EUROPEANIZATION OF TURKISH CIVIL SOCIETY ORGANIZATIONS
DURING THE ACCESSION PROCESS TO THE EU:
A GRAMSCIAN ANALYSIS

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Dissertation Abstract

Özge Zihnioğlu, "Europeanization of Turkish Civil Society Organizations during the

Accession Process to the EU: A Gramscian Analysis"

The EU has long recognized the importance of civil society organizations for European integration. In parallel with this, the urge for their Europeanization in the candidate countries, meaning their increased role in matters relating to the accession process, and thereby to the liberal-democratic transition of the respective society has been prevailing. The related EU policy draws from the liberal-democratic tradition that links civil society with democratization process. The EU displays one of the most vivid examples of this civil society policy during Turkey's accession. As part of its policy, the EU has increasingly been providing various instruments to civil society organizations since the official announcement of Turkey's candidature in 1999.

In this respect, this dissertation aims to understand the interaction between the EU and the civil society organizations in Turkey as well as how these organizations are instrumentalized during the accession process. Accordingly, this dissertation problematizes the EU civil society policy and questions how well it fits the Turkish context. This problematization begins with delineating the EU policy for Turkish civil society organizations by looking into official documents, setting out the method and instruments employed by the EU and discussing their wider implications such as the legal and institutional changes. The in-depth interviews conducted with civil society organizations as well as experts and public officials working with these organizations help to identify the predicaments and their reasons emerging during the implementation of this policy. This reveals not only the discrepancy between the expectations and the outcome regarding the EU civil society policy, but also that the civil society organizations are autonomous agents interacting with various dynamics. On the other hand, the domestic socio-political conditions relevant to contemporary Turkish civil society that would relate to its reaction to the EU policy are also analyzed. This dissertation establishes the inappropriateness of the EU civil society policy in the Turkish context and challenges the very definition of civil society adopted by the EU. In doing so, this dissertation offers to go beyond the problematic of democratization which has been the focus of most academic work on this subject.

Tez Özeti

Özge Zihnioğlu, "AB'ye Katılım Sürecinde Türk Sivil Toplum Kuruluşları'nın

Avrupalılaşması: Gramsci'ci Analiz"

AB, sivil toplum kuruluşlarının Avrupa bütünleşmesi için önemini uzun süredir kabul etmektedir. Buna bağlı olarak, aday ülkelerdekilerin Avrupalılaşması, yani katılım süreciyle ilgili konularda ve dolayısıyla ilgili toplumun liberal-demokratik dönüşümünde artan bir role sahip olmaları yönündeki istek hakim durumdadır. İlgili AB politikası, sivil toplumu demokratikleşme süreciyle bağdaştıran liberal-demokratik gelenekten yola çıkmaktadır. AB, bu sivil toplum politikasının en canlı örneklerinden birini Türkiye'nin katılımında sergilemektedir. AB, politikasının bir parçası olarak, Türkiye'nin adaylığının resmen açıklandığı 1999 yılından bu yana, sivil toplum kuruluşlarına artan oranda değişik araçlar sağlamaktadır.

Bu itibarla, bu tez, katılım sürecinde AB ve Türkiye'deki sivil toplum kuruluşları arasındaki etkileşim kadar bu kuruluşların nasıl araçsallaştırıldıklarını da anlamayı amaçlamaktadır. Buna göre, bu tez, AB sivil toplum politikasını problematize edip bu politikanın Türkiye bağlamına ne kadar uygun olduğunu sorgulamaktadır. Bu sorunsallaştırma, resmi belgelere inceleyerek, AB tarafından kullanılan yöntem ve araçları göstererek ve bunların, hukuksal ve kurumsal değişimler gibi daha geniş çıkarımlarını tartışma yoluyla, Türk sivil toplumu için AB politikasını resmederek başlamaktadır. Sivil toplum kuruluşları kadar, bu kuruluşlar ile çalışan uzman ve kamu görevlileri ile yapılan derinlemesine mülakatlar, bu politikanın uygulanmasında ortaya çıkan sorunları ve bunların nedenlerini belirlemede yardımcı olmaktadır. Bu, sadece AB sivil toplum politikasına ilişkin beklentiler ve netice arasındaki uyuşmazlığı değil, ayrıca sivil toplum kuruluşlarının değişik dinamiklerle etkileşen bağımsız birimler olduğunu da göstermektedir. Diğer yandan, günümüz Türk sivil toplumunun AB politikasına tepkisi ile ilgili olabilecek ülke içindeki sosyo-politik koşullar da analiz edilmektedir. Bu tez, AB sivil toplum politikasının Türkiye bağlamında uygun olmadığını saptamakta ve AB tarafından kullanılan sivil toplum tanımını sorgulamaktadır. Bunu yaparak, bu tez, bu alanda yapılan çoğu akademik çalışmanın odağı olan demokratikleşme sorunsalının ötesine geçmeyi sağlamaktadır.

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ACRONYMS

AKP	Justice and Development Party
CFCU	Central Finance and Contracts Unit
CHP	Republican's People Party
CIVICUS	World Alliance for Citizen Participation
CSDC	Civil Society Development Centre
DİSK	Confederation of Revolutionary Workers' Unions
DP	Democratic Party
DTP	Democratic Society Party
EESC	European Economic and Social Committee
EC	European Community
ECHR	European Convention of Human Rights
ECtHR	European Court of Human Rights
ETUC	European Trade Union Confederation
EU	European Union
EUVP	European Union Visitors Programme
ILO	International Labour Organization
IPA	Instrument for Pre-Accession Assistance
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
TAIEX	Technical Assistance and Information Exchange Programme
TİP	Worker's Party of Turkey
TİSK	Turkish Confederation of Employer Associations
Türk-İş	The Confederation of Workers' Unions of Turkey
TÜSİAD	Association of Turkish Industrialists and Businessmen
UNICE	Union of Industrial and Employers' Confederations of Europe

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CHAPTER I

INTRODUCTION

The long established concept of civil society has been revitalized with the discovery

of its potentials during the dissident movements of Central and Eastern Europe in the

late 1980s. Since then, the renewed interest in civil society has increasingly

continued, rendering it a widely debated concept in the academic and political

discourse as well as a highly challenging actor of our daily lives. In particular since

the mid-1990s, civil society has been considered by many a magical formula not only

for guaranteeing the success of democratic transitions, but also for responding to the

challenges of our contemporary world. However, deploying civil society as a generic

term to invoke everything or calling it on duty when it is not present renders this

multidimensional concept a vague catch-all term entailing further confusion

regarding its definition.

In *Civil Society*, Michael Edwards (2004) addresses the key question of

whether civil society is the 'big idea' of the twenty-first century or another false

horizon in the search for a better world (p. VI). In doing so, Edwards rightly

questions the ambiguity of the concept while underlining the fact that civil society

may mean different things to different people, play different roles at different times,

and thus constitutes both the problem and the solution. Acknowledging this

contestability is a key to understanding the essence of civil society and it also

constitutes the first step to its analysis.

There is a wealth of diverse literature on civil society that operationalizes the

concept based on various definitions. The different theories and conceptualizations

that provide the basis for these definitions are discussed in Chapter II. A prominent

definition of civil society present in the academic and political discourse and subject to scrutiny in this dissertation is largely based on liberal-democratic framework. The liberal-democratic model of civil society diverged as an independent approach from the ancient Greek-Continental European tradition in the eighteenth and nineteenth centuries. This divergence took place contemporaneously with the rise of classical liberal economic theory, causing some to view the emergence of civil society as a consequence of economic modernization processes (Şimşek, 2004, p. 51).

In assessing the contemporary role tailored for the actors of civil society, the 'New Policy Agenda' of neo-liberalism and liberal-democratic theory has come to dominate the related debates during the past couple of decades. As Edwards and Hulme (1996) point out, following the changing landscape of the welfare state and also the market failure of the 1980s, the New Policy Agenda gives the NGOs renewed prominence for the roles they assume with respect to different economic, political and social issues. While the details of this Agenda may vary from one donor agency to another, it has been pursued by various bilateral and multilateral donor agencies since the end of the Cold War (p. 961).

The New Policy Agenda and the key role assigned to the NGOs herewith resulted in what we now call 'NGO-ization'. NGO-ization does not simply mean the proliferation of NGOs, as it may wrongfully suggest at first sight. Indeed, the concept of NGO-ization refers to the increasing prominence awarded to NGOs as implementers of economic, political and social dimensions of New Policy Agenda (ibid, p. 962). NGO-ization suggests an understanding that proposes partnership among the public, private and the civic to overcome the economic, political and social problems faced by various states (Edwards, 2004, p. 11). It is this partnership

that is considered to be the remedy against the vulnerability entailed by the global challenges.

