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# Unpacking the Compliance Puzzle

The Case of Turkey's AKP under EU Conditionality

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# UNPACKING THE COMPLIANCE PUZZLE

## THE CASE OF TURKEY'S AKP UNDER EU CONDITIONALITY

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### Abstract

What explains the EU compliance of Turkey's ruling Justice and Development Party (AKP)? Since it came to power in 2002, AKP has launched legislative reforms in order to meet the European Union's political membership criteria (i.e., democracy, rule of law, human rights and minority rights). These reforms are puzzling since they happened in the absence of the two conditions of compliance argued in the literature: (1) credible EU political conditionality, (2) liberal ruling parties in EU candidate states. I argue that AKP's pro-EU reform agenda is explained by neither a belief in the possibility of membership via democratization (credible conditionality) nor liberal political identity. Rather, democratic measures under AKP are instrumentally induced. Two broad political motivations have guided AKP's reform commitment: (1) the electoral incentive to please Turkey's pro-EU membership electorate as well as AKP's conservative/religious constituency eager to see freedom of religion expanded under EU conditionality, (2) the motive to use reforms to weaken domestic secular forces (i.e. the military and high courts) and "survive" as a party with Islamist roots in Turkey's secular political system. The paper supports the argument with evidence gathered from original coding data for both conditionality and compliance as well as process-tracing.

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## 1. Introduction

Since it came to power in 2002, Turkey's ruling, moderately Islamist Justice and Development Party (AKP) has launched a series of legislative reforms in order to meet the European Union's political membership criteria (which concern democracy, rule of law, human rights and minority rights). These democratizing reforms addressed a variety of issues ranging from reducing Turkish military's influence over politics to strengthening fundamental freedoms and broadening Kurdish minority's cultural rights. What explains AKP's EU compliance?

AKP's reform trajectory poses a puzzle for the literature on EU membership conditionality and Europeanization of EU candidates. The conventional explanation in the literature is that two factors are individually necessary and jointly sufficient for candidates' compliance with the EU's democratic conditions: (1) credible EU political conditionality (meaning, the credibility of the promise of EU membership linked to the fulfillment of the Copenhagen political criteria), (2) the presence of liberal ruling parties in target (candidate) states.

AKP's 2002-2009 political reforms are puzzling precisely because these assumptions do not hold in the AKP's case. First, conditionality<sup>1</sup> is not credible for Turkey as the EU has been consistently raising certain conditions, which are independent from Turkey's democratization and whose fulfillment is beyond Turkey's control. Issues like the relevance of the EU's so-called "absorption capacity" for integrating a country of Turkey's size and the need to resolve the Cyprus conflict (which clearly also requires the cooperation of Turkish and Greek Cypriots) signal Turkey that membership is extremely difficult. This is alongside EU-wide political controversies about how (i.e. via offering "privileged membership" status as suggested by Nicolas Sarkozy and Angela Merkel) or whether to integrate Turkey into the Union. Consequently, AKP is aware that the possibility of EU membership via democratic compliance is rather slim.

Second, the extent to which AKP constitutes a genuinely liberal party is increasingly questionable, especially in the AKP's second term in office (July 2007-present). Although party elites formally advocate commitment to pluralism, rule of law and human rights, there have been deviations from these in practice, as evident in many of the government's domestic policies as well as the problematic implementation record of passed EU legislation.

I argue that AKP's adoption of an EU agenda (though with a slow-down in reforms after 2005) is explained by neither a belief in the possibility of membership via democratization (credible conditionality) nor liberal identity. Rather, AKP's compliance with the EU's political criteria is instrumentally induced. I suggest that three specific domestic political motivations have guided AKP's reform commitment.

First, the AKP wanted to use EU reforms to increase its popularity among the broader Turkish electorate which has been so eager to join the EU mainly due to its prospective economic benefits. Second, the party anticipated that the European Commission would impose demands targeting the expansion of religious freedoms (principally via removal of the headscarf ban for Muslim women in the public realm) under the freedom of religion category of the political criteria. Responding to these demands would allow the

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<sup>1</sup> I use the terms "political conditionality", "membership conditionality" and "conditionality" interchangeably throughout the paper.

AKP to increase its appeal among its religious/conservative constituency as a party rooted in the Islamist tradition.

Third and as a result, attachment to the EU cause would help the AKP distance itself programmatically from its predecessor hard-core Islamist parties (i.e. Welfare party) from which it originated. The EU agenda would push the party closer to the center of the political spectrum and allow it to pursue other political aims in the process: Firstly, projecting the image of a reformist, right-wing party would domestically broaden the AKP's "breathing space" vis-à-vis Turkey's secular establishment (i.e. the military and high courts) which has traditionally scrutinized the party's commitment to secularism. Secondly, this image (which would be conveyed both via dialogues with the EU and concrete political reforms demanded by the Commission) would help the AKP to win the EU's political backing against Turkey's secular elites, should these forces challenge the AKP in court and/or by means of a political intervention (in the case of the Turkish military) based upon anti-secular charges. Thus, a formal commitment to the EU membership agenda would not only increase AKP's autonomy from the military-judicial secular establishment but also enable it to marginalize these forces – if need be – using the EU's support. In any event, the EU course would increase AKP's domestic political power against secular forces.

Empirically speaking, a close analysis of AKP's compliance (based upon my own coding of EU reforms) confirms these motivations. Compliance rose continuously in 2002-2005 but fell in 2006 and stagnated after. This is broadly consistent with the post-2004 rise in Euro-skepticism among the Turkish electorate, which reduced the electoral benefits of EU reforms for the AKP (the first motivation above). The shift in compliance is also consistent with the European Court of Human Rights' (ECHR) November 2005 decision in the controversial case brought against Turkey by a Turkish citizen, Leyla Şahin.<sup>2</sup> Along with rising Turkish Euro-skepticism, ECHR's Şahin decision constituted a turning point for AKP's EU policy. Although ECHR is not formally part of the EU, the ruling sent a strong signal to the AKP that the EU would not include the "headscarf issue" in its laundry list of necessary Turkish reforms under the freedom of religion section of the political criteria. As a result, the incentive to use the EU agenda towards promoting the demands of the religious constituency was considerably weakened for the AKP (the second motivation above).

Yet the AKP's realization that the first two incentives would not be served by the EU reform agenda did not lead to a reversal of reforms. Although subsequent reform efforts stagnated,<sup>3</sup> already passed legislative reforms were not withdrawn. This would be explained with the above-cited third motivation, namely, the incentive to use the EU's support against rival secular elites in domestic politics. As the AKP's enthusiasm for EU reforms faded in the post-2005 period, the party began to increasingly pursue a religion-oriented domestic policy, which culminated in its closure case at the Turkish Constitutional Court based upon anti-secular charges. While the Court decided against AKP's banning, it ruled that the party is "a focal point of anti-secular activities". In line with the AKP's expectations, the whole process was marked by the EU's unwavering support of the AKP which of course mirrored the EU's conception of democracy. It could even

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2 As a university student wearing the Islamic headscarf, Şahin sued the Turkish state arguing that the headscarf ban in public universities discriminated against freedoms of religion and education. But ECHR ruled against discrimination and in favor of Turkey.

3 Stagnation is also evident in the government's efforts to "decouple" the reform process; i.e. failure to implement passed EU-friendly legislation. Indeed, this has been systematically criticized by the Commission's yearly monitoring reports on Turkey's democratic progress.

be argued that the EU's democratic arguments against AKP's closure proved a direct positive influence on the judges' decision. Hence, in hindsight, it seems perfectly rational for the AKP to have kept the EU reform agenda open despite the absence of the first two political motivations in the post-2005 period.

The paper will begin with a brief overview of the literature on Europeanization via conditionality. In so doing, particular attention will be paid to the literature's conceptualization of the two main mechanisms of compliance: credible conditionality and liberal ruling parties. It will then proceed by laying out the data and argument, and discussing the empirical evidence in the AKP's case.

## 2. Overview of the Literature

As suggested above, the theoretical framework surrounding EU candidates' Europeanization<sup>4</sup> argues for two conditions of compliance: (1) credible EU conditionality and (2) the presence of liberal ruling parties in target states. AKP's case proves that neither of the two is necessary for target state governments to decide on and pursue compliance. The AKP government did not believe that conditionality is a credible instrument. Yet it still complied and this is how the argument suggested here differs from the literature's credibility assumption. As will be explained below, among other things, AKP's compliance was a response to a domestic public which, for a few years, believed in conditionality (2002-05). However, although conditionality had some indirect impact on compliance as such, AKP's policy of compliance was also shaped by other political incentives. As for the second condition, AKP's case illustrates that an ideological commitment to political liberalism is not necessary for complying with the EU's demands. Compliance can take place even under the rule of *seemingly* liberal parties like AKP. Below I discuss how the literature conceptualizes these two conditions of compliance and show the problems embedded in this conceptualization.

### 2.1 Credible EU Conditionality

The original hypothesis on the significance of credible conditionality (CC) for compliance has been advanced by Schimmelfennig and his colleagues. In their study of the Europeanization of CEECs (Central and Eastern European countries), these scholars argued that CC is necessary but insufficient for compliance (as domestic political compliance costs also matter) (Schimmelfennig/Sedelmeier 2005). For candidates to positively respond to the EU's Copenhagen political conditions, at a minimum, the mechanism via which these are conveyed – that is, conditionality - should be credible.

