

**‘Political instrumentality’ in the Europeanisation of Turkish politics -  
Or: Why it is rational for an Islamist party to be pro-European and for a  
secularist party to be anti-European?**

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Comments are very welcome

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## ***Abstract***

The paper will suggest a bottom-up approach to analysing the impact of EU conditionality on candidate countries. EU accession negotiations offer domestic actors a legitimacy standard, external bonds and a focal point for electoral coalitions as resources in the domestic political arena. These resources compete with equivalent domestic resources. The paper draws attention to the fact that EU conditionality has to be accepted by domestic actors and can to some extent be modelled and used to pursue own policy aims. Moreover, EU conditionality can significantly alter the power-balance in the domestic political realm. The Turkish case demonstrates that the two major political parties adopted a cost-benefit calculus in their position towards EU accession. It is particularly intriguing because the positions adopted by AKP and CHP respectively are contra-intuitive and, in fact, both parties have drastically reversed earlier positions towards EU accession. An analysis of AKP and CHP positions suggests that domestic actors who are disadvantaged in domestic resources embrace EU accession whereas domestic actors who feel threatened in its domestic resources adopt an opposite strategy. The paper will also consider the scope conditions for different approaches to explain the ‘transformative power of Europe’.

## **Introduction**

Empirically the paper<sup>1</sup> will examine why in Turkey the moderate Islamist party AKP (Justice and Development Party) had taken a pronounced pro-European stance whereas the centre-left CHP (Republican People’s Party), herald of western values and secularism has taken an EU-sceptic stance. This seems at first glance a puzzle as an analysis of the policy distance to the respective European parties would lead to different assumptions. The AKP is a self-defined “Muslim democratic party” which has political affinity to Christian democrats in the European parliament but had difficulties to forge any ties with them (Narbone/Tocci 2008:30) whereas the CHP is a member of the Socialist International and the European Social Democrats (Önis 2008). Nevertheless, the AKP fleshed out a number of laws in compliance with core EU requirements, aimed at abolishing the notorious article 301 which had served to bring critical writers to court, made important concession in the Cyprus question, gave Kurds cultural rights, curbed the power of the military and pursued the aim to “europeanise” the Turkish Constitution of 1982. By contrast, the CHP not only strongly opposed these measures but in many cases filed complaints with the Constitutional Court in order to declare these reforms unconstitutional.

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<sup>1</sup> A first version of the paper has been presented at the Departmental Seminar of the International Relations Department at Bilgi University Istanbul.

At a theoretical level the article aims at contributing to develop a bottom-up approach (cf. Radaelli 2003; for a critical review Lodge 2006) to analysing the impact of European conditionality on candidate countries. It will also reflect on the scope conditions of the different approaches. A bottom-up approach sheds light on processes within the EU candidate states which have often been neglected by the conditionality-literature which had focused on the interaction between the executive of a candidate country and the EU (cf. Schimmelfennig 2008). An explicit elite interaction has also been depicted in the analysis of the impact the EU exerts through socialisation and persuasion processes (cf. Checkel 2001). Both ‘conditionality’ and ‘persuasion’ approaches have adopted a top-down approach to analysing the impact of EU policies on (prospective) candidate countries. ‘Conditionality’ describes the mechanism of the adoption of EU norms and rules with a view to the ‘external incentives’ of the award of EU membership (or candidate status) in the near future. ‘Persuasion’ characterises the mechanisms of an adoption of EU norms in a process of argumentation in a personal, depoliticised context based on the authority of an ‘in-group’ discarding any pressure. By contrast, it is argued here that compliance with EU demands and the acceptance of its norms and values might also result from a rational calculus based on the calculation of benefits from engaging in EU accession negotiations in terms of resources for political actors *in the domestic arena*. The case of Turkey illustrates that the acceptance of EU conditions is highly contested in domestic policies and is based on national actors’ expectations of a shift in the power balance in the political competition of the candidate country as it provides a competing legitimacy standard, external bonds and a focal point for an electoral coalition.

‘Persuasion’ takes place in the interaction of individuals at elite level in a process of argumentation with western counterparts. In this process actors take over values and norms motivated by belonging to a European ‘in-group’ (Checkel 2001)<sup>2</sup>. However, as Checkel himself has stated, the ‘ideational impact’ is dependent on specific factors and he has elaborated on scope conditions for such an ideational approach. Checkel hypothesised that ideational influence is positively related to a more isolated private sphere rather than a politicised one and to the fact that the persuadees have few prior engrained beliefs whereas the persuaders use arguments and refrain from exerting direct pressure. The case of Turkey clearly does not meet these conditions. EU accession negotiations have been strongly politicised, have met a well-entrenched

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<sup>2</sup> A similar approach has been put forward in the Europeanisation-debate with the claim that in the interaction of organisations institutional isomorphism takes place, i.e. norms rules, standards and procedures are taken over (Radaelli 2001).

Turkish state doctrine and the EU has often made it perfectly clear that accession criteria are not negotiable and accession countries ‘take it or leave it’.

According to a conditionality-perspective, by ‘making the benefits coming with membership conditional on democracy, human rights and peaceful conflict management the EU has induced its would-be members to conform on these political norms’ (Schimmelfennig 2008:918). Accordingly the Turkish case has been analysed as demonstrating a boost for reforms after Turkey has been given the candidate status in 1999 and the decision had been taken to start accession negotiations in 2005. The later resistance against further compromises in the Cyprus question has been explained by the lack of immediate rewards as accession itself has turned out to be a burdensome process in the future (Schimmelfennig 2008). However, this analysis underestimates the role EU norms and power plays in domestic conflicts and the political acceptance and modelling of EU accession negotiations. Even the candidate status is not a value as such and may be contested in the domestic arena. On the other hand, EU-related reforms might be carried out and be accelerated even in the absence of short-term rewards. In fact, it seems that one of the hypotheses of the conditionality approach relates at the same time to a scope condition for its explanatory applicability: the likelihood of the reward, i.e. a short-time horizon for the positive outcome of the negotiations with the EU.