NGO-ization entails the states and official agencies to channel large amounts of money to and through NGOs and hence requires close cooperation with Western aid agencies. Therefore, NGO-ization is also about the transformation of these NGOs' working style that now emphasizes "pragmatic strategies with a strong employment focus, rather than the establishment of a new democratic counter-culture" (Bagic, 2004, p. 222).

As Fowler (1992) underlines, one of the main triggers of NGO-ization is the comparative advantages of NGOs stemming from their organizational characteristics – participatory, low in bureaucracy, flexible – in achieving the economic and political objectives of the New Policy Agenda. On the economic side, NGOs are regarded by many official agencies as highly-efficient and cost-effective service providers, particularly in reaching out to poor people, and emerge as the preferred channel to deliver the welfare services in substitution for the state (Meyer, 1992, Sollis, 1992, Edwards & Hulme, 1996).

Besides their economic efficiency, NGOs are also supported on the grounds of their supposed contribution to democratization and good governance, for they are seen as an integral component of a flourishing civil society and an essential counterweight to state power. Accordingly, NGOs are expected to open up channels of communication and participation, provide training grounds for activists, and promote pluralism (Edwards & Hulme, 1996, p. 962). These new tasks assigned to NGOs were acclaimed by various analysts and activists with the view that an "associational revolution" was underway.

Indeed, the role that the dissident movements played during the period leading to the collapse of the Soviet Union and the emergence of new organizations during democratic transitions in the Central and Eastern European countries have strengthened the conviction among many that links the democratization process with different actors of civil society, where they are "frequently offered as a proscriptive remedy to despotic or authoritarian rule" (Wiktorowicz, 2000, p. 43).

The current thinking of the EU on civil society, not only within the borders of the EU itself, but also with respect to candidate countries, tends to draw from the aforementioned framework. It should be underlined that the EU has no legal definition of the term 'civil society', but the consultation standards within the EU provide some clarifications in this respect. Acknowledging that there is no hard and fast definition of civil society, the term is defined loosely to denote "a society that embraces democracy […] [providing] an opportunity to strengthen confidence in the democratic system so that a more favourable climate for reform and innovation can develop" (European Economic and Social Committee, 1999, point 5.1). In this context, civil society organisations are defined as;

> *the sum of all organisational structures whose members have objectives and responsibilities that are of general interest and who also act as mediators between the public authorities and citizens.* Their effectiveness is crucially dependent on the extent to which their players are prepared to help achieve consensus through public and democratic debate and to accept the outcome of a democratic policy-making process (ibid, point 7.1).

In this context, the EU's civil society policy is based on the idea that civil society is a "school for democracy" in which the civil society organizations act dynamically as a "locus of collective learning" and a prerequisite for an "intelligent" democracy (ibid, point 7.2).

However, the EU's definition to civil society within the liberal-democratic framework is problematic for a number of reasons. First major problem is the immediate incorporation of civil society into democratization process. This conviction originates from the ready identification of civil society as necessarily opposed to the state. Accordingly, the existence of civil societal elements such as unions, associations, voluntary organizations, professional groups, and the NGOs is considered to guarantee a check on the state and on its possible undemocratic attitudes. However, this positive correlation, brought up between civil society and democratization, is not a rule everywhere. Furthermore, particularly in the non-western countries, there exist critical linkages between the state and civil society through political parties, public bureaucracies and large-scale mixed institutions (Şimşek, 2004, pp. 46-47). For this reason, the conceptualization of relations between the state and the civil society as a mere relation of opposition so that each move coming from the actors of civil society will be unconditionally democratizing is neither necessarily correct nor helpful in theoretical analysis.

As already noted, the 'New Policy Agenda' of neo-liberalism and liberal-democratic thoery entailed the relations between the state and elements of civil society to become increasingly more intertwined over the last decade, despite the maintenance of its pre-existing bureaucratic structures by the state. During this process, civil society organizations have growingly been involved in issues that were previously considered to belong solely to state's jurisdiction. This involvement includes both the formal and informal arrangements promoting the civil society organizations to be regarded as indispensable elements of contemporary societies. Another problem of the liberal-democratic definition in this context is the negligence of the internal contradictions and the authoritarian tendencies of civil society

organizations, while only taking into account its democratic aspects. Despite the otherwise implications of liberal-democratic definition, civil society organizations are not always and not necessarily democratic. Indeed, the limited impact that some of these organizations have on the democratization process, despite the massive aid being pumped, reflects the paradox that those organizations that promote democratization are themselves only weakly democratic. It may be suggested that much of the emphasis on the role of civil society organizations to rest on ideological grounds rather than empirical verification and point to the signs of civil society organizations compromising in performance, accountability, and legitimacy, following greater dependence on official funding (Stewart, 1997, Edwards & Hulme, 1996).

Related to this is the misperception of civil society as a single and homogenous society as implied by the liberal-democratic model. However, this does not reflect the reality neither within the EU nor with respect to other countries. Indeed, there may be different groups within a civil society or more precisely, there may also exist different civil societies (Şimşek, 2004, p. 47).

The aforementioned troubles of the EU's definition of civil society are important to understand as its related policy to Europeanize Turkish civil society organizations is based on this definition. While the liberal policies of the post-1980 period, the Habitat Conference held in Turkey in 1996 and the Marmara Earthquake in 1999 were key developments that activated the civil society organizations in Turkey, and simultaneously contributed to raising awareness in the public on the importance of civic activism, much of the recent developments relating to the current state of civil society organizations in Turkey owes to the EU accession process. Indeed, the EU deems necessary the full support and contribution of the society at

large for the successful completion of Turkey's accession to the EU, and respectively regards civil society organizations in Turkey as one of the main pillars of this process. In this respect, the EU civil society policy in the Turkish context not only aims at triggering reforms to introduce a more enabling legal and institutional structure, but it also provides financial and technical incentives to shape a more favorable environment for the establishment of civil society organizations as well as for the running of their activities.

The expansion of academic discourse and the flourishing of debates on civil society have resulted in the emergence of a myriad of terms that refer to the various actors of civil society. In this dissertation, I choose to use the term 'civil society organization' instead of the common and the more fashionable term 'non-governmental organization' for two reasons. First of all, the term 'civil society organization' is the direct translation of the Turkish term '*sivil toplum kuruluşu*', thus allowing us better to capture the conceptual re-framing of civil society in Turkey.

The second reason is the unnecessarily complex structure the term NGOs has acquired over the last decade. As a result of the definition of several new types of NGOs, the term NGO has become unable to reflect the true nature of the civil society in Turkey. Today, we do not speak of NGOs only, but also GONGOs (government-organized nongovernmental organizations), QUANGOs (quasi- nongovernmental organizations), DONGO (donor-organized nongovernmental organizations), and now PONGOs (public sector organized nongovernmental organizations). While this multidimensional structure may render the term NGO conceptually rich, it makes it impossible to operationalize the term when analyzing the actors of Turkish civil society.

Research Questions

The research questions addressed in this dissertation are grounded on the theme of

Europeanization and the current thinking of the EU on civil society organizations in

the context of Turkey's accession process. During the course of the accession, the

EU collaborates with various local actors in different manners and on different

platforms. Most notably, these actors include, but not limited to, political parties,

business groups and civil society organizations. Accordingly, this study aims at

understanding the interaction between the EU and the civil society organizations in

Turkey. While the research inevitably leads to findings on the contemporary situation

of civil society in Turkey, the development of this arena as such is not a matter of

this study. What is of main concern here is the way the civil society organizations

interact with the EU on individual basis and how they are instrumentalized by the EU

for the accession process. It is in this context that the main research question is

"*What is the expected impact of the EU policies on the Europeanization of Turkish

civil society organizations in the context of increasing support given to these

organizations?*" The support given by the EU refers not only to the financial and

technical support mechanisms, but also the political instruments. The political

instruments are employed both for the benefit of individual civil society

organizations and for the improvement of the legal and institutional environment in

which the civil society organizations participate. On the other hand, having the

Turkish context at its core, this dissertation adopts a rather narrow working definition

of the Europeanization of civil society organizations. Accordingly, the

Europeanization of civil society organizations is defined as the increased role of civil

society organizations in matters relating to Turkey's accession and in serving the objectives of the EU.