Credibility of the EU's promise of membership linked to reforms (and threat of exclusion linked to non-compliance) hinges on two factors. First, credibility increases the more the pre-accession process advances, that is, the more the EU rewards the applicants. Such rewards – e.g. membership negotiations - involve "sunk costs" for the EU. Hence, once they are offered, they become costly signals as it would be difficult for the EU to stop the process of accession (Schimmelfennig/Sedelmeier 2005: 14). Second, CC depends on how *consistently* the EU seeks the political criteria from the candidates (Schimmelfennig/Sedelmeier 2005: 15). If the EU were to relax the political compliance requirement and reward candidates prematurely (by

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<sup>4</sup> "Europeanization", "political compliance" and "compliance" are used interchangeably in the paper.

opening or closing membership negotiations, or offering membership even in the presence of insufficient democratic compliance), this would not be perceived as credible conditionality. Conversely, if a sufficiently complying candidate were denied membership out of purely political, strategic or economic considerations, this would damage CC as well.

Both assumptions are taken for granted rather than sufficiently investigated in the literature. As far as costly signaling by the EU is concerned, Schimmelfennig et al. overlook the fact that offering membership to new states may be far costlier for the EU (especially considering the EU's "enlargement fatigue") than halting a costly process like accession negotiations. Due to asymmetrical interdependence between the EU and CEECs, the benefits of enlargement are negligible for the EU, on a case-by-case basis. These considerations are especially important in the Turkish case since Turkish accession imposes substantial costs on the EU. Therefore, while launching and continuing negotiations with candidates may be a costly endeavor for the EU due to its invested efforts, these may not necessarily credibly signal that membership is on the way.<sup>5</sup>

Second, and more importantly, the literature assumes that the EU applies conditionality *consistently* based on the so-called "community context"<sup>6</sup> (Schimmelfennig et al. 2006: 8). Here, the argument is that because the EU is a community of liberal democratic states, membership conditions cannot extend to any criteria other than common constitutive norms (e.g. candidates' size, population, budgetary impact on the EU etc.). This is consistent with the language of the Treaty on the European Union (TEU) which declares the eligibility for membership of any "European state" (Art. 49) which fulfils the Union's fundamental "principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law" (Art. 6). Accordingly, the argument goes, when compliant CEECs finally demanded enlargement in 2004, rhetorical power of the EU's democratic norms prohibited denial of membership on the basis of EU interests (Schimmelfennig et al. 2006: 151).<sup>7</sup>

More recent analyses of conditionality also point to its consistency (Schimmelfennig 2008), notwithstanding the 2004 enlargement which brought to the fore European reservations about future memberships linked to the EU's "enlargement fatigue" (Lavenex/Schimmelfennig 2006: 137f). These reservations have been particularly prominent with respect to Turkey's membership. Indeed, they are evident in the terms of Turkey's 2005 Negotiating Framework<sup>8</sup> which reflect "the persistent political conflict among Member

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5 Indeed, in November 2006, the European Commission recommended a partial freeze on Turkey's accession negotiations. Since then, negotiations have been suspended over eight acquis chapters (the ones relating to Turkey's commitment to extend the Additional Protocol of the 1963 Ankara Agreement to the new EU member-states, namely Greek Cyprus). It was also decided that negotiations over the remaining chapters would not be closed until Turkey agreed to the full implementation of the Protocol (by opening its ports to Greek Cypriot vessels and airplanes).

6 Specifically, "community context" is defined by three features: legitimate conditions, impartial treatment and "consistency of enlargement practice". In other words, the argument is that the EU is a community based on liberal norms, and it is only on the basis of these legitimate norms that the organization evaluates membership candidates and makes its enlargement decisions.

7 For a more detailed account of how opponents of enlargement within the EU became "rhetorically entrapped" by CEECs' normative arguments in favor of enlargement, see Schimmelfennig (2001).

8 This is the document Turkey signed with the EU in October 2005. It includes the terms guiding Turkey's membership negotiations with the EU. These were controversial in the sense that they referred to the "open-ended" nature of Turkey's talks with the EU and mentioned the possibility of anchoring Turkey "in the European structures through the strongest possible bond" (European Commission 2005a: paragraph 2). At the same time, the

States on the desirability of Turkish membership as well as [...] the consequences of membership for the EU market and budget" (Lavenex/Schimmelfennig 2006: 140). Yet, regardless of these developments, the argument has been made that the EU has ultimately stuck to its enlargement promises and criteria: "The attempts by some Member States to freeze the enlargement process, link it to progress in the deepening of the EU, or introduce alternative forms of membership have failed thus far" (Lavenex/Schimmelfennig 2006: 152f). Hence, what arguably guides the EU's ongoing enlargement policy regarding Croatia, Serbia and Turkey is the extent of these countries' democratic compliance (Schimmelfennig 2008) and not the EU's other considerations.

The problem with these arguments is that they do not closely investigate whether the EU's "community context" dominates conditionality (including both the membership conditions and the EU's enlargement decisions). To start with, we need to know whether the EU has *really* limited the membership conditions to the political criteria (in the case of political conditionality, if not overall membership conditionality which additionally includes economic and *acquis* criteria) as suggested in the literature. As approved by the December 2006 European Council, the EU's new enlargement strategy is focused on integrating not only democratic countries but also those countries the EU can actually "absorb" (the EU's so-called "absorption capacity" requirement) and whose admission is supported by European public opinion (explained as "good communication to the public" by the Commission).<sup>9</sup> These are effectively two new conditions which were not imposed on CEECs which joined the EU in 2004 and 2007. As a result, it becomes increasingly difficult to talk of consistency in EU conditionality in the post-2007 period.

The other component of consistent conditionality, proportionality between candidates' political compliance and progress in EU accession, is also not thoroughly researched. Recent analyses of conditionality have inferred this (or lack of EU discrimination against candidates) from Freedom House (FH) scores for the countries studied (Turkey, Serbia, Croatia) (Schimmelfennig 2008). Yet the EU's political criteria for accession are far more extensive than FH's measure of democracy (which is limited to two dimensions, political rights and civil liberties). As a result, more refined assessments of proportionality should be based on candidates' compliance with the EU's criteria proper as discussed in the Commission's progress reports and since the Commission itself does not offer quantitative measurements of compliance, they simply need to be constructed for each EU candidate.

To sum up, credible conditionality mainly depends on normative consistency in both the membership conditions and the EU's enlargement decisions. If one of these deviates from the "community context", we will have sufficient grounds to rule out CC. In the section below, I demonstrate the absence of CC in the Turkish case by focusing on the former aspect of consistency (conditions), as analysis of the latter would require comparing Turkey's compliance scores with other candidates' which have progressed towards accession.

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Commission raised several critical issues which would directly impact Turkey's EU accession process (e.g. EU budget, possibility of permanent safeguards/long transitional periods).

9 The Commission discusses these two issues extensively in its "enlargement strategy papers". See, for example, European Commission (2006a).

## 2.2 Liberal Ruling Parties (or Low Political Compliance Costs)

When theorizing compliance, the literature does not just consider external factors, that is, the credibility of conditionality. It also looks at the domestic level to see if CC is complemented with liberal ruling parties in candidate states. Arguably, such parties will have no problem complying with the EU's conditions – as they are already liberal - so long as they believe that doing so will lead to membership (CC). Since these parties do not stand to lose from democratic reforms (in domestic political terms, hence the *low domestic political compliance costs*), compliance will happen if CC is also present. Illiberal parties which may subsequently come to power will have no choice but follow suit as the costs of reform reversal would be high given the previously achieved benefits of EU integration under liberal governments (Schimmelfennig/Sedelmeier 2005, Schimmelfennig 2005, Schimmelfennig et al. 2006).

The general problem with this argument is its circularity since it rests on the rather obvious association between (il)liberal parties, (high) low political compliance costs and (non)-compliance. What is needed is an operationalization of "political costs" independent of liberal political identity and compliance. As Rachel Epstein notes, "[...] in the conditionality literature, 'costs' are normally not well enough specified in the hypotheses to tell us in advance whether we could expect compliance or not" (Epstein 2006: 27). Additionally, the literature does not theorize *ex ante* the specific factors that induce pro-EU reform shifts in previously illiberal political parties (e.g. certain communist parties in CEECs) which may succeed liberal parties in government. Nor does it elaborate on the benefits of compliance for these parties.<sup>10</sup>

These broad theoretical issues aside, the argument does not hold against empirical data: The suggested association between being liberal, low compliance costs and compliance may simply not be present. This is where the AKP's case comes into play: It is a party with illiberal tendencies and yet it has successfully followed an EU reform agenda since it came to power in 2002. This is in sharp contrast to the literature's conceptualization of the AKP as a liberal party which complied under credible EU conditionality (which arguably kicked in with the EU's offer of candidacy to Turkey at the December 1999 Helsinki European Council) (Schimmelfennig et al. 2006).

To sum up, as will be discussed in detail below, AKP's EU compliance suggests key contributions to the literature. First and most interestingly, having liberal ruling parties in target states is not necessary for compliance, which helps us rule out the liberal identity-compliance association. Seemingly liberal (liberal in discourse but not actual policy, as exemplified by AKP) or semi-liberal parties can also fulfill the EU's conditions. AKP's legislative reforms exceeded those of its predecessors (except the illiberal, nationalist MHP which rejected certain EU-driven, democratic legislation) in power (the left-right coalition government of 1999-2002). The second interesting finding is that the presence of liberal ruling parties is not a precondition of low domestic compliance costs. Especially during 2002 and 2005, AKP faced reduced costs but this was not because it is a liberal democratic party. Third and as a result, we need a better conceptualization of the political costs variable. AKP's anticipated political benefits from compliance are all embedded in domestic politics and therefore it is specific instrumental political calculations rather than liberal political identity which hold the key to compliance.

