’ in

Turkey from the side of the secular establishment in general, and the army in particular. Erdogan's strong support for EU membership also excludes this option. It is most likely that Erdogan will strive to a European version of secularism in Turkey in the long run, with more religious freedom and an independent position for the Islam in Turkey. In many European countries there are Islamic schools and students; teachers and civil servants are usually allowed to wear a headscarf. But even the introduction of a European kind of secularism in Turkey would constitute a political landslide and would probably not be tolerated by the secular establishment in Turkey. Erdogan knows too well that he will have firm support from the side of the EU if attempting to 'redefine' Turkish secularism, so the secular establishment, strongly opposing any moves in this direction and knowing that the EU will be on Erdogan's side in this matter, will continue to be on the alert in the near future.

The great challenge for Tayyip Erdogan is to be a president for all Turks. In an EU member state non-believers must be able to live alongside religious people with the state respecting both lifestyles. According to the EU, the state must perform a neutral role regarding religion. Presently, the Turkish state institutions take a hostile stance towards religion, but Erdogan should not tip the scale to the other side. Also, he will have to permit the expression of scepticism and also the possibility that there may be more than one way of interpreting religious faith (Shankland 2005). It is an enormous challenge for Erdogan to become a prime minister of all Turks, not only one of the pious Sunni Muslims.

6 Conclusion

This study about Turkish compliance with the Copenhagen political criteria and the underlying reasons for the Turkish failure to fulfil them at certain points has first of all showed that there are no principal thresholds for Turkish EU membership. Often-stated arguments against Turkish EU accession are its geographical location 'outside the borders of Europe', its Islamic credentials, its size, its relative poverty and the possible massive migration of Turks to Western Europe as a consequence of accession.

But already in 1963 Turkey became an associate member of the EEC. Turkey's incorporation in Europe's most important political and economic cooperation projects after World War II, like its long-standing membership in NATO, the Council of Europe and the OECD, only show more proof that Turkey must be, at least politically, considered an integral part of Europe. Turkey's poverty is also relative, as it performs economically better than the upcoming EU-members Romania and Bulgaria. But the underlying study also showed that

Turkey's westward course has not started just after the Second World War, but much earlier. From the early 19th century onwards the Ottoman Empire (which heartland was then formed by Anatolia, large parts of South East Europe and the Arabic peninsula) started to westernise. Starting with the military, later government, bureaucracy, the judiciary and education were shaped after a Western model. Mustaf Kemal Atatürk accelerated the pace of Europeanization of Turkey, and made it one of the strictest secular countries in the world.

It is true that the (cultures of the) present member countries of the EU are all based on a Christian heritage, but the EU is not an organisation based solely on Christian values, but on universal and secular values like democracy, liberalism, multiculturalism and human rights, there is no implicit barrier for Islamic countries to become a member. This claim has been strengthened by the outcome on the discussion about the pre-ambule of the Constitution for Europe, which finally did not include a reference to Christianity. It must also be noted that religion does not play an important role anymore in the life of most Europeans and that a large share of EU citizens has rejected religion as a part of their life altogether. Moreover, by 'welcoming Turkey to Europe' Huntington's 'clash of civilizations' thesis might be refuted. The threat of a possible mass influx of Turkish workers to countries like Germany and The Netherlands as a consequence of Turkish EU accession must indeed be recognised by both the EU and Turkey. It is unavoidably that restrictions on free movement of people will remain for a considerable time period after Turkish accession.

The only criterion Turkey should be judged upon is its democratic credentials, i.e. Turkey's fulfilment of the Copenhagen political criteria should be the by far most important indicator of Turkey's readiness for EU membership. This study has shown that Turkey still does not fulfil all of Robert Dahl's criteria for a democracy, especially concerning the political power and independent position of the military, freedom of expression and associational autonomy. But the prospect of EU membership has showed to be an incentive to strengthen democracy and will continue to work like an anchor for reform.

Turkey displays significant shortcomings in fulfilling some of the 'democracy criteria' as formulated by Dahl. It does not always honour the right to freedom of expression and, with respect to associational autonomy, it is difficult for religious and ethnic minorities to form independent associations. The core of the Turkish' unwillingness to give more rights to ethnic minorities is formed by one of the six principles on the base of which the Turkish republic was formed by Atatürk, the principle of populism. This principle lays down that Turkish society is homogeneous, without casts or privileges. The Kemalist principle of secularism lies

on the base of the lack of religious freedom in Turkey. The Ministry of Religious Affairs (the Diyanet) strictly monitors all religious groups in the country, owning all mosques, having disposal of all revenues of the religious communities and censoring the sermons of imams. By creating a 'national religion' (the Sunni Islam) and adopting a hostile attitude towards other religions, the state tries to avoid religion becoming politicised. The way the relation between the state and religion is organised in Turkey is not in line with European practice as in Turkey religious foundations are not independent from the state. In order to fulfil the Copenhagen political criteria fully, the plurality of Turkish society in general and religious plurality in particular, should be recognized formally. To improve the independency of religion in Turkey, the Diyanet should be turned into an autonomous and independent body, as it is impossible to claim impartiality of the state in religious affairs as long as the Diyanet is under direct state control. The second option is to abolish the Diyanet altogether. The reasoning behind the strict state control on religion which is practised today is the fear of emerging fundamentalism, and to avoid religion to get involved in politics.

The suspicious attitude of the Turkish (secular) elite towards minorities and the refusal to give them more rights or even to recognize them reflects the Turkish public opinion, which has a suspicious attitude towards the EU reform program.