Three interrelated puzzles have been identified regarding the main research question and have been formulated as the research sub-questions in order to contribute to our quest. In this respect, the first research sub-question is "*How does the EU endeavor to Europeanize Turkish civil society organizations?*" This question investigates the method as well as the financial, technical and political instruments employed by the EU towards the civil society organizations. The second question is "*What are the predicaments faced in use of these instruments for the Europeanization of Turkish civil society organizations?*" This question examines the discrepancy between the expectations of the EU policies and the outcome regarding the use of the instruments identified as part of the first sub-question, and probes the reasons behind it. The final sub-question is "*How does the socio-political environment in Turkey influence the EU policies on Turkish civil society organizations?*" This question explores the contemporary socio-political environment in Turkey, which shapes the current structure of Turkish civil society organizations and affects the reactions of the civil society organizations to external influences.

The research questions address the conflict between ongoing EU policies and the current standing of Turkish civil society organizations. In this respect, three approaches are proposed with a view towards accounting for these questions. First of all, the universal understanding inherent in the EU policies often results in the disregard of the current domestic structure of state-society relations, which indeed provide important clues for understanding not only the contemporary characteristics

of civil society organizations to which these policies are directed, but also the way these organizations in Turkey react to the EU civil society policy.

Second, the aforementioned universality in the implementation of the EU policies also entails the negligence of domestic socio-political circumstances within which the civil society organizations operate. Yet, the domestic environment is one of the key determinants in understanding the way the civil society organizations behave and react to the external influences as the support given by the EU.

Finally, civil society organizations are conceived as a passive and homogenous group that generates a standard response in relation to the EU policies. However, civil society organizations encompass a diverse set of groups that may interact with different actors, assume various roles and engage at different levels in the process of Europeanization. In return, the external influence coming from the EU policy is internalized differently, generating divergent impacts.

Main Arguments

In this dissertation, I aim to understand the interaction between the EU and the civil society organizations in Turkey and hence, assess how well the EU civil society policy fits the Turkish context. For this purpose, I explore the EU policy for Turkish civil society organizations and the problems emerging during its implementation. I reveal the discrepancy between the expectations and the outcome regarding the instruments employed by the EU. In consequence, in the context of the main research question, I argue that the EU policy on the Europeanization of Turkish civil society organizations is prone to fail.

With the guidance of the research sub-questions, I establish three reasons behind this. First of all, at the turn of the relations with the EU during the 1990s, there was not much of a developed civil society in Turkey that could receive the signals coming from the EU. There were only a few civil society organizations that could establish sustainable cooperation to advance common interests and facilitate collective action to meet the EU civil society policy.

Second, there is evidence for the emergence of a civil society culture in the post-1999 period. The legal and institutional environment is also more enabling. However, the observed polarization in the social and political environment in Turkey increasingly spreads to the actors of civil society. In return, the civil society organizations do not interact with other segments of the society, thereby rendering the diffusion of norms, and hence the social transformation of the society, impossible. In other words, the EU has failed to provide reflecting patterns of contestation and persuasion among different segments of society. Yet, the transformation of the society depends on the outcome of the interactions between these groups, which the EU seems to ignore.

Third, the field work displays that the instruments employed by the EU do not always bring about the expected outcomes. While some of the civil society organizations supported explicitly by the EU does not necessarily back this process, the instruments themselves may be perceived negatively by different groups in the society. Furthermore, the use of the EU financial instruments is no guarantee to establishing sustainable relations with other organizations both within and outside of Turkey.

It is all too evident that Turkish civil society organizations as well as the environment within which they operate have features that are incompatible with the

EU's civil society policy. This policy is ill-adopted due to the aforementioned constraints of the liberal-democratic framework from which the EU civil society policy stems. Accordingly, this dissertation suggests that the EU should build a civil society policy based on a new working definition of civil society that considers the surrounding social and political buildup and that also reflecs the conflicts and constraints within the civil society.

Chapter Outline

Following the Introduction in Chapter I, this dissertation unfolds as follows. In Chapter II, I start by establishing an original model that conceptualizes the interaction between the EU and the civil society organizations in Turkey in the context of the accession process and hence reveal the constraints and help to account for the failure of the EU civil society policy. Accordingly, I find the Gramscian theory of civil society and his concept of hegemony to be most appropriate. A key reason of why I have chosen this theory is the use by Gramsci of civil society as a site of struggle between competing conceptions of society for the formation of a new culture and ideology. Gramsci's conceptualization is important not only because he theorizes the necessary conditions for a successful social transformation in which the actors of civil society are determinant. It is important also because civil society is projected as a politicized arena in which civil society organizations are not a passive and homogenous group as we see in most other theories. I suggest that acknowledging the contestability of civil society in both theory and real life is essential for grasping its true nature and discursive mechanisms. Therefore, Gramsci's conceptualization provides us with necessary analytical and conceptual

tools for examining the method employed by the EU for the purpose of Europeanizing Turkish civil society organizations and thus addresses partially the first research sub-question. A detailed account of how Gramsci's conceptualization is employed in this dissertation is given in the Theoretical Framework section of this chapter.

I studied major theories of civil society in order to find the theory and concepts that best account for the way a transnational authority interacts with national civil society organizations. A brief overview of these theories coupled with an account of why they were not applicable in this dissertation is also given in Chapter II. While some of the theories analyzed in Chapter II provide conceptual tools that may be of use in addressing the research questions, no other theory than that of Gramsci's accommodates a more convincing theoretical framework for this dissertation. In this context, an important characteristic common to the theories of the civic-liberal tradition discussed in Chapter II is their articulation of the concept of civil society based on the problematic relation between the private and the public. The theories of the civic-liberal tradition are important in understanding for how the diverse interests of the individuals are pursued and the welfare of the public is promoted at the same time. They are also important in illustrating the origins of the EU's contemporary conception of civil society. However, it is exactly for this reason that I did not draw the theoretical framework of this dissertation from the civic-liberal tradition. I believe that these theories would fail to account for the problems faced by the EU civil society policy as they establish the origins of the EU's current conception.

On the other hand, Hegel distinguishes the term civil society from state in such a way that the conceptualization of civil society embraces the socio-economic

elements as opposed to the political nature of the state. Civil society for Hegel is a 'totality of needs' including the 'natural necessity', where men's interests are civil and economic, but not political. However, the EU's endeavor to Europeanize civil society organizations in Turkey and the problems faced cannot be accounted only with the socio-economic elements. In this respect, Hegel's conceptualization of civil society in which the political element is removed from the man's life does not satisfy to provide a theoretical framework for this dissertation.

Marx recognized that the life in civil society is riven by continuous conflict and competition of the selfish individuals' different political and economic interests. However, Marx has a purely economic interpretation of civil society. For Marx, civil society refers to the system of social relations, in which essentially economic developments take place. It is for this reason that Gramsci's conceptualization of civil society is more convincing. Gramsci's concept of hegemony equalizes the cultural forces with those of the material ones as opposed to the economic reductionism of orthodox Marxism.

Habermas's theory of civil society with his concept of public sphere denotes a particular type of relationship, connecting the individuals by means of communication and enabling them to establish platforms for exchanging their views. However, the emphasis on the shared interests and shared meanings in the public sphere conceal the conflictual nature within civil society, suggesting it as a homogenous group. Furthermore, Habermas conceives the actors of civil society to stand outside of what he calls the 'system'. Yet, the Europeanization of civil society organizations suggests that these actors have at time same time concrete interconnections with various institutions that are included in the 'system'. For these

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reason, Habermas's conceptualization does not suffice to draw the theoretical framework of this dissertation.

The theme of Europeanization provides a rich literature on different conceptualizations of European integration, and contextualizes the current debates on the roles that various actors assume during this process. Accordingly, many scholars refer to the Europeanization literature in accounting for the problems of European integration. In this respect, I give a general overview of this literature as well as an analysis on the Europeanization of civil society organizations in Chapter III. I further discuss the mechanisms of Europeanization relating to the civil society organizations as these financial, technical and political mechanisms constitute one of the major tools employed by the EU to Europeanize the civil society organizations in Turkey and thereby address another part of the first research sub-question.