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<sup>10</sup> For examples, see Schimmelfennig (2005) and Vachudova (2005).

### 3. Data and Argument

#### 3.1 Measurement of Conditionality

In order to assess conditionality's credibility in the Turkish case, I first operationalized it in the following way and then coded the EU's documents<sup>11</sup> accordingly to reach a total conditionality score for each year (2002-2009). I define political conditionality as *linkage between compliance with the Copenhagen political criteria and steps in the EU accession process* (ranging from EU candidacy to start and completion of accession negotiations, and full membership). Basically, credible EU conditionality signals are the ones that sufficiently establish a causal relationship between process (democratic reforms, as stated in Copenhagen in 1993) and outcome (EU accession) while excluding issues that do not relate to the official Copenhagen criteria.<sup>12</sup> Thus, the higher the conditionality scores on the below scale, the higher is conditionality's credibility:

**0 = No specific linkage to the political criteria.** Instead, linkage to conditions beyond Turkey's control and which would make Turkish accession extremely difficult: implications of Turkey's membership for the EU's budget, institutions and/or policies (the EU's "absorption capacity"), or Turkey's border disputes: "Because Turkey has a very poor economy with a large population, the EU does not have the capacity to integrate it as a full member-state", "Turkey's Cyprus dispute is an impediment to its membership"; or reference to the outcome alone, to either support or reject membership for reasons unmentioned: "We [the Commission or the Council] support/oppose Turkey's membership".

**1 = Implicit linkage to the political criteria:** Statements such as: "If Turkey fulfills the political criteria, the EU *should, could, would have to, has the responsibility to* (as opposed to *will*) offer it membership".

**2 = Explicit linkage to the political criteria:** "If Turkey fulfills the political criteria, the EU *will* offer it membership".

**3 = Explicit linkage to the political criteria including a reward deadline:** "If Turkey fulfills the political criteria, the EU *will* open membership talks with it *next year*".

**4 = Explicit linkage to the political criteria including delivery or withholding of a reward:** "Because Turkey did not fulfill the political criteria, the EU is *delaying the membership talks*".

On any given year, average conditionality values were first calculated for each EU document addressing Turkey's membership and then averaged with those of the remaining documents to reach a total conditionality score. For example, in 2003, the Commission issued a strategy paper entitled "Continued

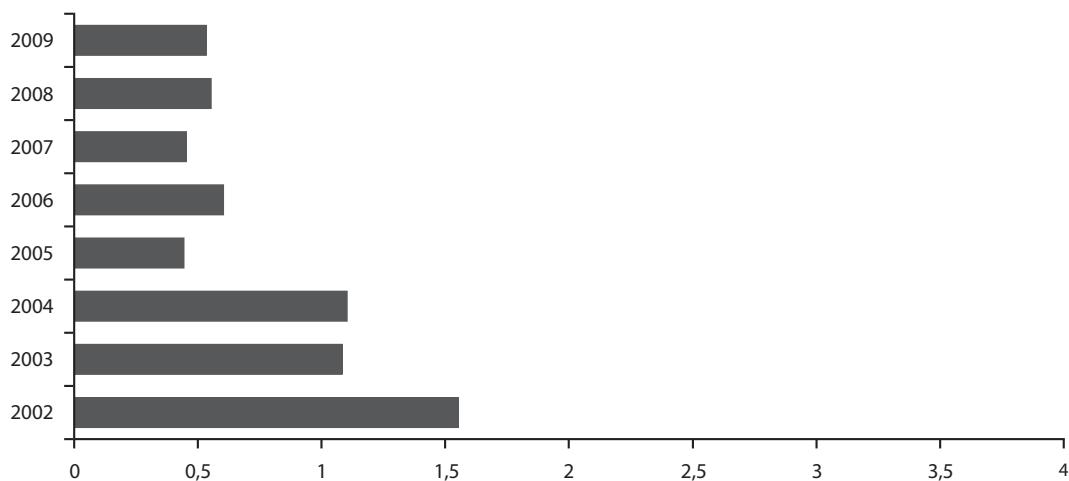
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11 Coded EU documents include official EU documents monitoring Turkish compliance, particularly the European Commission's yearly progress reports, Accession Partnership documents and the European Council's summit decisions relating to EU enlargement and Turkey's membership. A total of 28 documents were coded. For a full list, see Appendix.

12 Of course, the official criteria also include the economic and *acquis* conditions. Since these are legitimate membership conditions, I did not lower the conditionality scores of EU documents for mentioning them *in addition* to the political criteria. On the other hand, those EU messages which *only* discussed the economic and *acquis* criteria were not coded at all as my focus was on discovering the extent to which the EU linked the political criteria proper to membership.

Enlargement" where it stated that the European Council would open accession negotiations with Turkey if it fulfills the political criteria by December 2004. This signal was given 3 conditionality points since it linked democratic reforms to a possible EU offer of accession negotiations by a specific date. However, the Commission also raised three other conditions for Turkey's membership which were each given 0 point since they did not relate to the official political criteria: the need to resolve the Cyprus problem, "any outstanding border dispute" and "other related issues" in line with the Helsinki European Council conclusions (European Commission 2003: 16). As a result, the Commission's paper was reduced to 0.75 conditionality point (average of 3, 0, 0 and 0). This was later averaged with the scores of other documents (Thessaloniki European Council: 1, Brussels European Council: 2, Commission's 2003 progress report for Turkey: 0.66, and 2003 Accession Partnership: 1) to reach a total conditionality score of 1.08 for the year 2003 (See Figure 1).

*Figure 1: Overall Conditionality*



*Figure 2: Exclusive Conditionality*

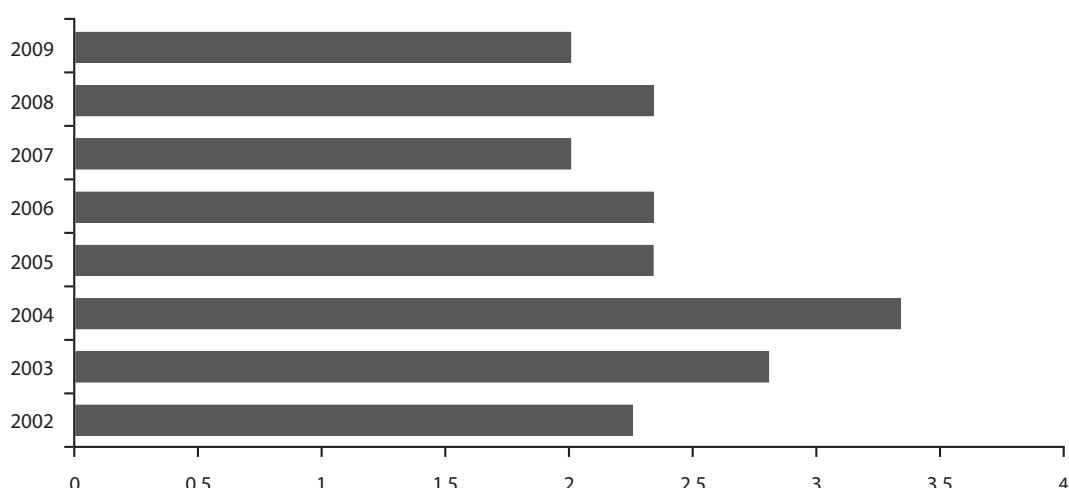


Figure 1 shows that Turkey was held to controversial conditions (the EU's capacity to "absorb" a large country like Turkey<sup>13</sup> and Turkey's need to maintain good neighborly relations,<sup>14</sup> e.g. the Cyprus dispute and relations with Greece). These lowered the conditionality scores each year. However, this does not mean that the EU did not seek the political membership criteria from Turkey. As seen in Figure 2, "exclusive conditionality" (the one that only reflects the EU's messages on compliance with the political criteria) is never below 2 points, suggesting that the EU consistently pressured Turkey to democratize. Yet, the significance and credibility of these messages were lowered each time the EU brought other criteria to the table, as seen in Figure 1.

All this suggests that the EU did not apply conditionality consistently, and thus we can conclude that there is no credible conditionality in the Turkish case. More importantly, government officials (who are in close contact with the EU about its accession conditions) knew how critical EU absorption and Cyprus issues were, and thus concluded (though without openly stating it, most likely for domestic political reasons) that no matter how well they democratize, membership may still not happen. For example, from the start, AKP members rejected the EU's Cyprus condition, arguing that the EU uses it as an instrument of discrimination against Turkey rather than a legitimate membership criterion (Agence France Presse 2003). As early as December 2002 (before the EU had even decided to delay the decision to begin talks with Turkey until 2004), the then Prime Minister Abdullah Gül warned of the risks of the EU's becoming a "Christian Club" if European governments continued discriminating against Turkey (Associated Press 2002). But suspicions about the likelihood of Turkish membership came to the fore especially on the eve of the critical December 2004 Brussels Summit which triggered EU-wide controversy about whether the EU should open membership talks with a large, Muslim country like Turkey. As Prime Minister Erdoğan stated a few days before the summit:

*"I get the impression Turkey is being held to stricter criteria than other candidates. No other country had to wait 41 years at the door of the European Union. We have done all that was demanded of us, and the Europeans are still hesitating. That can clearly be called discrimination."* (Turkish Daily News 2004)

More recently, President Gül candidly admitted in an interview that Turkish politicians' enthusiasm for the EU process has disappeared over the years due partly to the "obstacles" raised by the EU on the road to membership and that consequently, Turkey may never have an "EU year" (Ergin 2010a).