This paper will argue that the negotiations with the EU (together with European court rulings and Commission positions) provide a legitimacy standard, external bonds and a focal point as resources which some actors choose to embrace as they offer gains in the political struggle whereas other actors reject them as they entail a loss of equivalent domestic resources. This is to say that European values are not attractive as such but their acceptance provides resources and advantages in the competition with other domestic political parties and in pursuing own (possibly diverging) policy purposes. Three strands of literature are applicable here. Firstly, the argument is in line with the analysis of a ‘rhetorical use’ of norms as strategic resources (Schimmelfennig 2001). The underlying assumption is that actors are not fully socialised and (many) norms are not internalised. However, the demands and claims which result from a cost-benefit calculus can be shaped and framed in accordance with norms taken from a common reference framework. These norms can subsequently be used to shame opponents into compliance. This paper takes the argument a step further. It is argued that actors commit to European norms because complying with EU demands itself is a result of a strategic action based on a cost-benefit analysis. This does not exclude that in the long run these commitments

develop an own dynamic and path-dependence. On the contrary, the ‘civilising force of hypocrisy’ and ‘rhetorical self-entrapment’ (cf. Checkel 2001) might work effectively in the long run. The instrumental adoption of values and norms might be self-enforcing and might result in an internalised commitment in the long run.

Another strand of literature is represented by the ‘external bond’ motive. Actors remove decisions from domestic policies by locking them in into Brussels agreements (Dyson/Featherstone 1999). A similar lock-in effect can be provided by the decisions of the European Court of Human Rights and even by the partnership negotiations supervising the efforts of candidate countries to fulfil the Copenhagen criteria for membership in the EU. Authoritative statements on EU requirements can be actively sought for and/or be modelled in the presentation in the domestic realm. Lastly, it is argued that the EU accession negotiations can be used as a focal point to establish an electoral coalition as EU relations have a high issue salience and are associated with different policies which might be highly attractive for different societal groups. These strategies might be adopted with the effect that embracing EU membership becomes a political cleavage in domestic politics.

Rational choice approaches have been criticised for using an ‘as if- logic’ (Checkel 2001). In fact, this paper has to rely to some extent on a plausibility probe as actor admitting to strategic decisions in matters of values and norms are rather rare. However, they are not entirely absent in the Turkish case. Two additional strategies will be adopted here. The first one is process-tracing. It will be argued that strategic choices can be traced back, in the case of the AKP to the ousting of its predecessor party, the Welfare Party, in 1997 and in the case of the CHP to the decision to adopt an intransigent opposition to AKP reform policies after 2002 – in both cases clearly reversing earlier policy programmes. Secondly, the argument for a calculus motivation can be made compelling when a changed cost-benefit analysis leads to a weakening of commitments; that is to say that a changed cost-benefit calculus leads to a different attitude towards ‘the EU’. It will be demonstrated that this has been the case with changes in the position of the AKP from 2005 on.

The paper will consider the main political parties in Turkey which have dominated the party system in recent years, the AKP and the CHP. It is argued that cost-benefit analysis guides their behaviour and party choices are much less the result of inner-party processes. Strategic choices by the party leadership can be assumed in the Turkish case for a number of reasons.

The limited inner-party democracy in Turkey has been exacerbated by the 1982 constitution and the restrictive party law. National leaders nominate the heads of their parties' provincial organisations and laws permit them to easily cancel the results of any party provincial caucuses that elected a dissident representative (ICG 2008:20). The AKP was founded by a small number of leading politicians with Erdogan increasingly leading the party single-handedly. Moreover, the electorate of the AKP is indifferent if not rather rejecting EU accession (Carkoglu 2007:55). It has been argued that the personal leadership by Deniz Baykal in the case of the CHP is even more pronounced than in the case of the AKP. Moreover, both party leaders adopted a stance towards EU accession negotiations that was contrary to the position of their electorate (cf. Önis 2008:45; Ciddi 2008).

In the following section I will set out to analyse how EU accession negotiations provide legitimacy, external bonds and a focal point for electoral coalitions as additional resources for domestic political actors. The third section will introduce the Turkish political party system and the remaining of the article will examine the dynamic in the use of domestic and European resources by political actors in Turkey. In the conclusion I will hypothesise that the different approaches to explain change in candidate countries relate to different periods in the relation to the EU.

### **Legitimacy, external bonds and focal points as means for strategic party choices**

This section will set out the framework for analysing legitimacy, external bonds and a focal point provided by EU accession negotiations as resources in the political process. The argument is that European resources compete with domestic resources in these aspects. Actors will evaluate the availability and use of European resources by their position in the domestic environment. They will use a cost-benefit calculus based on gains through the use of these resources and the losses which the acceptance of EU conditionality will entail. This is to say that actors which have strongly invested in domestic resources have few incentives to welcome European resources whereas actors with scarce availability of domestic power have strong incentives to look for additional assets.