However, Europeanization literature cannot fully account for the impact of the EU policies on the Europeanization of Turkish civil society organizations because of the basic assumptions upon which it is grounded. First of all, Europeanization defines civil society within the liberal-democratic framework. Accordingly, Europeanization regards the emergence of civil society as an important element of democratization and the civil society organizations as inseparable constituents of well-functioning democracies. This definition is problematic because it conceives civil society as a homogenous group, neglecting other groups within civil society that may not necessarily be democratic. Therefore, Europeanization cannot account for the internal conflicts and struggles of different groups within the civil society. Furthermore, Europeanization literature tends to treat civil society organizations as passive actors absorbed into the EU-led Europeanization process. Consequently, the reactions of civil society organizations are interpreted only in

relation to the EU policy process. Yet, civil society organizations operate also in ways that may not necessarily consider the Europeanization process. These two points posit an answer to why this dissertation is not located within the theoretical framework of Europeanization.

Examining the development of state-society relations in Turkey as well as the steps taken by the state, particularly in regards to the field of association is a key to understanding the capacity of the civil society organizations that the EU faced in the 1990s. This is important as it can shed light on some of the current predicaments relating to their Europeanization during the accession process. Accordingly, Chapter IV reveals how the subsequent military interventions, restricted legal environment and related actions of the state in Turkey have crushed all the civic assets, disposed of the civil societal elements built up thus far in the society and also hampered the bottom-up dynamics for the advancement of civil society organizations. Chapter IV displays that by the 1990s, and at the beginning of a new crossroad of the relations with the EU, civil society organizations in Turkey were under the yoke of a system which had long restrained them. For this purpose, Chapter IV highlights the milestones in Turkish socio-economic and political history relating to the development of civil society organizations, with a particular emphasis on the military interventions and the shaping of the legal framework of the post-1945 period.

The aforementioned mechanisms of Europeanization relating to civil society organizations are not the only means employed by the EU to Europeanize these organizations in Turkey. The EU has also been supporting the improvement of the legal and institutional environment in which these organizations participate. For this purpose and to address the remaining part of the first research sub-question, a detailed account of the related reform process since 1999 is given in Chapter V. The

reforms on all aspects relating to freedom of association and their implementation are screened in this chapter in order to understand how liberated the sphere of association, of which the civil society organizations constitute a part, has become. This chapter is important as it shows that while the barriers to the freedom of association have slowly been eliminated, problems with respect to its implementation still persist.

The aforestated chapters have addressed the first research sub-question. This is followed by the field work, which was designed to address the second and third research sub-questions on how the civil society organizations respond to and how the Turkish context mediates the aforementioned method and instruments employed by the EU as well as the major predicaments confronted in this process. Accordingly, I conducted structured in-depth interviews with a total of thirty-seven civil society organizations from Ankara, Hakkari, İstanbul, İzmir and Van. The interviews cover a diverse set of civil society organizations with respect to their working areas and organizational capacities. The interviews focus on the use and impact of financial instruments provided by the EU as well the existence and sustainability of cooperation established with other civil society organizations in Turkey, in the EU and with the EU institutions. The field work is described in detail in the Methods of Analysis section of this chapter and the thematic field analyses of the interviews are given in Chapter VI.

In addressing the second research sub-question, the interviews and their analyses reveal that the financial, techical and political instruments employed by the EU are far from bringing about the expected results. Indeed, there seems to be no direct relation between the use of EU funds and the support for Turkey's accession by the civil society organizations. Furthermore, EU funds used by the civil society

organizations cannot be assumed as a determinant factor over the establishment of relations with their counterparts in the EU countries as those relations established for the purpose of benefiting from the EU funds turn out not to be sustainable. What is further important is that the impact experienced by the civil society organizations following the use of EU funds over their target group as well as over the society at large is not necessarily a positive one. Consequently, the EU funds should not be taken for granted as a source strengthening the civil society organizations and enabling them to be acknowledged by a wider public. Finally, the interactions of the EU institutions with certain civil society organizations with a view to support them have no direct impact upon the support of those civil society organizations or their involvement to Turkey's accession to the EU. While those groups that receive direct support of the EU or clearly benefited from the accession process have remained indifferent or have even raised their concerns with respect to this process, those other organizations based on a conservative community, which are known traditionally to be against the West and receive no direct support of the EU, appear to support it. In accordance with the third approach, these analyses indicate that the civil society organizations are autonomous agents acting with a mixture of different dynamics and that they cannot be passively engaged in the European integration process.

The interviews also address the third research sub-question and establish that the domestic environment is a key determinant in understanding the reaction of civil society organizations to the support given by the EU. The thematic analyses of the interviews reveal the increased polarization and lack of cooperation among the civil society organizations in parallel with the prevailing social and political polarization in Turkey. This brings a deep fragmentation among the civil society organizations as a result of which we witness the emergence of an increasingly prevalent dual

structure composed of liberal-democratic and conservative camps. While both camps find it difficult to establish a common language with which they can work together, it looks very unlikely that the kind of dialogue, never mind the sustainable communication and cooperation, that will bring about the sort of impact the EU expects to see, will materialze among the civil society organizations in Turkey.

Furthermore, the immediate environment along with its social and political settings, in which civil society organizations operate is another determinant factor. In this respect, the state of emergency and the curfew prevailing in the South Eastern region for long years with ongoing adverse effects as well as the current tension in the region should be considered when examining the reactions of civil society organizations.

The interviews and their analyses are remarkable as they present us not only the predicaments faced in the use of the instruments for the Europeanization, but also a projection of the civil society organizations in Turkey. In return, these are instrumental for overcoming the wrong convictions regarding the role the civil society organizations assume in matters relating to the European integration and thus, help us to better address the main research question.

Theoretical Framework

The multidimensionality of Gramscian theory of civil society and his concept of hegemony render a more robust understanding of the social transformation that the EU seeks with respect to Turkey's accession. In this respect, Gramsci's conceptualization provides us with the necessary analytical and conceptual tools to

develop a model for examining the EU policy regarding the Europeanization of Turkish civil society organizations.

As will further be discussed in more detail in Chapter II, Gramsci (1985) regarded civil society as a site of struggle between competing conceptions of society. Accordingly, civil society for Gramsci is not a sphere of freedom, but a sphere of hegemony with which the dominant class retains power through nonviolent means. The dominant class secures the consent of "allied social groups close to itself" for the current state of affairs through controlling the production of ideas within civil society as "the coercive power alone is not enough to run the political power" (p. 12). Against this, Gramsci postulates a counter hegemonic struggle through civil society in order for the ideas of the dominant class to be problematized, eventually making the way for the consent of all the social groups to the new ideas offered in their stead.

Understanding Gramsci's concept of hegemony and in particular the counter hegemonic struggle is essential as it sheds light upon the dynamics of accession process as well as the interaction between the EU and Turkish civil society organizations. Turkey's accession has been treated by the EU as a process of transforming the society in a liberal-democratic framework. In this respect, the EU has actively been trying to frame values and collective will through building institutions and ideology within civil society. As a result of this process, Turkish society is expected to 'consent' to this new framework, in the sense of defining themselves with the new set of values. The various financial incentives provided for this purpose as well as the support given to the legal and institutional changes by the EU, with the aim of enhacing the social and economic capital of the representatives of civil society will be discussed in the coming chapters.

Gramsci's distinction between the "traditional intellectuals" and "organic intellectuals" provides us with an important conceptual tool in analyzing the ways in which the civil society organizations are employed by the EU in the accession process. In Gramsci's theory, traditional intellectuals stand for those intellectuals that do not belong to any political class with organic ties and put social distance between themselves and the political parties. While the cleargy would make up the traditional intellectuals in pre-modern societies, this class is replaced by the scientists, teachers and artists in the modern societies. On the other hand, organic intellectuals are those among the social groups that assume responsbililty for organizing and structuring the life and society. For that purpose, they have to establish close relationship with politics (ibid, p. 15).

According to Gramsci, one of the key characteristics of each class aspiring to being the dominant group in society is the struggle they give for the ideological transformation of the traditional intellectuals. Gramsci claims this transformation to be quick and efficient in so far as these classes raise their organic intellectuals (ibid, p. 28). In this respect, organic intellectuals emerge as the "envoys" of the dominant class, in charge of the social hegemony in the sense of securing the consent of the people at large for the direction given by the dominat class to the social life (ibid, p. 31). The direction of politics depends on the outcome of the interactions between these two groups of intellectuals.