The conclusions of the 2005 EU Progress Report make clear that minorities still are in a very difficult position in Turkey and that the Turkish government has to improve the positions of religious and cultural minorities, restrict the political influence of the army more clearly and must do more to guarantee freedom of expression. The demands of the EU with respect to further political reform in Turkey show remarkably much overlap with Dahl's democratic institutions and conditions. Emphasis is particularly put by the EU on improvement of freedom of expression, associational autonomy for religious and cultural foundations and on restriction of the political influence of the army.

Because Turkey has been a member of NATO since 1959, Turkey has been an important military partner for Europe and the United States in the first place. The significance of Turkey in Western eyes was mostly of a military nature. It was in the West's interest that Turkey remained militarily strong and reliable. So a dominant political role for the Turkish army was in the interest of Europe and the United States. After the end of the Cold War the political significance of Turkey changed, and cultural and economic dimensions grew in importance. This explains the much more critical attitude of the EU towards the political influence of the army.

As explained in the underlying study the Turkish military has an unusually tight relationship with both the civilian leadership and the Turkish society, assuming its role as the guardian of the Turkish constitution. The Turkish army, in the minds of the people, is not just there to defend the country against invaders, it is considered as a 'separate community'. The chief of general staff is still accountable to the prime minister instead of the minister of defence. This exceptional position of the Turkish chief of general staff reflects the extraordinary role of the army in Turkish politics. Contrary to European practice, the Turkish armed forces assume a large spectrum of tasks: they are the guardian of the legacy of Atatürk, including the defence of the 'indivisible unity of the Turkish state' and secularism. Because the Turkish armed forces have founded the Turkish Republic, for most Turks the military is inseparable from the idea of the nation. It is therefore understandable and defensible that the armed forces have a more important position in Turkey than is common in Europe, as the political system of every country is to a large extent determined by its history. But over time, the Turkish military has more and more 'hijacked' the concept of Kemalism. The army contends that it must be capable of using any means needed to defend the legacy of Atatürk. It uses this contention to legitimise all its actions as 'being necessary to defend Kemalism'. The Turkish army has reduced Kemalism to two elements: the indivisibility of the nation and its territory and the secularism of the Republic.

It is clear that the Turkish defence organisation needs a lot of restructuring to be brought in line with EU practice. But it is highly doubtful whether the Turkish armed forces will support changes as wished by the EU, as they would surely lessen the army's political power. On the other hand, the Turkish military is, like its founder Atatürk, oriented to the West. Therefore the Turkish armed forces embrace an ambiguous approach towards EU membership. But, on the way to Europe, the Turkish armed forces should realise and accept that the Turkish government should have political supremacy at all times. The fact that the army considers the ruling party AKP as a 'fundamentalist threat' shows that this is presently not the case. But the strong support for the armed forces among the Turkish public and the constitutional task of the army as the guardian of secularism and the indivisible unity of the state considerably hamper a 'return to the barracks' of the Turkish army. Therefore the political power of the Turkish army may constitute the main obstacle in the negotiations about Turkish EU accession.

The Turkish political Islam, on the other hand, will probably not hinder Turkish EU accession, as it changed faces in a remarkable fashion during the last decade. The first Islamic political movement in the Turkish Republic, known as the National View, saw the West (i.e.

the EEC/EU) as ‘the mother of all evils’, responsible for the erosion of traditional Islamic values in Turkey. But with their leader Necmettin Erbakan banned from politics in 1997, the political Islamists adopted a radically different attitude. The Islamists felt threatened by the secular establishment after the ban of the WP and Erbakan, and, as they knew the EU insisted on more religious freedom and less state influence in religious affairs, they turned to them to search protection for their interests: a more independent, overt and above all more important position for the Islam in Turkey. After the Islamist AKP won the general elections in 2002, prime minister Erdogan adopted a pro-EU course to secure that political parties with Islamic credentials could continue to play a role in Turkish politics. But at the same time, Erdogan had to mitigate his Islamic discourse in order to get EU-support. In this way, political Islam in Turkey became quite fast an accepted political actor appealing to large segments of the population, having shaken off its radical Islamic credentials.

Despite Erdogan’s metamorphosis relations between the AKP and the army have remained tense, caused by the ‘sneaking Islamization’ of Turkey’s state institutions. It is indeed a legitimate question to pose whether Erdogan indeed is the ‘conservative’ he wants the EU to believe, and to what extent he has distanced himself from the ideas of the fundamentalist Muslim leader Necmettin Erbakan. But, considering the ‘guarding eye’ of the EU and the fierce opposition against supposed “Islamic fundamentalism” by the secular establishment it is not likely that he will strive to an Islamic state in Turkey.

The EU and Erdogan have a common interest in a redefinition of secularism in Turkey, with more religious freedom and an independent position for the Islam. Having the absolute majority in the Grand National Assembly and the support of the EU with regard to more religious freedom, and considering the likelihood that an AKP-candidate will be chosen president in the next year presidential elections, the way is open for Erdogan to realise this aim. The armed forces realise this critical momentum very well, and therefore high-ranked generals have explicitly warned Erdogan that they will not accept the slightest redefinition of secularism during the past months.

Might Erdogan get what he wants in the long run (a re-definition of secularism), it is not unlikely that the armed forces will again intervene militarily. Again, the conclusion must be that the Turkish secular establishment has great difficulties in accepting a ‘European’ variant of secularism and more rights for cultural/ethnic minorities, which would denounce the Kemalist principle of the indivisible unity of the Turkish state.

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