#### ***Standards of legitimacy***

National polities have ‘institutionalised a standard of political legitimacy that is based on the constitutive norms and values of a community’ and determines which political programmes are desirable and permissible. The ‘standard allocates different degrees of legitimacy to political aspirations, preferences and behaviours’ (Schimmelfennig 2001:63). Suffice for the purpose of this paper to consider the basic distinction between input and output legitimacy for political decision-making. This is to say that political decisions are regarded as justified if they are deemed to have been made in a fair and democratic process and if the effects of these decisions are acceptable for all decision-takers. The European Union has laid down a number of values, norms and principles setting out minimal conditions for both the decision-making process and the qualification of the outcome. Input legitimacy is characterised by democratic governance through fair elections without interference of any other social actors or institution. With regard to output legitimacy, the scope of majority decisions is circumscribed by human rights and the rights of minorities. Accordingly, political demands and programmes have to consider these qualifications.

This said, candidate countries have an own (more or less dominant) normative framework for what is considered legitimate behaviour and legitimate demands in the political sphere and the decision-making process. Moreover, whereas in well-entrenched democracies the range of legitimate demands of political parties is clearly described and the successful institutionalisation of political conflict has led to a common commitment to basic values, in contested democracies the legitimacy of certain political demands and even the legitimacy of political parties as such might be subject to contestation and struggle. As EU and domestic conceptions of legitimacy differ they provide actors with different legitimacy discourses and frameworks. This will be analysed in the Turkish case where demands for religious rights and cultural rights of minorities are considered illegitimate demands in so far as they are (claimed to) contradict the Turkish constitutional norm of a unitary secularist state. The EU provides a different and competing reference frame. Accordingly political actors confront the standard of legitimacy on which EU negotiations are based as an external institutional resource or constraint.

### ***External bonds***

External bonds have been considered from the beginning of European integration one of the major functions for national decision-makers. National governments have used policy-making in the European Union as an external bond to remove decisions from the national political

policy-making process by creating self-inflicted external bonds for national decision-making. National actors have used the EU to get legislation through against domestic resistance, to avoid blame for unpopular decisions and to get the leverage to tie the hand of successors. Early examples range from the industrial restructuring of coal and steel industry (Dinan 2005) to the obvious aim of German chancellor Adenauer to lock Germany into the western alliance through its accession to EU and Nato (Katzenstein 1997). A more recent example is the accession to European Monetary Union and in particular the Italian case, where a part of the state executive was actively looking for external bonds to tie the hands of political actors. Top bureaucrats of the Finance Ministry successfully circumvented political impasse and fostered financial consolidation processes by locking Italy into the rule framework of EMU (Dyson/Featherstone 2002). A similar argument can be made for access to the EU. The Copenhagen criteria provide ‘objective’ criteria as did the European Growth and Stability Pact, although indicators are subject to interpretation and dependent on Commission reports<sup>3</sup>. The Commission gives judgements on the candidate countries’ ability to compete in the European market and on its commitment to democratic governance and protection of human rights and minorities. The state of the country’s progress and further requirements are defined in the ‘partnership documents’ issued by the Commission annually.

External bonds are not absolute or entirely objective. Firstly, they are based on the acceptance of the aim of accession, in general and under the given specific conditions of EU negotiations. Secondly, domestic actors might proactively search for these external bonds and foster the locking-in of rules in Brussels to pursue own policy aims. Moreover, it is argued that external bonds provided by the EU and European conventions may compete with domestic bonds limiting the range of political decision-making within the national context. There are domestic equivalents to EU external bonds which limits the range of demands by political actors. In the domestic realm institutions remove decision from the range of options typically in terms of obstacles for political and economic liberalisation. In particular, national constitutional courts have a similar binding force in relation to the political decision-making process. In not fully consolidated democracies the military might have a similar power as bond for decision-making. Political actors face the decision to look for the EU for external bonds or for domestic ‘internal’ bonds. In fact, both might be mutually excluding. Therefore, EU negotiations might offer new opportunities for disadvantaged actors with scarce domestic power positions

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<sup>3</sup> In the case of EGSP and EMU the overall state debt was not a hard benchmark as it would have clearly excluded Italy and Belgium from EMU. For the obvious reasons it is much more difficult to establish clear-cut criteria for liberal reforms. The EU partnership documents point rather generally at shortcomings.

and at the same time threaten power resources of actors which have invested in their relation to domestic 'internal' bonds.

### *A focal point for electoral coalitions*

It has been argued that negotiations with the EU are made effective by a 'European identity' as requirements are associated with the access to an 'in-group' to which actors want to belong (Checkel 2001). From a bottom-up perspective, EU accession rather provides a focal point (cf. Goldstein/Keohane 1993) for different policy and institutional reforms. It may even be instrumental in creating an electoral coalition encompassing different societal groups which will benefit from accession. In this sense an able political actor might use the idea of 'becoming member of the EU' as an 'intellectual shortcut' for a set of policies which aim to satisfy EU requirements or are presented as such as and a 'coalitional glue to facilitate the cohesion of particular groups' (Goldstein/Keohane 1993). EU policies have in the EU member states seldom produced political cleavages (Dyson/Goetz 2003). There are a number of factors which indicate a more salient impact of EU membership on the politics in candidate countries. Candidate countries often do not possess the high degree of institutionalised conflict management and might be required to engage in comprehensive reforms of the economic and legal system. As diverse actors as subnational authorities and export-oriented business have often been identified as 'natural allies' of European Commission and European integration. Therefore the reference to EU accession is a resource which can attract a specific part of the electorate whereas economic and political liberalisation may deter another part of the electorate. More generally speaking, the political benefit depends on the capability of political actors to bring together winners of political and economic liberalisation as a pro-EU coalition.