The aforementioned conceptualization of Gramsci based on the distinction between organic intellectuals and traditional intellectuals provides us with a model to analyze the employment of civil society organizations by the EU during Turkey's accession process. In Turkey, we find the presence of a liberal-democratic social coalition that is pro-EU accession. EU has been seeking to make partners from this

coalition, which are expected assist the social transformation through reaching out the leaders of those groups framed by an ideology other than the liberal-democratic one. For this purpose, EU has been trying to consolidate this liberal-democratic social coalition and assign it the aforementioned duties of "organic intellectuals". On the other hand, the leaders of the latter group, stand out as the "traditional intellectuals" as they keep themselves distant from the EU accession process.

There exists multiple agencies for both the organic intellectuals and the traditional intellectuals. Accordingly, these intellectuals may include certain public officials, journalists, academicians as well as businessmen. In the case of traditional intellectuals, imams and leaders of religious groups could also be counted. However, the leaders of civil society organizations constitute one of the major agencies in both cases.

Gramsci regards the Party as a mechanism linking the organic intellectuals and the traditional intellectuals of the dominant group. Yet, the Party carries out this task along with its main task of raising and originizing the organic intellectuals. Accordingly, Gramsci is of the opinion that the Party will be the founder of the socialist state and that become the "Modern Prince" (ibid, p. 37).

An important point to be considered in this respect is nature of the relations between the EU and the domestic agencies that make up the "intellectuals" in Turkey. Understanding of the external-internal linkages with respect to democratic transition is not a new problem challenging the scholars in international relations. Indeed, democratic transition has come to the forefront in comparative politics as a field of study in which the international factors has been more pronounced than in the other fields (Yılmaz, 2002, p. 68). Since 1990s, several scholars (Huntington, 1991; Pridham, 1991a, 1991b; Whitehead 1991) have attempted to build approaches

that address the problem of international influence and the role that the external actors play during the democratic regime change.

Among these approaches, "internationalized domestic politics" of Douglas Chalmers (1993) accounts best for the EU's relations with the domestic actors. Chalmers introduces the notion of "internationally based actors" to define those actors who stays involved in a country's domestic politics over a period of time and becomes built into the political institutions of the country. Chalmers calls "internationalized domestic politics" to those political systems in which the internationally based actors are a significant presence (p. 1). Although the presence of external actors have been common in conventional approaches, Chalmers' "internationalized domestic politics" makes a difference by defining a new type of political systems that "include internationally based actors as normal parts of the system, not actors external to it" (ibid, p. 28).

Chalmers' internationalized domestic politics is important in making sense of the way the EU behaves like a domestic actor despite retaining its role also as an external actor. In that sense and in relation to Gramsci's conceptualization, the EU has been acting the role of the new "Modern Prince".

Methods of Analysis

The major method of analysis I employ in this dissertation is the in-depth interviews that I held with thirty-seven civil society organizations in Turkey, along with ethnographic observations of the interviews. I used in-depth interviews because a narrative account reveals the way people construct their reasoning which I believe to be essential to the interpretation of the data. Furthermore, in-depth interviews render

possible to grasp the ambiguities as well as different layers of meaning as people may develop their reasoning in the course of an interview. Accordingly, the in-depth interviews were conducted in a structured but open-ended manner, allowing the interviewees to 'tell their stories'.

More than half of the interviews were held İstanbul, while the rest were carried out in Ankara, Hakkari, İzmir and Van. The distribution of interviews according to place of interview is given in Table 1.

Table 1 Distribution of Interviews According to Place of Interview

	Ankara	Hakkari	İstanbul	İzmir	Van
Number of interviews	5	5	22	2	3

One of the main reasons why most interviews were carried out in İstanbul is the fact that the civil society organizations are predominantly based in İstanbul (see Appendix G). Map 1 also illustrates the provincial intensity of the civil society organizations in Turkey. On the other hand, another important reason is due to lack of funding to visit or stay longer in other cities.

Map 1: Provincial Intensity of the Civil Society Organizations in Turkey

Number of Active Associations

□	1 - 200	■	800 - 1.000
□	200 - 400	■	1.000 - 1.400
□	400 - 600	■	1.400 - 1.800
■	600 - 800	■	2.000 - 4.000
		■	4.000 or more
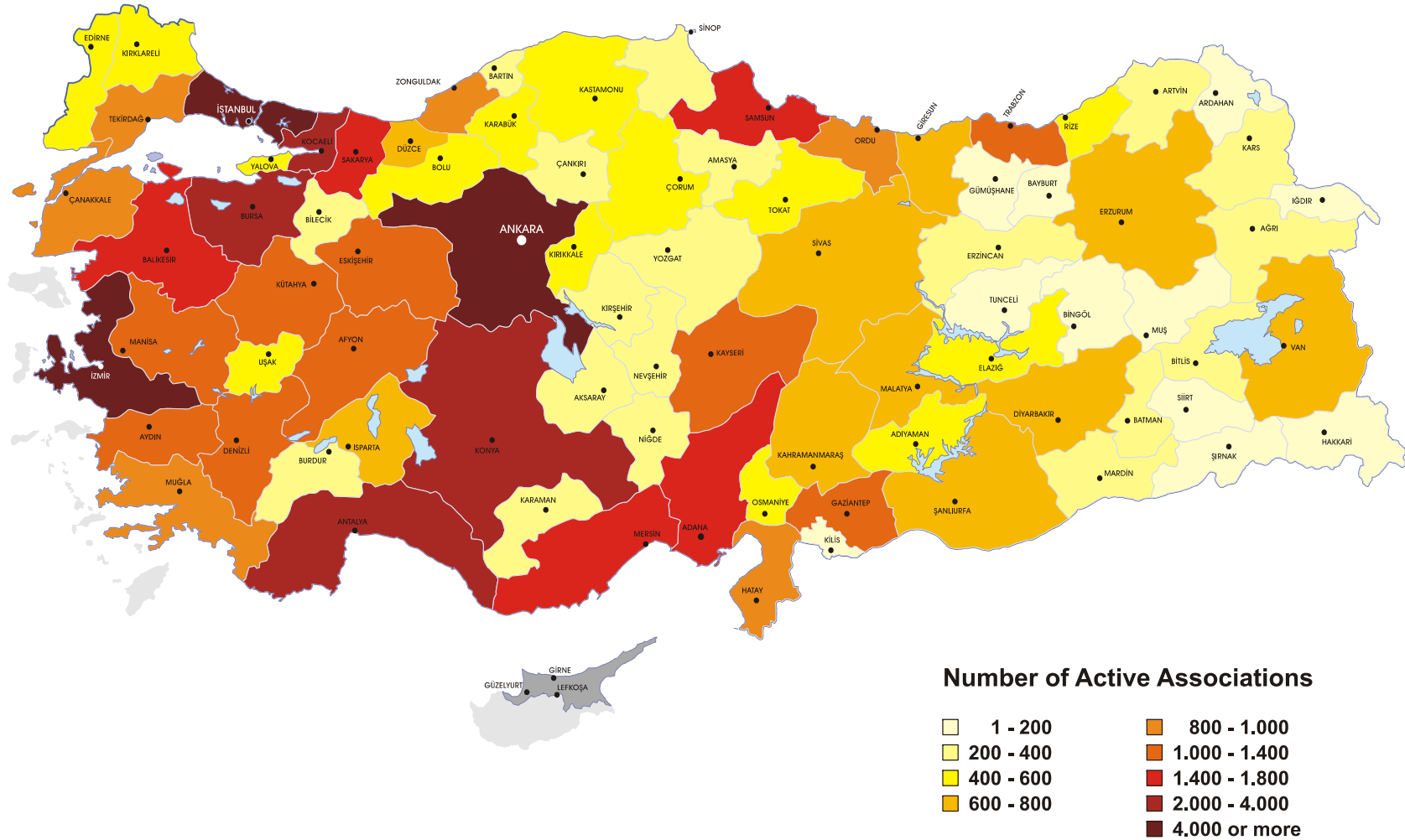
At the initial contact with each organization, the request was made to interview the top executive or the relevant member of the executive board. Accordingly, most interviews were carried out with people fulfilling these positions. However, in some of the larger civil society organizations, in which the executive board meets to oversee the management issues, but does not have in-depth knowledge of the activities or in cases where any member of the executive board is simply not available to set up an interview, the interviews were held with the relevant and most available staff or member of the organization (See Table 2).