Yet, the puzzling thing is that notwithstanding doubts about the achievability of EU membership, the AKP government still legislated EU reforms, which brings us to the dependent variable.

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13 Although this issue is mentioned in the 1993 Copenhagen European Council conclusions which established the official EU membership criteria, it is not a set criterion per se as the Council only referred to it as "an important consideration in the general interest of both the Union and the candidate countries" (European Council 1993: 13). This is why each time the EU invokes it as a "condition" this causes controversy in Turkey.

14 Although Turkey's good neighborly issues relate to the principle of peaceful settlement of disputes which is key to the EU's common foreign and security policy (an acquis chapter that Turkey has to comply with), these still do not constitute legitimate membership criteria in the Turkish case. This is because the resolution of these issues was not made a condition for the EU entry of the other parties to Turkey's disputes (Greece and Greek Cyprus). As a result, they signal EU discrimination to Turkey and create the impression that the EU deliberately raises them to make Turkey's membership difficult.

### *3.2 Measurement of Compliance*

Compliance is measured here as rule adoption rather than rule application. I operationalize it as the legal adoption of the EU's political criteria as conveyed by the Commission's progress reports on Turkey. My coding analysis of Turkish compliance shows that contrary to what the literature would have us expect (given lack of CC and presence of illiberal political identity), compliance happens and rises steadily from 2002 to 2005. This finding rests on the below scale which was used to code the compliance data in the Commission's progress reports.<sup>15</sup>

**0 = No compliance:** The government gives no consideration to reforms or rejects reforms, so that there is no legal compliance, i.e. no debates within the government about reforms, no draft laws, no final legislation.

**1 = Verbal compliance:** The government supports reforms without legally binding itself, i.e. via its program, or preparation of draft laws to be submitted to the parliament, or simply oral statements to the press.

**2 = Legal compliance I:** The government finalizes a draft law/proposal and/or submits it to the parliament for a vote.

**3 = Legal compliance II:** The parliament debates and/or votes on the proposed law.

**4 = Legal compliance III:** Laws are passed by the parliament.

Each year's compliance score consists of the average of individual compliance scores for the different categories of the political criteria as discussed in Commission reports. There are five big categories concerned (and specific issue-areas under each for which compliance scores were calculated as well): "democracy and rule of law", "human rights conventions and their enforcement", "civil and political rights", "economic and social rights" and "minority and cultural rights". I first calculated individual scores for each of these categories. I then averaged the scores for all the "rights-related" categories (all categories except "democracy and rule of law") to reach a "human rights and protection of minorities" score. I finally averaged this with the "democracy and rule of law" score to reach a total compliance point for every year.

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<sup>15</sup> As is known, when monitoring candidates' compliance, the Commission does not reduce it to quantitative targets. Its progress reports do not necessarily cite the number of laws governments have passed (or will have to pass) to meet a certain category of the political criteria. Nor do they always reveal which specific provisions have been accepted (or remain to be accepted) as part of an adopted (or a prospective) law. At the same time (and this was a particular problem in the Turkish case), issues that figure in a progress report may not be mentioned at all (or may be mentioned differently) in subsequent report(s). As a result, the coding exercise is extremely tedious.

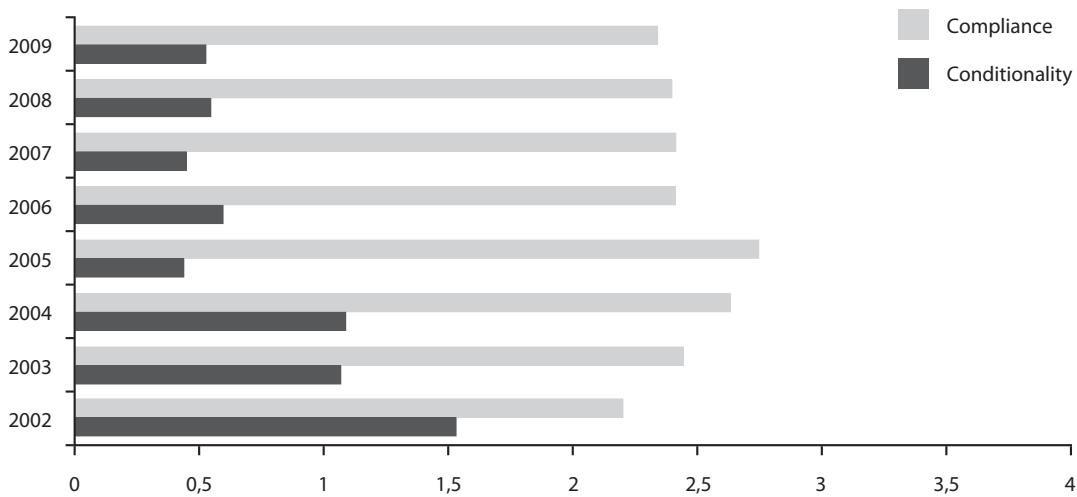
*Figure 3: Conditionality and Compliance*

Figure 3 shows that there is no causal relationship between the conditionality and compliance trends. In the first period (2002-2005) compliance keeps rising while conditionality goes down steadily. Starting with 2006 compliance takes on a downward turn but remains relatively high (above 2) when compared with the extremely low conditionality scores (between 0 and 1). This suggests that by and large, the low credibility of conditionality did not affect AKP's compliance. Rather, it is the AKP's domestic instrumental calculations which explain the compliance trends. Initially, AKP calculated low political costs for EU reforms, yet this was no longer the case after 2005, hence the post-2005 reduction in compliance. I elaborate on these issues below.

### *3.3 AKP's Political Identity Reconsidered*

As a center-right party rooted in the Islamist tradition, AKP came to power in November 2002 with promises of economic betterment and a commitment to "conservative democracy"<sup>16</sup> reminiscent of the ideology of Europe's Christian democrats. In foreign policy the party made full integration with the EU its top priority immediately upon coming to power and pledged a reformist course irrespective of the realization of EU membership:

*"We see continuing the reforms as beneficial to our people. Meeting the criteria is not a loss for us. It has advantages. We have to meet the criteria whether [the EU] accept[s] us or not. Therefore we will continue on the same path with the same sincerity."* (Turkish Daily News 2002)<sup>17</sup>

<sup>16</sup> As explained in the AKP's 2002 Election Manifesto ("AK Parti Secim Beyannamesi"), this refers to the party's pledge to promote secular democracy while preserving existing socio-cultural, moral and religious values that characterize Turkish society (for an abridged version, see: <http://www.belgenet.com/secim/bildirge/akp2002-1.html>).

<sup>17</sup> AKP leader Erdoğan made this statement while on a Europe tour lobbying European leaders for their support for

In line with this commitment, AKP successfully led Turkey's EU accession process by adopting five major legislative reform packages as well as several constitutional amendments, which led to the opening of membership negotiations with the EU in October 2005.<sup>18</sup> The party was re-elected in the November 2007 parliamentary elections and remains officially devoted to the goal of EU membership and a liberal reform agenda.

At the same time, both domestically and internationally, AKP has gone to great lengths to disassociate itself from its Islamist roots and advocated attachment to secular political ideals. Party officials have consistently rejected the label "Islamist",<sup>19</sup> arguing instead that they follow Turkey's historical, secular modernization project initiated by Mustafa Kemal Ataturk (when he founded the modern Turkish Republic in 1923).<sup>20</sup>

Thus, AKP's public political discourse projects the image of a party working to advance democracy (as well as economic liberalism) in Turkey. Given the party's Islamist pedigree, part of this discourse focuses on differentiating the AKP from its predecessor Welfare Party which advocated an Iran-style political regime (hence by extension, political illiberalism) as a party of the so-called Islamist National Outlook Movement (Millî Görüş Hareketi).

Yet, closer analysis of the AKP suggests that its commitment to liberal political ideology<sup>21</sup> (if not dismissal of outright Islamic rule) is questionable. While this paper is not about AKP's political identity per se, a few words are in order to make the case for the party's illiberal tendencies. This is important for linking AKP's EU compliance to instrumental calculations rather than liberal political identity.

There are at least two factors which cast doubt on the AKP's liberal character. First, from the start, the AKP faced strong political incentives for transforming itself into a moderate, "conservative democratic" party of the center-right. The party's "moderation" (i.e. formal embrace of a political agenda focused on democratization, Europeanization and EU membership) is closely linked to pragmatic considerations shaped by the Turkish political context. While political pragmatism does not – in principle – prohibit "social learning" of democratic norms in the Europeanization process, this is not what we observe in the AKP's case. Second and as a result, although the AKP has legislated EU reforms, it has also adopted several policies and practices which go against democratic spirit. AKP's deviation from basic democratic principles

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the EU's opening of membership talks with Turkey. The tour happened soon after AKP assumed power in November 2002 and therefore it was significant in signaling that Europe is Erdoğan's top priority.