Moreover, reference to EU membership may have a cognitive dimension in the political arena (cf. Oppermann/Vierig 2008). EU accession negotiations, for instance Commission reports and Council decisions, may have a high 'issue salience' in public attention. Policies towards EU membership can become a reference point for a set of reform policies or (in the opposite case) the rejection of it. As in the case of legitimacy standards and external bonds political actors will judge potential wins and losses resulting from the opportunity structures European norms provide in comparison to existing resources, in this case, the position in the domestic cleavage system. A cost-benefit analysis will weight the potential to enlarge electoral coalitions against the losses caused by a EU-friendly position in domestic social cleavages. Politi-

cal actors will consider in particular the attractiveness of EU accession for and potential conflicts with its core electorate and are likely to consider the position to their social base very carefully.

In the following paragraph I will briefly sketch the development of the Turkish party system before considering the position of the major Turkish parties towards the EU accession process.

### **The Turkish party system**

The first democratic elections in Turkey took place in 1946 when İnönü succeeded Mustafa Kemal Atatürk who had founded the modern Turkish nation-state and ruled a one-party regime with the CHP he had founded and led. Since 1946 self-proclaimed centre-right and centre-left parties alternated in government in Turkey. The centre-right dominance manifested itself in the long-lasting governments of the Menderes' Democratic Party in the 1950s, of Demirel's Justice Party in the 1960s and of ANAP under the leadership of Özal in the 1980s. By contrast, the centre-left DSP led by Ecevit dominated the 1970s. However, political positions do not exactly translate into the western European left-right scale. Differences in socio-economic policies went along with differences related to the Islamic religion<sup>4</sup>. Conservative parties which dominated most of the time were much more open to Muslim demands than its secularist and social democrat counterparts. During the post-war period the military carried out coup d'états in 1960, 1971 and 1980 with the background of unstable governments and public unrest. Before returning to the barracks the military twice pushed through a new constitution (1960 and 1982).

The increasing success of the Islamist Welfare Party (Refah Partisi) challenged this alternation and in 1996/7 for the first time in Turkish history a radical Islamist party led a government. Before joining the government as the larger party in a coalition with the True Path Party (Dogul Yol Partisi) party leader Necmettin Erbakan had already founded two Islamist parties which had been ousted (Taniyici 2003). The Welfare Party was ousted in 1997 in the aftermath of an open threat of a military intervention by the Turkish armed forces. Before the Welfare Party was declared unconstitutional close political collaborators of Erbakan founded the Felicity Party (Saadet Partisi) from which the AKP split in 2001. The AKP obtained a remarkable 34.5 per cent of the votes in the 2002 elections after an economic crisis threw the

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<sup>4</sup> It has to be added though that the cleavage religious-laic had some significance in western European states even after the Second World War.

governing parties (DSP, ANAP and MHP) out of parliament. All of them failed to pass the 10 per cent threshold laid down in the 1982 constitution. The AKP was re-elected in 2007 with an overwhelming 46.5 per cent of the votes<sup>5</sup>.

The CHP founded by Kemal Atatürk for a ‘benevolent’ one-party rule and relegated into the opposition in the 1950s was given a socialdemocratic outlook in the 1960s and 1970s by the party leaders İnönü and Ecevit (Ciddi 2008). However, it was as all other political parties declared illegal after the military coup of 1980 and re-founded only in 1992. In the meantime the DSP had dominated in the laic and left electorate. The DSP was led by Bülent Ecevit who had abandoned the fraction-ridden CHP of the 1970s to form a party he would clearly dominate. Only after the downfall of the DSP (and the other centre-right parties ANAP and DYP) in the aftermath of the economic crises of 1999 and 2001 the CHP re-entered parliament in the 2002 elections. It became the main opposition party in a three-party-parliament with the AKP and the right-nationalist MHP. At the 2007 elections DSP candidates were elected on the CHP list.

I will now turn to analysing the position of the two major parties, the AKP and the CHP to EU norms and values and EU accession negotiations by analysing the effects of EU negotiations as providing a legitimacy standard, external bonds and a focal point for electoral coalitions.

### **Legitimacy standard**

In the Turkish modern state Atatürk’s ‘state doctrine’ was after his death transformed into a Kemalist orthodoxy which provided the base on which demands of political parties were considered as legitimate. This legitimacy discourse and framework was fully embraced by a middle and upper class in bureaucracy and military. By contrast to the more liberal constitution of 1960 the ‘Kemalist orthodoxy’, a narrow interpretation of Atatürk’s policy principles, was given expression with the constitution of 1982 and the party law of 1983 which were strongly influenced by the military after their coup in 1980. The cornerstones of the Kemalist orthodoxy were the doctrine of a unitary state, a strict division of state and religion and the role of the military as safeguard of the constitutional values. Accordingly, democratic decision-making has been circumscribed by the role of the military as the ‘guardian of the constitution’

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<sup>5</sup> The number of seats increased not in the same proportion due to increasing strategical voting of the Turkish electorate

and of the founding principles of the Turkish state. The output of policies was set limitations by the principles of laicism and state unity; the Turkish constitution rather than protecting individual or minority rights protects the form of the state.

Since the establishment of the first Islamist party their political opponents as well as the military have questioned the legitimacy of its policies and its very existence as its political aims run counter to the 'Kemalist orthodoxy', in particular the division of state and religion. Therefore, political reforms in preparation to EU accession have been a legitimacy element 'allowing it to shake off domestic and international suspicions of an alleged Islamism agenda' both by legitimising the policy aims of the party as well as by placing governments' policies under the surveillance of the EU (Önis 2008; cf. Narbone and Tocci 2008). In fact, the positive judgement of the EU and of EU accession was the most fundamental change which distinguished the AKP from its predecessor, the Welfare Party (Refah Partisi). Necmettin Erbakan, the leader of the Welfare Party, had written earlier that he regarded the application of Turkey for full membership in the EC 'as treason to our history, civilisation and sovereignty' (Spiring 2007:173).