Table 2 Distribution of Interviewees According to Their Position

	Member of Executive Board	Member of Executive Board and Paid Staff	Paid Staff Top Level[1]	Paid Staff Interim Level
Number of interviews	26[2]	1	6	4

At the beginning of the dissertation, it was not possible to specify the criteria on the basis of which to select the sample as I did not know which criteria would best address the research question. It is only towards the end of the writing process that I could build up the criteria from which a meaningful sample list of civil society organizations could be classified. Therefore, I had to start with a group of civil society organizations, selected half-blindly, from my own surrounding environment and those organizations that I had already known. Accessibility, in this respect, has turned out to be an important criterion for the selection of the sample.

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[1] Assuming the title of General Manager, Secretary General or Coordinator.

[2] Including Honorary Chairman, Former Chairman of the Executive Board, one Former Chairman and one Head of Branch

Nevertheless, I tried to set up a diverse group of civil society organizations differentiated along different lines. Accordingly, the final composition of the interviewed civil society organizations for this dissertation shows variety in terms of their capacity and working area. Although it is common to classify civil society organizations according to their capacity, it is rather difficult to specify the factors and thresholds rendering a civil society organization large or small. One way to classify the civil society organizations with respect to their capacity is to look at the number of people involved. This involvement may be at the level of membership or as a paid staff. In some cases, civil society organizations prefer to establish a separate group of volunteers other than their members. At some point, the volunteers may or may not become a member, but regardless of their status, they may be as active. Therefore, they should be counted as another level of involvement (See Table 3).

Table 3 Number of People Involved in the Interviewed Civil Society Organizations

	None	1-20	21-100	101-1000	More Than 1000
Member	N/A	4	10	16	7
Volunteer	28	2	4	0	3
Paid Staff	10	20	4	3	0

A second way to classify the civil society organizations with respect to their capacity is to look at the size of organizational structure, which may be measured with the number of branches or representations that the organization has (See Table 4). Financial size and the activities may be counted as other tools to measure the capacity of civil society organizations. However, while it was often difficult to find a comprehensive list of all the activities, civil society organization were not always willing to share their financial data. For that purpose, no classification of the

interviewed civil society organizations can be made regarding their financial size or their activities.

Table 4 Number of Dependent Bodies of the Interviewed Civil Society Organizations

	None	1-5	5-20	20-50	More Than 50
Number of Branches	27	4	1	2	3
Number of Representations	30	4	2	1	0

Diversity with respect to the working areas has also been considered when selecting the civil society organizations. However, as the interviews progressed, I have come to realize the difficulty in classifying the civil society organizations according to their working area. A major reason for this is that a civil society organization may expand its working area and adopt its by-law in the course of time, while not changing its original name that reflects its main and initial focus of activities. For instance, while Search and Rescue Association (AKUT) also carries out philanthropic activities apart from activities focused on search and rescue, Kars, Ardahan, Iğdır Development Foundation, which was established as a fellow countryman organization, now expands its activities over other parts of Turkey and acts as a countrywide charity organization. Of the thirty-seven interviews, only one civil society organization, Hakkari Education and Development Association (HEK-DER), has changed its name following the expansion of working area. Accordingly, civil society organizations may assume multiple working areas making it both difficult and at times, misleading to group these organizations under specific issue areas.

At the initial phase of the field work I examined other projects, studies and research regarding civil society (organizations) in Turkey. I paid special attention to

"Civil Society and the Role of Civil Society Organizations in the Enhancement of Participation" by Bahattin Akşit, Bahar Tabakoğlu and Ayşe Serdar (2003) for being one of the first examples of such studies as well as CIVICUS "Civil Society Index". Civil Society Index is a worldwide project initiated and run at the global level by an international network of organizations called CIVICUS, while the Turkish phase was implemented by Third Sector Foundation of Turkey. Finally, "Civil Society Culture in the Voluntary Organizations in Turkey" of YADA Foundation has been a guideway, which is also one of the most prominent studies in this area. Although the findings of the studies are to a large extent based on the results of surveys and in-depth interviews, all three studies / projects neither have used random selection nor have come up with a more convincing method for selecting their sample. Indeed, they have recognized the problem of representation of the sample and that the difficulty in appropriating the results to all the civil society organizations in Turkey (Yeğen, Keyman, Çalışkan & Tol, 2010, p. 73, 75, 79).

The non-random method may suggest a biased selection of the sample. However, it must be underlined that random sampling may not be the best method for the field work that has a rather small sample, because in such cases, random sampling entails the problem of chance outcome (King, Keohane & Verba, 1994). Though I am aware of the validity problem resulting from the sample selection, the findings of the interviews should be read as plausible hypotheses in this area. Therefore, we need further research based on this data in order to assess the findings in terms of how valid and applicable they are to the whole civil society organizations in Turkey.

Apart from the interviews with civil society organizations, I also rely on the elite interviews covering a wide range of people and institutions. As for the elite

interviews, I tried to interview at least one official from all the relevant public institutions in Turkey as well as from the Delegation of the European Union to Turkey. While in some organizations it was possible to interview the top executives, in others I interviewed mid-level executives, whose work is more focused on civil society organizations. Given the opportunity, I did not confine myself with the elite interview and I also visited the junior staff of the institution. These visits have been particularly beneficial as they gave me the opportunity to learn the opinions and the experiences of those working one-to-one with the civil society organizations and discover the major issues and problems in their daily work.

I have interviewed not only the public officials, but also the well-known experts on civil society in Turkey. Regarding the elite interviews, accessibility has again appeared to be an important criterion as certain people and institutions have not responded to my persistent request for an interview. In few cases, the public officials have accepted my call for an interview on the condition that their names and positions would be not be cited in the text, but may appear in the interview list. Only in the case of the elite interview held at Directorate General of Foundations, the interviewed public official had the condition to keep his name completely anonymous. All elite interviews were semi-structured, enabling the interviewees' to raise issues that deem significant to them. In this respect, these interviews were instrumental not only in informing and articulating the analysis, but also in opening up new dimensions that enriched the design of this research.

Besides the interviews with civil society organizations and public officials, the second set of primary resources I use includes the government documents, core legal documents on the freedom of association and freedom of assembly, documents of civil society organizations as well as the official documents published by the EU. I

have summarized, comparatively analyzed and tabulated these documents where necessary. I have also made use of secondary resources in mapping the conceptual and semantic fields of this dissertation. Accordingly, the various academic publications have widely been used or addressed to in different chapters.

CHAPTER II

CIVIL SOCIETY THEORY AND ESTABLISHING THE CONCEPTUAL MODEL

The renaissance of the concept of civil society during the late 1980s has entailed the resurgence of interest in this concept not only among political scientists and social theorists, but also among the political leaders of and the activists in the newly democratizing countries. However, the growing body of literature in academic studies and the wide usage in political discourse of the concept of civil society thus far has mainly considered this concept from the angle of democratization and its promotion. Accordingly, the civil society debate has failed to go beyond the liberal-democratic context, within and for which the empowerment of civil society organizations has been the dominant issue.

This study is an attempt to understand the interaction between the EU and the civil society organizations in Turkey, and not the development of civil society in Turkey as such. Accordingly, the main purpose of this chapter is to establish an original model that would conceptualize the relations of the civil society organizations that have a transnational authority within the context of Turkey's accession to the EU.

For this purpose, I have studied various theories, which are briefly summarized in this chapter. In the end, I chose to work with Gramsci's theory of civil society as I find it to be most convenient for understanding the EU's policy for Europeanizing Turkish civil society organizations. Indeed, as will be discussed in detail in this chapter, Gramsci's concepts of hegemony, organic and traditional intellectuals as well as others work best as the model established to conceptualize the

interaction between the EU and the civil society organizations in Turkey. A key reason why I have chosen Gramsci's theory is his projection of civil society as a politicized arena over which competing conceptions of society struggle for the formation of a new culture and ideology. Gramsci's conceptualization is important as he theorizes the necessary conditions for a successful social transformation in which the actors of civil society are determinant and not a passive and homogenous group as we see in most other theories. It is this political nature of Gramsci's theory that provides us with necessary conceptual tools for examining the relation between the civil society organizations and a transnational political society, in other words the EU, and thus renders it most appropriate to address my research question.

In this respect, this chapter begins with a brief overview of the major theoretical perspectives, coupled with an account of why these theories were not applicable in this dissertation. This overview consists of a threefold classification covering political theorists from civic-liberal tradition, Hegelian-Marxist tradition and critical-democratic tradition. This overview will be followed by a detailed account of Gramsci's conceptualization and the model derived therefrom. All classifications bear the risk of falling into the trap of underlying certain similarities and differences while understating the others. Accordingly, much as the classification presented in the following overview may be open to debate, it nonetheless provides for a general understanding of the existing theoretical build-up on the concept of civil society.