18 For a detailed account of the reforms accomplished under AKP, see, *inter alia*, Özbudun (2007).

19 As Prime Minister Erdoğan stated at the outset, upon winning the 2002 election: "We received votes from all sections of society and from all parties. That was our intention. No one can call us a religious party or a party based on religion" (Associated Press 2002).

20 It must be stated that this is in sharp contrast to the AKP's past. Although a new party in the Turkish political scene, AKP's members are not new to politics. Indeed, these are pretty much the same cadres which previously worked for Turkey's Islamist Welfare Party (which was forced out of power by the military in February 1997 on charges of violating secularism, a fundamental principle of the Turkish republic, and later closed down by the Constitutional Court on the same grounds). Both Prime Minister Recep Tayyip Erdoğan and President Abdullah Gül were once among the closest associates of Welfare leader Erbakan.

21 By liberal political ideology, I mean an ideology committed to fundamental democratic principles (i.e. fundamental freedoms, human rights and rule of law). As such, the term does not necessarily include respect for secularism. The question whether religion-based politics (Islamism in AKP's case) is compatible with democratic liberalism is the subject of a separate debate beyond the focus of this paper. Thus, the following discussion on AKP's liberalism will focus on its commitment to democracy not secularism.

has become especially pronounced in the post-2007 period when it was re-elected with a record number of votes (47 per cent) and started to rule with an exaggerated sense of its power (Öniş 2010: 9). This suggests that AKP's ideological commitment to democracy is problematic and further confirms that its fast adoption of EU reforms (2002-2005) is instrumentally, rather than normatively guided.<sup>22</sup>

In order to assess the AKP's political pragmatism in democratization and the EU course, its adoption of a "conservative democratic" agenda should be evaluated in historical context. As stated above, AKP's roots go back to the Islamist Welfare Party. On the eve of Welfare Party (RP)'s closure by the Turkish Constitutional Court in January 1998 on charges of Islamism, the Virtue Party (FP) was founded by Welfare members (December 1997). While FP formally disassociated itself from RP's Islamism and advocated commitment to democracy and human rights, it too was later closed down by the Constitutional Court (June 2001) which found its policies in violation of the secular character of the regime. FP's closure led to its split into two religion-based parties: Felicity Party (SP) formed by "traditionalists" loyal to Welfare's policies under Erbakan (July 2001) and reformists' AKP (August 2001).<sup>23</sup>

Programmatic differences between Islamist parties and AKP were immediately evident in that both RP and SP stood closer to the Nationalist Outlook Movement (NOM) and refrained from pursuing a foreign policy centered on integration with the West and the EU. AKP, on the other hand, propagated a liberal reformist course closely tied to the EU and domestically embedded in a newly formed ideology of conservative democracy (as opposed to NOM's Islamist ideology).

Based on these programmatic differences and AKP's energetically pursued reform policy aimed at EU membership, many argued that AKP qualifies as Turkey's rising liberal, modernizing party of the center-right (see, *inter alia*, Insel 2003, Özbudun 2006, Yavuz 2006). While in its seven years in office AKP did not seek overtly Islamist policies in the model of Welfare and kept a formal commitment to democratization under EU conditionality, there is strong evidence to suggest that this "moderation" is more pragmatically than normatively induced. In other words, it would be fair to consider AKP's moderation as the product of political rather than social learning on the part of AKP leadership.

AKP's formation as a liberal party in the conservative/center-right tradition was triggered by the peculiarities of the Turkish political context. The fact that its predecessor Islamist parties had all been banned by Turkey's secular military-judiciary establishment pushed the AKP into a more moderate direction. The so-called "February 28 process"<sup>24</sup> proved a key development in this regard. In fact, as Bulent Arinç, a leading AKP member and a close associate of Welfare leader Erbakan before the February 28 intervention, explained in an interview in response to a question on the AKP's formation:

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22 This echoes Schimmelfennig and Sedelmeier's explanation of CEECs' EU adaptation as instrumentally driven given their fast compliance with EU rules (Schimmelfennig/Sedelmeier 2005).

23 For a more detailed review of political Islam in Turkey see, *inter alia*, Cizre/Cinar (2003) and the collection of essays in Cizre (2008).

24 This refers to the "post-modern" coup d'état initiated by the Turkish military against the ruling Welfare Party on February 28, 1997. At the National Security Council meeting held on that day, the generals presented evidence on Welfare's Islamist policies and "convinced" Welfare leader Erbakan to resign. This key incident became known for launching a process of "softer" checks on Islamist politics in Turkey by the military (as opposed to the outright military interventions of the earlier period, in 1960 and 1980).

*"Our slogan since our childhood "Prime Minister Erbakan" had finally come true. There was a move forward for a year, but then the government was forced to resign with outside interventions. The events we lived during that period showed us the realities of Turkey once again. We saw that those who are in power cannot simply keep it with popular support [...] After February 28 process we realized that we were at an impasse and as a group of long-time critiques of [FP]'s politics we asked for the permission to depart."*<sup>25</sup>

The political need to avoid potential pressures from the secular establishment (military and high courts) was a key factor behind AKP's formation as a conservative democratic – as opposed to anti-EU, Islamist – party (Sayari 2007: 201-202, Patton 2007: 343, Yanik/Korkut 2009, Fokas 2004: 162f). But political learning by AKP leadership also included parallel strategic and electoral calculations; a rights-based, liberal agenda promised to broaden the AKP's electoral base via boosting the party's popularity in the eyes of the Turkish voters. "... [I]t [not only] safeguarded an Islamic lifestyle under the rubric of democratic freedom [but also] broadened the party's appeal to liberalminded voters" (Patton 2007: 343). As such, the party sought to maintain a wide range of electoral support including from the ranks of conservative/religious constituencies.

To be sure, political pragmatism is not peculiar to the AKP as it also characterizes other parties in the Turkish political scene. Nor does it suggest – by itself – that parties necessarily hide illiberal intentions behind formal, liberal agendas. Yet, a cursory look at AKP's more recent policies suggests that AKP officials have not normatively endorsed the party's pragmatically induced liberal program during their seven years in power. There is strong empirical evidence to suggest that political learning has not led to social learning in the AKP's case.

While also present during 2002-2007 (as evident in AKP's problematic implementation record of EU reforms) AKP's illiberal practices have become especially pronounced during its second term in office (post-2007 period).<sup>26</sup> Survey evidence suggests that AKP's massive vote share (47 per cent) in the July 2007 parliamentary elections was economically – as opposed to ideologically – conditioned (Kalaycioglu forthcoming). Yet, upon coming to power, rather than focusing on fulfilling the electorate's socio-economic expectations, AKP prioritised issues conducive to societal polarization and political instability:<sup>27</sup>

*"[...] AKP leadership [...] seemed to have moved to precipitate new crises over such polarizing issues as the türban (headscarf styles of women),<sup>28</sup> and increased their attacks on the political opposition and the media, which have become increasingly abrasive and visceral by the time of the local elections of 2009."* (Kalaycioglu forthcoming)

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25 Interview with Ruşen Cakir, September 5, 2007: [http://www.haberonline.com/haber\\_detay.php?haber\\_id=9210](http://www.haberonline.com/haber_detay.php?haber_id=9210); accessed on 25 April 2010.

26 Because the paper's focus is not on the AKP's domestic policies (2002-present) broadly put, the discussion is limited to the most striking examples of AKP illiberalism to make the case for the party's weak liberal commitment.

27 On this point, see also Öniş (2009: 32-38).

28 This refers to AKP's efforts to remove the ban (under Turkey's secular constitution) on the wearing of the Islamic headscarf by Muslim women in Turkey's public institutions. These initiatives have triggered a crucial public debate, arguably deepening the secular – anti-secular divide among anti-türban and pro-türban constituencies, respectively. The controversy ended in June 2008 when the Constitutional Court annulled AKP's legislative proposal intending to lift the ban on the grounds that it violates secularism.

In contrast to its declared agenda of political reforms and democratization, AKP's political priorities have practically shifted away from the pursuit of democratic norms. Although the party legislated crucial democratic reforms under EU conditionality (though with a slowing pace after 2005, as will be explained below), the gap between existing democratic legislation and implementation seems to have widened, further suggesting AKP's illiberal inclination.<sup>29</sup>

Deviations from democratic laws are observed particularly in regards to respect for the rule of law/independent judiciary and fundamental freedoms. Concerning rule of law, the principal example would be the government's handling of the so-called "Ergenekon"<sup>30</sup> trials since 2007. The procedure in which the trial is conducted has undermined key judicial principles such as the need to have free and fair trial, inviolability of privacy and presumption of innocence until proven guilty.<sup>31</sup> Although such violations of due process are not unique to the Ergenekon case as they have also characterized other judicial proceedings in Turkey,<sup>32</sup> the Ergenekon violations are significant in that they represent an unprecedented (and in many instances, unfounded) assault on Turkey's military, bureaucratic and/or academic class. Indeed, many observers have argued that the accusations against Ergenekon suspects are a blow to justice as they often rest on manufactured evidence.<sup>33</sup> Statements from AKP officials have lent credence to these claims. One AKP member of parliament has publicly argued that "it is now their turn to submit the military to the persecution they feel they experienced for so long" (cited in Doğan/Rodrik 2010), implying as such that AKP is using Ergenekon as an instrument of revenge against the military's past pressures on Islamist parties. Similarly, AKP leader and Prime Minister Erdoğan was once quoted as saying: "I am the prosecutor of Ergenekon" (Taraf 2008). In short, these revelations and the manner in which the Ergenekon trials are being conducted have raised doubts as to the AKP government's respect for fundamental features of liberal order such as judicial independence, rule of law and political opposition.<sup>34</sup>

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29 The mismatch between legal rule adoption and rule execution is a good measure of weak (or non-existing) liberal identity. As constructivist international relations literature has demonstrated, "[w]hile principled pressure 'from above' has often a positive effect on the initial norm adoption [...], sustained rule-consistent behavior shifts attention to domestic-level processes of [...] socialization" (Schmitz/Sikkink 2002: 523). See also, Risse et al. 1999.