The ousting of the Welfare Party was a turning point for the Islamist parties in Turkey and the politicians who would later take over the leadership of the AKP, in particular Abdullah Gül and Tacip Erdogan. Preceding the closure of the Welfare Party, Erbakan's friends had founded the Virtue Party (Fazilet Partisi) led by Recai Kutan. The Virtue Party stressed its originality and claimed to be different from the Welfare Party. In particular it committed itself to secularism defined as religious tolerance and pluralism and emphasised the necessity of Turkey's EU membership. Three PR agencies were hired and in defence against the closure case legal experts drew arguments exclusively from the western democratic literature. The attitude towards EU accession changed dramatically. Erbakan himself declared: 'We became pro-western because we do not want Turkey to go back to a repressive regime' (Zaman 9 October 1997).

The party leadership took the case to the ECHR (European Court of Human Rights) and a group of party members led by Abdullah Gül conducted lobbying activities in Europe in favour of the Welfare party case. By contrast to all other parties who protested against the decision of the Luxembourg summit to omit Turkey as a candidate country for EU accession, Gül stated that the EU decision was justified because Turkey had not improved its political condi-

tions since it had signed the Ankara Association Agreement in 1963. Erbakan stated after the Helsinki summit that the Turkish government had to accept the human rights criteria the EU had established (Taniyici 2003:473-478).

Subsequently the heirs of the Welfare Party were divided. Recai Kutan founded after the closure of the Welfare and the Felicity Party (Fazilet Partisi) the Virtue Party (Saadet Partisi) which remained of rather marginal importance. Gül who suffered a tight defeat at the 2000 party congress of the Felicity Party was among the founders of the AKP in 2001. The following decision of the ECHR approved the Turkish Constitutional Court's dissolution of the Welfare Party due to the (by some of its members of parliament) voiced intention to establish a Sharia-based regime and stated that 'Sharia is incompatible with the fundamental principles of democracy' and the dissolution may be regarded as necessary in a democratic society (quoted in Güney/Bakan 2008:270). The ECHR decision clearly set the limits for the religious ambitions of an Islamist party which aimed to be tolerated by the EU as complying with the legitimacy standard of the EU.

Nevertheless, (potential) Islamist leaders felt that European backing would save the party from the threat of indictment and the AKP could base its attempts to roll back the influence of the military on European standards of democratic governance. Moreover, the human rights discourse of the EU was perceived to back up the demands for greater religious freedom in public space. Accordingly, the AKP framed its overall government programme and the call for more religious freedom in the legitimacy framework of EU norms and conventions and presented religious aims as demands for human rights and freedoms of associations. EU accession was stated to be the guideline and first priority for the AKP government. Erdogan went as far as to call the 'Copenhagen criteria' the 'Ankara criteria'.

The CHP founded by Atatürk was dissolved in the aftermath of the military coup of 1981 and re-founded only in 1992. Subsequently, it had to regain the core position in the laic and centre-left electorate which had been taken over by Ecevit's DSP. Deniz Baykal obtained the leadership of the CHP with a programme of a 'New Left' declared as a strategy to reconcile western modernisation and traditional values. After the defeat in the 1999 elections by missing the 10 per cent threshold Baykal returned to leadership with an 'Anatolian Left'-programme which even employed ethno-religious rhetoric (Ciddi 2008:445). However, once the AKP had come to power in 2002 and the DSP had become the major opposition party

these programmatic approaches were sidelined and the CHP strongly focused on a defensive opposition strategy questioning the legitimacy of the reform projects of the AKP and of the very AKP itself. It defended every aspect of the Kemalist orthodoxy even in rather technocratic questions such as the establishment of Regional Development Agencies in order to cope with Turkey's tremendous territorial differences and to qualify for EU pre-accession programmes preparing for structural fund implementation. The CHP claimed that the RDAs run counter to the principle of the unitary state as the establishment of another layer of state authority and were unconstitutional. According to an AKP count the CHP had been to the Constitutional Court 143 times since 2002 with 24 flings being rejected, 84 still awaiting judgement and 35 pieces of legislation being annulled after the complaint (Today's Zaman 23 July 2009).

The CHP refrained from any changes in the Kemalist orthodoxy as it was laid down in the constitution of 1982. Its own party programme is still based on the main principles of Atatürk thoughts as symbolised by the six arrows in the CHP flag: nationalism, secularism, republicanism, revolutionism, statism and populism (cf. Ciddi 2008). By contrast, the CHP presents the AKP government as attacking the very principles of the Turkish republic. It has claimed that AKP laws have been directed either against the division of state and religion or against the unitary character of the Turkish state. Deputy chairman of the CHP, Selvi was quoted as expecting the government to seek the support of the United States and the EU to speed up EU reforms and interpreted this approach as giving 'concessions' to foreign powers (Today's Zaman 2.4.2009). Instead of adopting Kemalist orthodoxy to a changed national and international environment it tried to prove in most policy debates that the AKP has left the legitimate ground of Turkish politics. Therefore, the CHP still refuses to cooperate in reforming the 1982 Constitution which is by EU member states considered to include several illiberal elements. CHP-officials were quoted to have suggested that 'if the AKP does not like the Constitution it is the AKP which has to adapt' (IGC 2008: 12).