Civic-Liberal Tradition

The first use of the concept of civil society can be traced back to Ancient Greece, in

the *Politika* of Aristotle under the heading of *politike koinonia*, political society /

community, which the Latins later translated as *societas civilis*. Aristotle regarded

politike koinonia as the ethical-political community of free and equal citizens living

under a legally defined system of rule, in which the concept of civil society did not

distinguish between state and society, but constituted "all-encompassing social

system with nothing except natural relations outside" (Cohen & Arato, 1992, p. 84).

Accordingly, state represented the 'civil' form of society where the 'civility'

indicated the requirements of good citizenship. This tradition of thought was present

until the mid-eighteenth century, despite the flourishing of medieval towns and

bourgeoisie along with growing commercial life, which entailed three-cornered

competition between the monarchy, the feudal nobility and the town, further

contributing to the development of a more autonomous environment for the

bourgeoisie to sustain their self-organization (Cem, 1997, pp. 302-311). Yet, despite

these favorable conditions for a cleavage in the assumed conceptual unity between

civil society and state, European political thinkers made no clear distinction between

civil society (*koinonia politiké, societas civilis, société civile, bürgerliche*

Gesellschaft, societa civile) and the state (*polis, civitas, état, Staat, stato*) (Keane,

1988b, pp. 35-36). It is the emergence of liberal ideas in Europe following the

Renaissance (Giner, 1995, p. 302) and later the rise of market economy with self-

organized economic activities of the society that brought about a fundamental turn in

the ruling social order and the respective disintegration of the terms civil society and

state (Edwards, 2004, p. 7).

Within the framework of civic-liberal tradition, this section analyzes those theories of civil society developed in the light of the aforementioned conceptual divide between civil society and state. Accordingly, this chapter briefly discusses the major contributions of natural law theorists, political theorists of the Enlightenment, Tocqueville and Neo-Tocquevillians to this debate and considers why these theories were not applicable in framing this dissertation.

<p style="text-align:center;"><u>Natural Law Theories</u></p>

The two leading representatives of natural law theories, Thomas Hobbes and John Locke, characterize the state as a preventive institution of conflicts among men and both theorists name the peaceful existence of men under a legally established order as civil society and / or political society. And again for both theorists, the state of civil / political society is a result of interaction among the free and equal men, whose property is under the protection of the state.

Accordingly, there does not yet exist the latter differentiation of civil society from the state. However, one of the key ideational factors of natural law theories leading to the separation of state and civil society is their acknowledgement of state as a product of a social contract. In this respect, the distinction between state of nature and civil society reserves the premises of considering the state and civil society as two different entities.

Indeed, Locke (1988) breaks up with the old *societas civilis sive politicus sive respublica* as he clearly seeks to differentiate between 'society' and 'government', by distinguishing between surrendering power to society and to the government, which the society has set up over itself (§22-§24) or even more so between the

'dissolution of the society' and 'the dissolution of the government' (Cohen & Arato, 1992, pp. 87-88). Locke (1988) makes the distinction even sharper when he underlines that the submission to the laws of any country "…makes not a Man a Member of that Society" (§122). Furthermore, Locke's claim to have the right to resist the illegitimate central authority is one of the major steps enabling the contemplation of society as distinct from the state. It is in respect to his early attempts at separating the society from the state and limiting the authority of the state in favor of the civil society that our understanding of the modern concept of civil society must begin with John Locke.

<div align="center">

The Age of Enlightenment

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During the latter half of the eighteenth century in Edinburgh, the term civil society was revived as a key theoretical concept in the works of political theorists and philosophers within the framework of the movement, now known as Scottish Enlightenment. In the works of Scottish philosophers, the basic elaboration of a sphere of society, which is distinct from the state and functioning under the principles of its own (Femia, 2001) represented the cutting-edge of the intellectual progress of Scottish Enlightenment.

In his analysis of the Scottish Enlightenment, Seligman (1992) underlines that the developing idea of civil society during this period was an attempt to posit a synthesis between the private and the public that was increasingly being felt in social life. On the one hand, in praise of the individuals looking out for their selfish interests and acting out their own convictions, the concept of civil society retained its political implication as a sphere of 'private interest'. On the other hand, well-aware

of the sense of shared public embedded in individuals' relations with their communities, the Scottish writers underlined the civic commitments of these individuals. During this period, there is an increasing recognition of individuals as simultaneously being subjects of both interest and law (p. 25). In this respect, civil society was perceived by the Scottish writers as the sphere of social interaction where the individuals were able to pursue their private interests, while at the same time were able to promote the welfare of the public. In this regard, civil society appears to be the solution for the liberal problem of achieving the harmonization of unity and diversity, through which a community of free individuals with a balance in their private and public pursuits would be established (Pérez-Diaz, 1995).

In this respect, Adam Ferguson's *Essay on the History of Civil Society* is remarkable, particularly for establishing a new interpretation of civil society with reference to modern civic terms and thus bearing the initial signs of the breakdown of the classical understanding of civil society. Accordingly, Ferguson argues that the atomization entailed by individualism within civil society is reinforced owing to the dissolution of social bonds and that this dividedness of civil society leads to the empowerment of the centralized state over its subjects, posing an element of threat back to civil society. In Ferguson's account, civil society requires a centralized state for its survival, while at the same time this centralized state threatens the civil liberties and capacity for independent association through breaking 'the bands of society' and, thus undermining a *sine qua non* of civil society. This dialectic between civil society and political despotism is one of the basic arguments in Ferguson's Essay, to which he offers as a solution the fostering of independent societies within the civil society, through creation and strengthening of citizens' associations or civil society at large. It follows that the unity of civil society must not be attained at the

cost of losing public spirit once engendered by the associational life in society (pp. 42-44). Ferguson's dilemma between civil society and state clearly indicates the emerging of the distinction between these two spheres, which has served to be the breaking point from the classical understanding of the theory of civil society.

Eighteenth century German philosopher Immanuel Kant is another influential thinker of the Enlightenment. Kant's understanding of the term civil society rests on two major principles of his philosophy, namely the freedom of the individual as a human being and the equality of each subject. Respectively, Kant (1985) sought to harmonize the autonomy of individuals embedded in morals, politics and liberty with the necessity of social order regulated by principles and laws (p. 90). With his new formulation of civil society, Kant also suggests treating other people as ends in themselves, while ensuring that the means we use to pursue our own self-interests does not interfere with others' rights to pursue theirs. By doing so, Kant not only has remained in conformity with the moral sentiment upon which the Scottish philosophers constructed their idea of civil society, but also has continued and substantially deepened their thought in certain respects (Seligman, 1992, p. 42).

What is also central to the Kantian conception of civil society is his argument for the presence of a public sphere defined by the principle of legal order and in which the Reason can be substantiated through the rational and critical discourse concerning the 'ends' (Arendt, 1987). This category of the public introduced an explicit distinction of civil society from the state. While the state embodied the political society, it was no longer seen as coterminous with civil society, which embraced the public arena.

Alexis de Tocqueville

Alexis de Tocqueville is a leading nineteenth century philosopher who was

concerned with a wide array of social phenomena and have had profound effect on

the conceptualization of civil society. In his *Democracy in America*, Tocqueville

makes his case on social order, passes his opinion on civil society and draws a

picture of the associational life herein. He explains how an organized society is

embedded in different parts of a society and offers a solution to the dialectic that he

believed a civil society would face in democracies.

For Tocqueville (1981), in no country is the principle of association more

successfully applied than in America (p. 101). Americans of all ages and all

conditions constantly form associations, which Tocqueville defines to consist in the

public assent of a number of individuals, engaged to promote in a certain manner the

spread of their doctrine. An association for Tocqueville not only unites into one

channel the efforts of divergent minds and urges them towards their end, but may

also exercise the power of meeting to extend their influence by establishing centers

of action at certain important points (ibid, pp. 101-103).

Tocqueville's central contribution to theory of civil society lies in his analysis

of the problematic relation between state and civil society. Tocqueville establishes

that the individual's desire for equality may prevail his desire for freedom and in a

democratic society where there is no acknowledged privileged status, the call for

equality would result in the weakening of the individual with respect to the state.

This is because, in consideration of equality, the state would become the regulator,

inspector, adviser, educator, and punisher of social life. This would result in the

gradual concentration of power in the hands of a centralized state in the name of

securing the well-being of civil society, while constraining its freedom. Tocqueville argues that this amounts to a dilemma in which the arguments in defence of a state governing civil society for the sake of universal interest to gradually suffocate civil society by new forms of regulatory state power, which is not only absolute and regular, but also differentiated and provident (Keane, 1988b, pp. 55-59).