30 Ergenekon is an alleged terrorist organization formed by retired generals, intellectuals, former state bureaucrats, journalists, academics etc. It supposedly functions to overthrow the AKP government by means of a military intervention in order to put an end to its potentially Islamist, anti-republican policies.

31 There have been several illegal and embarrassing arrests, and detentions of respectable public figures who previously held top bureaucratic and military posts, and administered Turkey's most prominent universities. Those accused of belonging to Ergenekon have typically been imprisoned for months (or even years in some cases) before they could get an indictment or hearing from a judge. In addition, a scandal broke out recently showing that the government indiscriminately intercepted phone conversations of Ergenekon suspects as well as 56 judges and prosecutors suspected of being tied to Ergenekon (US Department of State 2010). AKP officials argued that all phone taps were conducted legally. But public criticism intensified when a member of Erdoğan government undermined the severity of the issue by saying "no one should fear being tapped if he/she has nothing to hide" (cited in: Mert 2009). These and parallel developments surrounding Ergenekon led many intellectuals to argue that Ergenekon is a political witch-hunt aimed at repressing political opposition via instigating fear and the regime is increasingly turning into a "civilian autocracy" (Mert 2010).

32 Indeed, in 2008 alone, Turkey received 75 and 64 convictions at the European Court of Human Rights for violations of the right to a fair trial, and the right to liberty and security, respectively (US Department of State 2010).

33 For a good discussion of recent unlawful attempts to falsely convict retired army general Cetin Doğan of planning a coup plot, see Doğan/Rodrik (2010).

34 Other examples of this include AKP's launching of formal investigations against judges who criticize the government (US Department of State 2010).

Second, as far as fundamental freedoms are concerned, certain AKP policies regarding freedoms of the press and expression also suggest lack of implementation of existing democratic legislation in these areas. The extremely harsh tax penalty imposed on the leading national Doğan media group in 2009 is a case in point. In the words of the Commission, “[t]he high fines imposed [...] potentially undermine the economic viability of the Group and therefore affect *freedom of the press in practice*” (European Commission 2009: 18, emphasis in original). Given the severity of the penalty and Doğan newspapers’ critical editorial line against AKP’s policies, it is arguable that the fine is politically motivated (intended to silence opposition against the AKP) (Ekşi 2009). Indeed, Prime Minister Erdoğan himself has called for a boycott of newspapers and television channels owned by the Doğan group (Freedom House 2009a), following their coverage of the corruption scandal called “Deniz Feneri” which implicated members of the AKP government. The government’s pressure on the “opposition media” also demonstrated itself in the defamation suits filed by Erdoğan and other AKP members against journalists and cartoonists critical of the government’s policies (Freedom House 2009b).<sup>35</sup> Human rights organizations argued that such pressures have effectively induced an environment of “self-censorship” (US Department of State 2010).<sup>36</sup>

More recently, the government took positive steps to amend the constitution (which was adopted under the military rule of 1980-83) so as to reduce the political influence of the military and adapt Turkey’s laws on the closure of political parties to European practice, among other issues. Yet, AKP’s rush to pass the package from the parliament has been criticized by Turkish intellectuals and legal elites<sup>37</sup> as well as in EU circles.<sup>38</sup> Criticisms have centered on - among other, content-related issues - the need to proceed democratically to change a key document like the constitution.<sup>39</sup> Some observers have even argued that AKP leadership is exerting unprecedented pressure on its MPs to ensure their fast approval of the amendments on the floor of the parliament. Arguably, this is in sharp contrast to the relatively liberal parliamentary atmosphere surrounding the voting of past constitutional amendment packages (1993, 1999, 2001, 2003) (Ergin 2010).

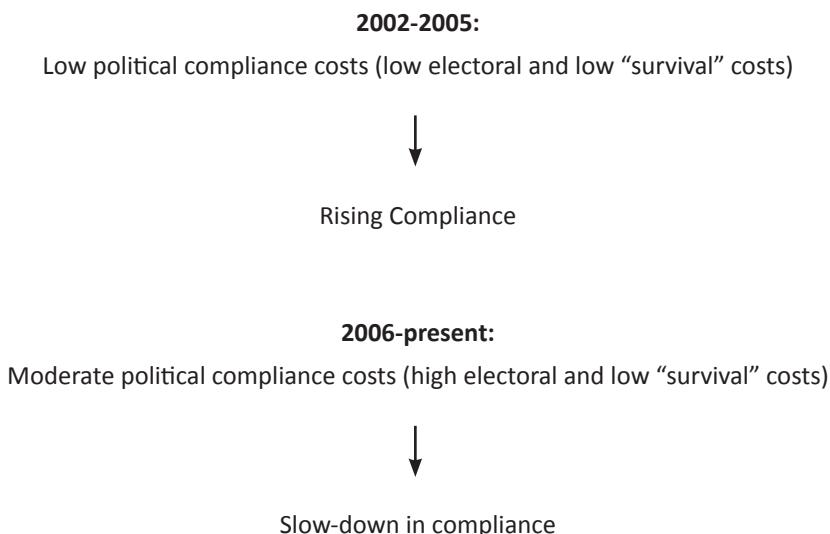
While it is possible to multiply examples of “misfit” between democratic legislation and practice,<sup>40</sup> the

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- 35 More generally, the number of prosecuted journalists, publishers and activists increased from 157 in 2005 to 254 in 2007 and 435 in 2008 (Freedom House 2009b). In addition, Turkey ranked a low 122 out of a total of 168 countries (and higher only than countries like North Korea and Sudan) in the NGO Reporters Without Borders’ 2009 press freedom index (Ekşi 2009).
  - 36 Indeed, there are reports about the management of news agencies discouraging their journalists from writing articles critical of the AKP or its members for fear of losing business opportunities at the hands of the government (US Department of State 2010).
  - 37 For example, the head of the Constitutional Court publicly warned the AKP leadership of the dangers of unilaterally seeking constitutional reform (Radikal 2010). This was the first such high-level warning from the judiciary about a constitutional amendment in the past decade.
  - 38 Both the Enlargement Commissioner Stefan Füle and the head of the EU-Turkey Joint Parliamentary Commission Helene Flautre have stated that constitutional reform should rest on comprehensive consultations involving the government, opposition parties and civil society so as to reflect the widest possible societal consensus on the proposed amendments (Yılmaz 2010).
  - 39 For a great discussion on the risks that a top-down reform process may pose for the democratizing potential of the proposed constitutional amendments, see Candaş (2010).
  - 40 Other notable examples include the government’s failure to implement the so-called “Kurdish initiative” which was formally announced in the summer of 2009. The initiative intended to provide a peaceful solution to the decades-long Kurdish (PKK) terrorism and broaden the cultural rights of the Kurdish minority. Another striking example is the government’s politicization of bureaucratic appointments, which far exceeds parallel efforts of previ-

point is clear: The AKP does not yet seem to have transformed into a party which exhibits liberal political identity. As Fuat Keyman, a prominent Turkish political scientist, points out, AKP's normative commitment to democracy is weak, notwithstanding its formal democratic agenda. Rather, what seems to be the case is the AKP's instrumental use of democracy (Keyman 2010). Consequently, it is argued that "the absence of a European-style social democratic party constitutes an important democratic deficit" in the Turkish political scene (Öniş 2009a: 22).<sup>41</sup>

### *3.4 Argument on AKP's Compliance Trends*

Having thus ruled out the two competing explanations in the literature in the AKP's case (presence of CC and normative liberal identity), the argument proposed here comes down to the following:



As explained in the Introduction, AKP faced instrumental incentives for adopting the EU course, hence its costs of complying with the EU's conditions have generally been low and moderate. For the sake of analysis, I argue that two sets of costs have motivated compliance: (1) electoral, (2) survival. While the former relates to the implications of EU compliance for AKP's electoral popularity, the latter centers on how the EU reform process would contribute to the AKP's political standing as a party with Islamist

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ous governments (Ekşi 2007). Last but not least is the islamization of society in the form of increased conservative pressures on non-observant Muslims (i.e., via the banning of alcoholic drinks in restaurants as well as pressures to attend the mosque prayers and fast during Ramadan) in exchange for job opportunities etc. in institutions and municipalities controlled by AKP (Toprak et al. 2008). For more on the inconsistencies of the AKP's formal liberal agenda, see, Gümüşçü/Sert (2010).

41 It must be noted that AKP is not the only party with illiberal inclinations in the Turkish political context. The opposition social democratic Republican People's Party (CHP) has also been criticized for its rigid secularism and prioritization of republican values to certain EU reforms (Öniş 2009a: 30). At the same time, its post-2005 approach to Europeanization also exhibits instrumental logic (Öniş 2010: 13), much like the AKP's (as will be explained below). Yet, it is also the case that CHP seems to be more committed to liberalism than AKP, independent of political instrumentality. This is evident in the party's systematic opposition to AKP's above-cited policies as well as recent efforts to contribute to Turkey's democratization (Doğan 2010).

pedigree vis-à-vis the secular establishment. From the start, both incentives crucially shaped the AKP's embrace of a reform agenda: "[In 2002], as the tide shifted in favour of the EU, the AKP not only rode the wave of growing public support for membership, but it also tied its political survival to the EU anchor" (Patton 2007: 342).