### **External bonds**

In Turkey democratic decision-making and democratic competition between political parties are circumscribed by strong domestic bonds or constraints. Party politics are limited by the veto of the president, the decisions of the Constitutional Court and the interventions of the military. The 'guardian role' of the military is still supported by a large part of the population

among which the military remains the most trusted institution in Turkey (Keyman/Aydin 2007:77). The constraints and bonds exerted by the Constitutional Court, the president and the military have been closely intertwined. Traditionally, the president has been a retired general or a politician who is approved by the military. Moreover, the military has had a say in a number of institutions such as the National Security Council, the State Security Councils, the Council for Higher Education and the Supreme Military Council. These institutional bodies on their part propose candidates to be nominated for the Constitutional Court and appointed by the President. The Turkish president selects a new justice among three candidates nominated by the bureaucratic and military authorities<sup>6</sup>.

The Constitutional Court itself was established after the first military coup 1960 within the framework of a rather liberal constitution and as a reaction to repressive traits of the DP government in the 1950s. However, the 1981 military coup gave it additional power. All in all, the Constitutional Court had 24 times dissolved a party, either Islamist parties for being a ‘focal point of anti-secular activities’ or Kurdish parties accused of threatening the unity of the country (Güney/Bakan 2008). The CHP has relied on external bonds to the political system in its strategy to put up an intransigent opposition to the AKP. The CHP filed a number of complaints to the Constitutional Court as a means to annulate AKP laws and in decisive decisions it had also counted on the intervention of the military. Most recently, in reaction to the AKP initiative for reconciliation in the Kurdish question the opposition parties called for the military to put this initiative under close surveillance (Keyman/Önis 2008).

The most salient example for an attack of this system of external bonds by the AKP and the harsh reactions it provoked was the first attempt to elect Gül, at that time Foreign Minister, as president of the Turkish Republic in April 2007. This nomination ran counter to the ‘unwritten law’ that the president of the Turkish republic belongs to or is at least approved by the military. In its opposition to the election of Gül political opposition parties counted on the external constraints of the Constitutional Court and the military. In fact, the Turkish Armed Forces published a memorandum threatening to ‘openly display its reaction’. At the same time the CHP charged that the AKP’s attempt to elect Gül was unconstitutional. In an immediate reaction, the Constitutional Court concurred that according to (a disputed reading of) a bylaw a quorum of 367 deputies was needed to make a majority effective. During the election

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<sup>6</sup> The concept of ‘external bond’ is preferred to ‘veto power’ as the (ultimate) base of power of the military is extra-constitutional and not part of the national polity. Therefore the Constitutional Court is also subject to harsh criticism in Turkey.

of the President the opposition parties left the parliament thus making the AKP candidate fail the quorum. The AKP reacted by calling new general elections which resulted in an overwhelming victory of the AKP (with 46.7 per cent). Subsequently, Gül was elected President when members of the far right-wing MHP staid in parliament in contrast to the members of the CHP.

The following controversies regarding the headscarf ban and the indictment of the AKP demonstrated that the political parties invoked domestic and external bonds respectively to reinforce their positions. The AKP passed an amendment to the Constitution permitting students to wear the headscarf at universities with a two thirds majority in parliament. Subsequently, the CHP filed a case against the law which abolished the headscarf ban and against the AKP mainly based in particular on the new law. The Chief prosecutor accordingly called in March 2008 for the closure of the AKP for acting as a ‘focal point for anti-secular activities’.

The AKP on its part had hoped that EU accession negotiations would provide support and external bonds for the AKP demands under the principle of religious freedom. An AKP official lamented that

“... the EU doesn’t mention the headscarf ban in its progress reports, saying there is no minimum EU standard. But there is: it’s not the case anywhere else in Europe! You can’t afford exceptionalism” (quoted in ICG 2008:15).

Ali Babacan, the minister for foreign affairs, asserted that Turkey dismisses the headscarf ban in order to comply with EU norms provoking replies by EU officials who denied to have given such a recommendation (Gülmez 2008:426). The AKP also attempted to use the European Court of Justice in order to overrun the Constitutional Court’s decision on the ban of the headscarf by strongly promoting the case of Leyla Sahin. The consecutive negative ECHR decision clearly came as a disappointment to the AKP which had obviously envisaged a positive response of the ECJ based on the principle of religious freedom.

However, with regard to the indictment of the AKP the EU and in particular Commissioner for Enlargement Olli Rehn made it clear that this would put Turkey in flagrant breach of the Copenhagen criteria and might lead to a suspension of membership negotiations. Finally, ten of eleven judges found the AKP guilty but fell short of closing the party. Instead they decided to curb the treasury subsidy by half which was in general interpreted as a ‘final warning’ by Turkish media.

## **EU accession as focal point**

Political cleavages in Turkey are to a large degree still social and cultural cleavages (cf. Lipset/Rokkan 1967). The urban-rural cleavage and the parallel running cleavages between centre and periphery and secular against Muslim beliefs are mutually reinforcing and result in a deeply divided society. With the massive migration to the major cities and in particular Istanbul (with 20 per cent of the Turkish population) the cultural and religious values of the rural periphery entered the cities. Moreover, social cleavages have a cultural expression: the headscarf is not least the symbol for different identities and does seldom fail to provoke well-entrenched reactions, immediate defence on the one hand and disdain and refusal on the other. The core electorate of AKP and CHP is clearly divided by these cleavage lines. However, EU accession and the relations to the EU have the potential of a cross-cutting political cleavage.