When calculating electoral costs of compliance, the key question the government asks itself is: Will reforming for the EU increase my vote share both among the *electorate at large* and among my *constituencies, narrowly put*? The answer to this question was positive up until 2005. First, concerning general electoral costs (the former), so long as the EU sent positive membership signals to Turkey (i.e., offering EU candidacy etc.), Turkish electorate was hopeful that political reforms would facilitate EU membership (which in turn lowered the costs of compliance for the government). In turn, the government seems to have calculated that it has nothing to lose from reforming: All else being equal on the domestic economic front (as electoral outcomes are by and large determined by governments' economic performance in Turkey),<sup>42</sup> complying to realize EU membership would boost its electoral popularity.<sup>43</sup> Indeed, while not being the primary determinant of voter support, a pro-EU course surely factors into voters' decision at the polls. As a 2006 poll found out, an overwhelming majority of Turkish voters (71 per cent) consider a pro-EU membership policy to be an important factor influencing their choice of party at the next election (Çarkoğlu/Kalaycıoğlu 2009: 127).

When the EU sends a positive membership signal (signals that membership is sooner by offering an intermediate accession step, i.e. EU candidacy, membership negotiations), this affects popular perceptions about the EU: a) the electorate becomes hopeful that membership is now more likely, b) it anticipates democratic reforms to enhance the chances of membership. Simply put, once the EU shows that it is serious about admitting a country like Turkey (after a decades-long relationship limited to associate membership), this raises optimism among the Turkish public about the likelihood of membership via reforms. In contrast to the EU's December 1997 Luxembourg decision which denied Turkey EU candidacy, the 1999 Helsinki offer of candidacy was one such signal which reversed feelings of rejection by the EU.<sup>44</sup>

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- 42 This is particularly true for the AKP. Survey evidence has consistently shown that voters support AKP out of economic expectations rather than purely ideological/conservative beliefs (Kalaycıoğlu 2007).
  - 43 EU membership is an election issue for Turkish governments largely because it is perceived as highly beneficial by the Turkish public. The EU's Eurobarometer surveys have consistently revealed that Turkish people – more so than any other CEECs' public surveyed - associate membership with economic wealth and jobs above all else (European Commission 2002: 87, 2004: 116, 2005b: 82). Therefore, anticipated economic benefits (i.e., "enhanced job opportunities in Europe") seem to be the primary reason why the public is so enthusiastic about membership in Turkey (Çarkoğlu/Kalaycıoğlu 2009: 124).
  - 44 To be sure, this raises the question of why the Helsinki announcement is a credible membership signal for the broader Turkish public as opposed to the ruling AKP. I assume that in contrast to politicians, the public has a stronger tendency to take the candidacy offer as a step towards membership as they are not as aware of the specific membership conditions imposed by the EU (or how important they will be for Turkey's accession). Hence, ordinary people do not know for instance *how much* the EU's "absorption capacity" or Turkey's Cyprus dispute will determine the EU's decision to offer Turkey membership irrespective of Turkey's democratization efforts under the political criteria. Such public ignorance about Turkey's EU accession issues and the specific content of the Copenhagen criteria is also confirmed by public opinion data. For example, a national 2002 survey revealed that a majority of Turkish people (58%) "don't know at all" about the Copenhagen criteria (Çarkoğlu et al. 2002). Similarly, a record high number of Turkish respondents (ranging between 72% and 82%) have stated that they do not feel informed about their country's accession process (European Commission 2002: 9, 2003b: 11, 2004: 157).

The evidence for the two factors mentioned above is based on survey data. In regards to the latter, there is no direct public opinion data. But it is possible to infer how strongly the public believes that political compliance will help membership from answers to other questions used in Eurobarometer surveys. For example, the percentage of respondents who affirmed the statement “our country’s leaders are doing what is needed to become a member of the EU in the near future” increased over time as the AKP government passed more and more EU-friendly, democratic legislation (European Commission 2002: 86, 2003b: 139, 2004: 150). This suggests that although they are ignorant about the specificities of the Copenhagen criteria: a) Turkish people can at least broadly associate the Copenhagen criteria with democratization, b) they believe that democratization is necessary for membership.

Other survey data<sup>45</sup> shows that in the same period (2002-2005) people were optimistic about the possibility of membership. This, combined with the perceived link between democratization and membership, logically suggests that AKP’s electoral costs of reforming were low. As stated above, the EU’s offer of candidacy at the December 1999 Helsinki summit boosted public optimism about EU integration. This is evident in key public opinion data such as support for EU membership, trust in the EU and belief in the benefits of EU accession. Positive responses in all three categories increased in this period.<sup>46</sup> This is in sharp contrast to the Euro-skepticism caused by the EU’s 1997 Luxembourg decision denying Turkey candidacy. For example, in 1998 a considerable percentage of people said they opposed Turkey’s EU membership due to perceived EU discrimination against Turkey. But this value dropped in 2002, most likely conditioned by the positive atmosphere surrounding the Helsinki decision.<sup>47</sup>

In contrast to these positive trends, the second period (2005-present) is marked by rising electoral costs. Although the EU reform process and the question of membership are still significant for the electorate, these issues are not as salient as they once were due to the fact that the public believes *less* in the likelihood of membership. What we observe in this period is growing Euro-skepticism caused by the EU’s less positive membership announcements<sup>48</sup> and rising controversy about Turkish membership in some EU member-states which put in question the Union’s commitment to admit Turkey.

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45 Unless stated otherwise, the data discussed below is taken from the EU’s Eurobarometer surveys.

46 It may not be obvious that rising support levels for membership necessarily suggest rising optimism about membership. Yet, the relationship has been confirmed by research done by Turkey’s leading public opinion analyst: “[As Turkish people’s] optimism about the possible membership grow, their tendency to support membership also grows” (Çarkoğlu 2003: 186). As evident in the EU’s Candidate Countries’ Eurobarometer surveys which were conducted from Autumn 2001 to Spring 2004, support for EU membership rose from 62% (1998) to 74% (1999) and 75% (November 2001) to remain around 73% (May 2003) and 71% (2004, the percentage of people who consider EU membership “a good thing”). The percentage of Turkish people who believed that EU membership would be beneficial for Turkey also remained high around 70-75% (these were the highest scores observed among all EU candidates surveyed). At the same time, a majority of Turks (54%) trusted the EU in 2002 while those who did not was in minority (34%).

47 While the percentage was as high as 27.1% in 1998 (due to the 1997 Luxembourg rejection), it dropped to 7.4% in 2002 (Erder 2004: 115).

48 There were two such announcements: The EU’s December 2004 Brussels Summit decision which launched accession negotiations with Turkey yet declared that negotiations are “open-ended” and that Turkey could be “anchored in the European structures through the strongest possible bond” (European Council 2004: paragraph 23) (suggesting as such an alternative to membership); and the Commission’s November 2006 decision to freeze Turkey’s membership negotiations over eight *acquis* chapters, which was perceived as a setback in Turkey’s accession process. Both issues were widely covered by the Turkish media.

This Euro-skepticism is evident in public opinion data. Starting with autumn 2004 (that is, around the time of the EU's Brussels Summit declaring the "open-ended" nature of Turkey's EU membership negotiations), public support levels for EU membership have fallen steadily.<sup>49</sup> Public trust in the EU has also decreased<sup>50</sup> while perceptions of rejection by the EU have gained prominence.<sup>51</sup> The "open-endedness" of Turkey's accession negotiations (and the difficult terms linked to that)<sup>52</sup> and arguments voiced by some member-states (i.e. France, Germany, Austria) in favor of a privileged membership status in lieu of Turkish full membership (Patton 2007: 344, Öniş 2010: 6f, Çarkoğlu/Kalaycıoğlu 2009: 126f) seem to have reversed the optimism of the post-Helsinki period and brought back public feelings of rejection/discrimination by the EU:

*"Modalities of EU behaviour toward Turkey, mixed signals about its commitment to full Turkish membership and demands for unilateral concessions have soured Turkish public opinion, with only 44 per cent in spring 2007 regarding membership a positive thing, down from 66 per cent two years before." (Patton 2007: 355)*

The second set of electoral costs is more specific in that these are constituency-related. As discussed in the Introduction, they are assessed based upon whether certain EU reforms would promote AKP's popularity among its religious-conservative constituencies. AKP calculated that the Commission would ask for the removal of the Islamic headscarf ban for Turkish women in public institutions: "[...] [It] had convinced itself and its Islamic constituency that following the path of EU reform would open public space for individual expressions of faith and Islamic identity" (Patton 2007: 348). Lifting the ban (which the AKP considers an expression of religious freedom rather than an anti-secular, political symbol) has been a key issue for the AKP since the majority of its religious supporters would like to see the ban removed. At the same time, the "headscarf issue" is highly controversial among the members of the Turkish secular establishment (which considers it a violation of secularism); but passing this reform under EU auspices would be relatively smooth as it would allow the AKP to avoid domestic secular opposition by playing the EU membership card. In sum, AKP anticipated that "the space for religious freedoms would be enlarged and the interests of the religious conservatives against the secular state elites would be protected through the EU membership process" (Öniş 2010: 3).

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49 In October-November 2004, the percentage of Turkish people who saw membership as "a good thing" decreased to 62% (European Commission 2005e: 30) from 71% (in Spring 2004). The value went further down to 59% in Spring 2005 (European Commission 2005f: 5) and 55% in Autumn 2005 (European Commission 2006b: 29). As evident in other Eurobarometer data, notwithstanding a few exceptions, positive responses in this category fell steadily after: 44% (Eurobarometer 65, Spring 2006), 54% (Eurobarometer 66, Fall 2006), 52% (Spring 2007), 49% (Fall 2007), 49% (Spring 2008), 42% (Fall 2008), 48% (Spring 2009).

50 Trust levels in the EU fell from around 51% (Fall 2004), 41% (Spring 2005) and 50% (Autumn 2005) to below 50%: 31% (Spring 2008), 27% (Autumn 2008), 38% (Spring 2009). These scores are far below the average trust level observed among the EU-27 (47% - 50%).

51 In Autumn 2004 and Spring 2005, Turks expressed "feelings of rejection" by the EU more than most other 25 EU countries surveyed (10% and 18%, respectively) (European Commission 2005b: 85, 2005d: 35). At the same time, a 2006 national survey found that two-thirds of Turks surveyed had no expectations of full membership in the EU (Çarkoğlu/Kalaycıoğlu 2009: 127).

52 Particularly controversial for the Turkish public was the EU's contemplation (in the Negotiating Framework) of "either a long freeze over free labor movement or a permanent freeze on the movement of Turkish labor" which was widely debated in the Turkish media (Çarkoğlu/Kalaycıoğlu 2009: 124).

Yet, when the ECHR ruled in 2005 that the headscarf ban did not constitute a violation of freedom of religion in Turkey, it became obvious that the EU would not raise this issue as part of Turkey's reform agenda. This arguably became a turning point in AKP's EU policy and reduced its reform zeal (Öniş 2010: 8f):

*"[...] [N]ow that the ECHR helped to sever the tie between donning the turban and the freedom of conscience or freedom of expression, the EU could hardly be wielded as a shield against the enemies of political Islam in Turkey [...] It was after 2005 that the AKP government began to slow down its efforts at engaging in the accession negotiations."* (Çarkoğlu/Kalaycıoğlu 2009: 125)<sup>53</sup>

Although the AKP had legally committed to recognizing the supremacy of ECHR rulings in 2004 (this was a condition raised by the Commission), this time AKP elites openly disapproved the decision, arguing that ECHR judges should have consulted with Muslim clergy before reaching it (Hürriyet 2005). It is therefore no coincidence that the government invested in a more explicitly religion-focused agenda following the ECHR decision to compensate for its negative impact and please its religious constituencies (Patton 2007: 348).

The reduction in electoral benefits of EU compliance notwithstanding, the process of compliance was not reversed. As explained above, this is arguably due to the AKP's incentive to use the EU reform agenda as an instrument of "survival" as a party with Islamist roots in Turkey's secular legal-political system.

*"Since 2005 the AKP has dropped the ball on EU reform, yet it is unlikely that the party will abandon this agenda ... The AKP does not have credible or viable alternatives to the EU reform process; only by continuing along this path can it shield itself from antidemocratic statist-secularist forces."* (Patton 2007: 356)

Given most AKP officials' past involvement in Islamist politics, AKP's post-2002 formal secular commitment has been questioned by secular elites. But keeping the EU reform agenda open would help the party project the image of a center-right, reformist party both domestically and internationally. This would not only enable it to avoid the scrutiny of its "secular rivals" on the domestic political scene (Turkey's high judiciary and military), but also ensure the EU's normative backing in case of a confrontation with these institutions which would threaten its existence as an Islamist party.<sup>54</sup>

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53 The post-2005 slow-down in AKP's EU reform process has been widely discussed elsewhere. Öniş (2009b: 13, 2010: 11) talks of the first period under AKP rule (2002-2005) as the "golden age of Europeanization" in Turkey as opposed to the post-2005 period of "loose Europeanization". The Commission's own progress reports have been critical of the government's reduced reform enthusiasm and failure to implement passed legislation: "[...] the pace of change has slowed in 2005 and implementation of the reforms remains uneven" (European Commission 2005c: 41).

54 Indeed, this is consistent with the EU's past approach to party closings in Turkey. In line with liberal democratic norms (specifically, freedom of association), EU officials strongly condemned Turkey each time a party was closed (as in the cases of religious Welfare and Virtue parties which were closed down in 1998 and 2001, respectively). More recently, when Turkey's chief public prosecutor, Abdurrahman Yalçinkaya, filed a lawsuit on March 14, 2008 at the Constitutional Court demanding the AKP to be permanently dissolved based upon anti-secularist charges, the EU spoke strongly against the move, arguing that only political parties openly resorting to terrorism and/or encouraging violence should be banned, in accordance with universal democratic norms.

To sum up then, AKP's EU reform policy has been instrumental: Via keeping a formal commitment to reforms, the party sought to gain domestic recognition as a center-right, secular party, which in turn would enable it to *survive* without facing the scrutiny of the judiciary or the military. This has been the prime incentive which kept the EU process going, as evident in the continuation of reforms after 2005.

### 3. Conclusion

This paper has attempted to explain compliance with the EU's Copenhagen political membership criteria by focusing on the case of Turkey under the AKP government (2002-2009). The literature has so far argued that two factors matter for the adoption of the EU's conditions by EU candidates: credible EU conditionality and liberal ruling parties in target states. Regarding the AKP, the dominant assumption is that the party faced credible EU conditionality and complied out of low political compliance costs owing to its liberal democratic identity (as opposed to instrumental calculations independent from liberal identity).

Yet, my analysis of AKP's compliance has proven otherwise. First, given the inconsistencies in the EU's application of political conditionality, the EU's official, conditional promise of membership linked to democratization (and other reforms under the Copenhagen membership criteria) has not been credible in the eyes of the AKP government. Second and as a result, AKP complied out of other, domestically-driven motivations: political incentives linked to electoral calculations and the need to "survive" in Turkey's secular political system as a party with a religious base and Islamist roots.

To be sure, this is not to dismiss the explanatory value of the existing model of CEECs' Europeanization offered by Schimmelfennig and Sedelmeier. External incentives such as EU candidacy have surely been critical for inducing Turkish governments to comply with the political criteria. Few would argue that political reforms would have been accomplished by the 1999-2002 coalition government or subsequently by AKP in the absence of the EU's 1999 Helsinki offer of candidacy to Turkey.<sup>55</sup> While the argument presented here is centered on domestic political instrumentality, it does not deny the role played by external "rewards" in Turkey's reform process. Without ignoring external factors, the point here has been to show – among other issues - how these mattered for the outcome variable of compliance. As explained above, the EU's Helsinki decision raised public support for the EU membership process and lowered the political costs of compliance for the ruling parties. Thus, external rewards had an impact *in conjunction with* ensuing domestic political developments.

Second, as illustrated by the AKP's case, there may be domestic political factors which favor compliance *independent* of EU rewards and/or conditionality. AKP's reform efforts continued (though with a slowing pace) even in the post-2005 period when public enthusiasm for the EU process faded in relation to the negative membership signals sent by the EU. In the end, it seems that domestic politics holds the key to understanding governments' response to EU pressure represented by conditionality.

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<sup>55</sup> There is a strong consensus in the literature on the pivotal role played by the EU's Helsinki decision for Turkey's reform process (see, *inter alia*, Kubicek 2005, Avci 2004, Smith 2003).

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## Appendix

List of coded EU documents (citing consecutively their dates and the number of coded statements in each):

*European Commission:*

- Regular progress reports on Turkey's progress towards accession (2002, 3; 2003, 3; 2004, 3; 2005, 5; 2006, 4; 2007, 4; 2008, 4; 2009, 4)
- "Continuing Enlargement: Strategy Paper and Report for the European Commission on the Progress towards Accession by Bulgaria, Romania and Turkey" (November 5, 2003, 4)
- "Recommendation of the European Commission on Turkey's Progress towards Accession" (October 6, 2004, 9)
- "Issues Arising from Turkey's Membership Perspective" (October 6, 2004, 8)
- "Negotiating Framework" (October 3, 2005, 12)
- "2005 Enlargement Strategy Paper" (November 9, 2005, 7)
- "Enlargement Strategy and Main Challenges 2006-2007" (November 8, 2006, 7)
- "Enlargement Strategy and Main Challenges 2007-2008" (November 6, 2007, 6)
- "Enlargement Strategy and Main Challenges 2008-2009" (November 5, 2008, 5)
- "Enlargement Strategy and Main Challenges 2009-2010" (November 14, 2009, 7)

*European Council:*

- Accession Partnership Documents (May 19, 2003, 3; January 23, 2006, 4; February 18, 2008, 4)
- Presidency Conclusions:
  - Seville Council (June 21-22, 2002, 5)
  - Brussels Council (October 24-25, 2002, 5)
  - Copenhagen Council (December 12-13, 2002, 1)
  - Thessaloniki Council (June 19-20, 2003, 1)
  - Brussels Council (December 12-13, 2003, 3)
  - Brussels Council (June 17-18, 2004, 1)
  - Brussels Council (December 16-17, 2004, 8)
  - Brussels Council (June 15-16, 2006, 2)

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