However, a 'European identity' as focal point for an electoral coalition had different appeal to the AKP and CHP. The AKP aimed to get away from its classical outlook as representing the 'new middle classes' of Anatolian entrepreneurs and the religious part of the population. It tried to model its identity and appeal to a wider electorate and in fact attracted the candidature of several socialdemocrats and even Kurdish activists (at least for some time). A 'europeanised identity' in the sense of demonstrating the adherence to 'Europe' helped these efforts as EU accession was (until recently) overwhelmingly welcomed by the Turkish public. It provided the AKP with the opportunity to reach out to a different part of the electorate, and helped in appealing to electoral groups as diverse as export-oriented business and cultural minorities. It was easier for the AKP to reach out to the Kurdish population as it shared with its core electorate the position in the urban-rural and centre-periphery cleavages. The AKP promoted to grant Kurds more cultural rights such as the use of the Kurdish language in public and education. As a result, in the southeast of Turkey AKP and the Kurdish DTP became the only major parties.

Traditionally, the AKP had a difficult relationship with the established business associations such as TÜSIAD, the association of industrialists based on the large companies in Turkey residing in Istanbul and the Marmara region and 'major force in civil society' (Önis 2008). However, export-oriented Turkish business was strongly in favour of EU accession and TÜSIAD's reports on the AKP government became supportive of the AKP government (Ugur/Yankaya 2006), and in some respects even more positive than the statements by

MÜSIAD, the organisation of (mostly) Anatolian SMEs (Keyman/Önis 2007). The identification with Europe did not only address different interests in society it also gave the AKP a more modern outlook contrasting its traditional image and some coarse rhetoric of Minister-President Erdogan.

By contrast, the CHP chose a populist anti-European strategy. Although it stressed to be *in principle* in favour of Turkish accession to the EU it resisted nearly all of the reforms carried out by the AKP and what it considered to be external pressure on Turkey. The CHP even engaged in a nationalist discourse of the betrayal of Turkey by EU promises in the past and to be expected in the future (Ciddi 2008). The strong defence of the Atatürk state doctrine did not only mobilise its core electorate, the CHP established itself as the strongest member of the nationalist block (Önis 2008:45-48). Given its appeal to the middle and upper classes in bureaucracy and in the urban centres of Turkey a populist anti-EU strategy can be interpreted as an attempt to reach out to other parts of the electorate, in particular the less well-off strata in larger cities. The CHP voiced the strongest opposition against the change or abolition of article 301 of the Constitution, the incrimination of ‘offence against the Turkishness’, a paragraph which served to bring a number of critical authors to court – much to the dismay of the European socialdemocratic party it is member of (Narbone and Tocci 2008).

Moreover, the CHP portrayed the concessions of the AKP government in its negotiations with the EU as coming near to national treason. At the beginning of Turkey’s accession negotiations with the EU, Baykal called upon the government to walk away from the negotiating table as negotiations would not result in full membership even if Turkey accepted all the impositions of the EU (ICG 2008; Ciddi 2008). In the case of Cyprus, the CHP’s shadow foreign minister, Onur Öymen, stated that the adoption of the Annan Plan was effectively “selling” the island and losing it as the Ottomans lost Crete. Repeatedly the CHP invoked historical memories pointing at the danger of a ‘new Treaty of Sevres’ which had aimed at dividing the Turkish territory after the demise of the Ottoman Empire. It also based its attack on EU minority rights on the Treaty of Lausanne which international acknowledged the Turkish Republic and did not acknowledge the minorities in question today. Overall the CHP criticised the AKP for agreements with the EU that would put Turkey in an inferior position and render an eternal candidate (cf. Gülmez 2008: 428-9; Ciddi 2008). However, the alarmist strategy does not even convince CHP deputies. Ciddi (2008) found out in questionnaires and personal interviews with CHP members of parliament that a two third majority believed in the accession of

Turkey to the EU and 20 per cent even admitted that the AKP has (with CHP support) successfully embraced the way to EU accession.

Overall, Baykal's strategic move was successful in that the party crossed with 19.6 per cent in 2002 the 10 per cent threshold which it had failed in 1999. The CHP consolidated its vote with 20.9 per cent in 2007 and even obtained 24 per cent in the local elections of 2009. The CHP became the most important opposition party and competed only with the far-right MHP effectively out-competing other parties in its core electorate. By contrast, a pro-EU stance and the cooperation with the AKP in curbing the power of the military would have caused problems with parts of the CHP's core electorate, the urban, laic middle and upper classes. Possible electoral gains would have been more difficult to obtain from a rural, religious and Kurdish electorate.

### **Changes in the cost-benefit calculus?**

In recent years the cost-benefit analysis of the AKP seems to have changed. The EU-enthusiasm waned in 2005 and the following years. Cabinet resistance to the National Programme implementing the changes required in the EU partnership documents was a clear indicator for a new EU-scepticism in the AKP (ICG 2008). Several changes in a cost-benefit analysis can be identified:

Firstly, one of the major aims had been achieved, the acceptance of Turkey as a candidate country in 2004. Subsequently, the positive connotations of the EU in the population were waning. Public support for EU membership decreased drastically. Feelings towards the EU became increasingly bitter due to the resistance against Turkish membership in the EU by German chancellor Merkel and the even more explicit rejection by the French president Sarkozy. At the same time the AKP felt that it had to satisfy the religious demands of its core electorate which had been sidelined by the EU-related reforms<sup>7</sup> (Ugur/Yankaya 2008).

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<sup>7</sup> The official adoption of the EU legitimacy standard could not extinguish the conflicts with the traditional values of (the electorate of) the AKP. The new penal code elaborated on pressure of the EU initially included adultery as a criminal offence. The relevant article was swiftly removed after protests of EU representatives (ICG 2008).

Secondly, external bonds were not as effective as hoped and possibly expected. The AKP had counted on the EU to back the abolition of the headscarf ban as it expected an interpretation of the wearing of the headscarf as a human right of acting according to an individual's religion. The decision of the ECHR deluded these hopes of the AKP. In the Leyla Sahin decision in November 2005 the European Court of Human Rights rejected the appeal and stated that Turkey's headscarf ban did not constitute a violation of fundamental rights (Leyla Sahin vs. Turkey Application No 44774/98, 10 November 2005). From the AKP point of view the space provided by the EU for promoting religious freedom was more restricted than anticipated (Narbone and Tocci 2008:31; Verney 2008:7). Turkish political scientist Önis has described the episode as 'perhaps the turning pint for the AKP' in the relation to the EU (Önis 2008:42). It was also hoped that the EU partnership documents concerning the requirements for EU accession would be instrumental in overcoming domestic resistance against the abolition of the headscarf ban and the unexpected silence caused some bitterness among AKP officials (cf. ICG 2008:15).

Thirdly, the AKP was increasingly successful in using the state executive and to some extent the judicial system as additional resources in the political arena and struggle. The disproportionate penalty imposed on the Dogan Media group (on alleged tax evasion) had been strongly criticised by EU-Commissioner Olli Rehn. Moreover, attempts to distribute goodies in the eve of the elections to 'buy' votes have been reported in Anatolian regions. The so-called 'Er-genikon' investigations on a secret organisation encompassing military, journalists and academicians planning to overthrow the AKP government do certainly have a substantial core, however, it has been suspected that they have been instrumental for the AKP government's power struggle against an opponent elite in bureaucracy and military.

Despite the increase in domestic power resources the last municipal elections in 2009 did not result in the expected landslide victory for the AKP but in a relative loss of votes. There are some signs that the relative defeat was interpreted by the AKP as a reminder to continue pro-EU reforms. This interpretation seems to reflect a path-dependency which the commitment to the EU discourse and external bonds had induced. Investments in the acceptance of EU accession negotiations as legitimacy standard and focal point had been made as a commitment to a long-term strategy which was hoped to yield 'increasing returns' (Pierson 2000). The first electoral decline after 2002 had been perceived as a warning to return to the previous reform strategy. In the last months the AKP has started a new initiative to solve the Kurdish question

‘as one of the obstacles to enter the European Union’ as the Minister of Interior stated (Today’s Zaman 13.08.2009). The interpretation of EU demands as corresponding with an own legitimacy standard is demonstrated most notably by Erdogan’s famous statement that Copenhagen criteria are Ankara criteria or as new Foreign Minister Davatouglu put it: ‘We don’t do reforms to please the EU but for our own sake’. Consequently, a reversal of the commitment to EU reforms would lead to a significant loss of credibility.

## **Conclusion**

The paper has argued in favour of a bottom-up approach in analysing political conflict in candidate countries concerning EU accession and conditionality. EU accession negotiations provide political actors with resources in terms of a legitimacy discourse, external bonds and a focal point for electoral coalitions. The case of Turkey has demonstrated that political actors’ stance towards EU conditionality can be explained by a cost-benefit calculus. The opportunity structures provided by EU accession negotiations resulted in different cost-benefit calculations for the two major Turkish parties. EU values and norms offered the AKP a legitimacy discourse and the prospects of external bonds to counter the legitimacy discourse of the Atatürk state doctrine and the external bonds of the Turkish military and Constitutional Court. Furthermore, EU accession offered a strong appeal to highly diverse parts of the electorate the AKP had had adverse relations before (such as powerful business groups) or could make significant inroads (such as Kurdish areas).

By contrast, the acceptance of EU norms and values would have deprived the CHP of powerful resources and domestic external bonds and put its close relationship to its core electorate at risk. The CHP would have (had) to make significant amendments in its legitimacy discourse, would have (had) to renounce the option to outlaw the AKP; the CHP would even have (had) to engage in a controlled conflict with the bureaucratic and military middle classes. With a view to short-term and medium-term electoral success it was perfectly rational for the CHP to pursue an EU-sceptic course. However, its position has been strongly criticised by European socialdemocratic parties<sup>8</sup> and might prove a serious constraint on further substantial electoral gains based on reaching out to all parts of the population.

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<sup>8</sup> Even benevolent Turkish observers criticise the CHP policies as ‘hyper-nationalist’ giving ‘secularism precedence over democracy’ (Keyman/Önis 2007:233).

**Tab.1: A comparison of scope conditions for different mechanisms of the impact of EU policies**

|   | <b>‘Persuasion’</b>             | <b>‘Political Instrumentality’</b> | <b>‘Conditionality’</b> |
|---|---------------------------------|------------------------------------|-------------------------|
| <b>Politicisation</b>                   | low                             | high                               | Low-medium              |
| <b>Incentives/Pressure by EU</b>        | low                             | medium                             | high                    |
| <b>National Actor in relation to EU</b> | Individual members of executive | Political parties                  | Core executive          |

Reflecting on the scope conditions of the above sketched bottom-up approach, the Turkish case seems to indicate that significant policy and polity differences between EU and (prospective) candidate countries as well as an unequal distribution of resources in the candidate country will be conducive to different domestic political strategies towards EU accession negotiations. Moreover, a comparison of the Turkish case of ‘political instrumentality’ with cases of ‘persuasion’ and ‘conditionality’ seems to indicate that there might be stages in the accession process. In an open undefined situation (often to be found in democratic transition) ideational influence on elite members of the executive may be effective, on the way to negotiations with the EU a bottom-up approach might have most explanatory power whereas in the final stage of EU negotiations a top-down approach might explain best the interaction between a candidate country and the EU. The ‘transformative power of Europe’ might have different faces; it seems to be fruitful and promising for future research to compare the scope conditions of different analytical and theoretical approaches.

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