Against this threat, Tocqueville finds active and strong political institutions to be not only necessary, but also desirable conditions for establishing democratic freedom and equality. A legislative power, subject to periodic elections combined with a separate executive authority as well as an independent judiciary serves to ensure that the political power governing civil society changes hands regularly, prevent from becoming excessively centralized and thus minimize the risk of administrative despotism (ibid, pp. 59-60).

Tocqueville saw correctly that the problems entailed by consolidation of democracy can only be minimized by also ensuring the widespread presence of an organized society. Therefore, these political checks upon state authority must be reinforced by the development of civil associations which lie beyond the control of state institutions. Civil associations also help nurturing the particular freedoms that may be necessary for maintaining democratic equality and preventing the tyranny of minorities by majorities (ibid, pp. 60-62).

Furthermore, the idea of civil associations enabling an environment within which citizens learn their rights and obligations as well as become acquainted with others appeals greatly to Tocqueville. Therefore, Tocqueville acknowledges that civil associations such as scientific and literary circles, schools, publishers, inns, manufacturing enterprises, religious organizations, municipal associations and

independent households serve as a barrier against not only political despotism but also social unfreedom and inequality (ibid, p. 61).

In this account, Tocqueville not only clearly demarcates the boundary between civil society and state, but also comes close to the Scottish thinkers by harmonizing liberal individualism with Republican virtues of collective participation. Consequently, Tocqueville's argument that individuals become citizens through participation within associational life has been regarded as the silver bullet of democracy.

Neo-Tocquevillians

In the light of Tocqueville's celebration of the associational life, neo-Tocquevillian analyses are based on the fundamental belief that the key to successful democracy lies in societal and cultural factors. Neo-Tocquevillians argue that associational life is crucial to "making democracy work" and its vibrancy is a crucial indicator of the health of democracy (Putnam, Leonardi & Nanetti 1993, Putnam 1995, 1996, Sullivan, 1999). Neo-Tocquevillians share Tocqueville's praise of associational life for the effects it had on the way individuals relate not only to one another, but also to their society. Participation in associational life is of primary importance for neo-Tocquevillians as it is expected to produce the necessary patterns of individual behavior as well as social interaction for the flourishing democratic governance. Considering the ideas of Tocqueville, Putnam et. al (1993) claim that while the civil associations, internally, have the capacity to instill in their members the habits of cooperation, solidarity, and public spiritedness, externally, a dense network of such associations may contribute to effective social collaboration by way of articulating

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and aggregating the interests (pp. 89-90). In return, this develops the 'I' into the 'We'" (Putnam, 1995, p. 67) and advances what Tocqueville named as "self-interest properly understood," bringing together the individual interest and the order of the community.

Furthermore, drawing from Putnam's famous work (1995), associational life is posited as the principle actor and vital source of social capital, helping to "foster sturdy norms of generalized reciprocity and encourage the emergence of social trust" (p. 67), which, in turn, enable participants to act together more effectively and thus to resolve dilemmas of collective action. This civic culture of mutual trust and social solidarity, crystallizing in citizens who are willing and able to cooperate in joint ventures, is considered an important societal prerequisite for an effective democracy.

Benjamin Barber is another significant political theorist with respect to the ongoing debates on civic culture. Barber (1999) introduces a new focus on civil society, with which he underlines the key role that civil society plays in driving political, social as well as economic outcomes and in which civil society acts as the main tool for building and sustaining effective democracy, particularly in the post-Cold War era. In an attempt to define civil society by considering it as an autonomous sphere to cultivate the patterns of democratic behaviour as well as a bridge between the private and the public or the individual and the community, Barber makes use of the harmonization of both libertarian and communitarian concerns (p. 9), while being critical on both schools of thought. Encapsulating Tocquevillian account of civic-republican society, Barber defines civil society as composed of a diverse set of associations furthering the virtues of equality and participation and acting as a layer mediating between the private domain and the government. At the same time, the governments are expected to facilitate the

fostering of civil society, while protecting it from dangers of cultural uniformity entailed by the monopolization of corporations. It is through this model that Barber aims to achieve a harmonization of the self-interested individual of the liberal market economy with the cooperation and solidarity of the communitarianism. Barber's conclusion of ascribing central role for civil society in attaining autonomous, moral citizens places civil society in a key position with respect to the liberal theory and also reduces the dangers posed by liberal market economy on the social order.

Agreeing with Edwards (2004), neo-Tocquevillian ideas about civil society have come to be one of the prime beneficiaries of wider political, economic and ideological changes that have redefined the powers and responsibilities of states, markets and civil associations over the past few decades. What is called the 'third way' or 'new localism' in which all private and public sectors of society take part in addressing the economic and social problems of the society has been the dominant way for the societies to organize collective action during this period. Accordingly, in the neo-Tocquevillian school, civil society is regarded as a *part* of society, as opposed to civil society as a *kind* of society, characterized by positive norms and values as well as success in meeting particular social goals (pp. 10-11).

Critics

Theories of civic-liberal tradition articulate the concept of civil society with respect to the problematic relation between the private and the public. They aim at displaying how the diverse interests of the individuals are pursued and the welfare of the public is promoted at the same time. In doing so, they construct and examine, both conceptually and empirically, the disintegration of civil society as an

autonomous area outside of the state. This is important as this disintegration illustrates the origins of the EU's contemporary conception of civil society and its related policy. However, the aim of this study is to understand not the development of civil society in Turkey, but the interaction between the EU and the civil society organizations in Turkey. In this context, the theories of civic-liberal tradition are not applicable for conceptualizing the relations of civil society organizations with a transnational authority.

Despite their emphasis on the associational life in their theories, both Tocqueville and neo-Tocquevillians fail to provide the grounds for conceptualizing the interaction between the EU and the civil society organizations during Turkey's accession process. This is partly due to the remaining uncertainties in these theories with respect to the boundaries of civil society, political society and the market. But more importantly, these theories are concerned with establishing and effective democracy and hence fail to go beyond the liberal-democratic context.

Hegelian-Marxist Tradition

Despite the earlier attempts, the complete breakthrough with respect to the distinction of civil society as a realm autonomous from the state has taken place in the late eighteenth and nineteenth centuries, along with the rise of the national state, where there was a shift in the status of individuals from subjects to citizens (Kaldor, 2003, p. 18). In relation to this, civil society came to connote the liberalization of bourgeoisie. In that sense, philosophers of Hegelian-Marxist tradition have envisaged civil society not as a realm of freedom in the liberal context, but more as an obstacle to overcome and hence, they sought the ways in which the civil society could be

seized and controlled. In this context, respective theories of the two leading

philosophers in this tradition, Hegel and Marx will be briefly discussed in this

section. Although a key figure of this tradition, Gramsci, is not a part of this section,

but will be analyzed in detail at the end of this chapter, since his theory of civil

society serves as the basis of the model employed in this dissertation.

Friedrich Hegel

Hegel was one of the most influential Western philosophers of the nineteenth century

and a founding figure of German Idealism. Civil society, which was conceptualized

as a sphere distinct from the state, had a prominent role in Hegel's philosophy.

For Hegel (1991), the political realization of freedoms following French

Revolution coupled with the inability of the people to enjoy their wider freedoms due

to their dependence to their work entailed by industrialization (§243), resulted in the

congregation of individuals in a sphere that is neither state nor family, involving a

clash of wills, antagonism and tension that are non-political, but requiring the

regulation of the public authority. In this respect, Hegel's major conceptual problem

is to understand this newly emerging sphere of social relations embracing the

socioeconomic freedom, industrial activity and struggle. It is in this framework that

Hegel built up his theoretical account of civil society, by positing it as a third

dimension between the family and the state and consequently fashioning the concept

of civil society to be the hallmark of the modern world (Neocleous, 1996, p. 1).

In this respect, Hegel's (1991) use of the phrase *bürgerliche Gesellschaft* to

refer to civil society is meaningful as the phrase enables Hegel to capture the two

distinctive features of this new sphere. While the first feature focuses on the

socioeconomic as opposed to the political nature of this sphere, the second one emphasizes the elements of the bourgeois society that incorporates the atomized self-seeking individuals, organized economically, politically, socially as well as legally and producing its own mechanisms (pp. 1-2).

Hegel's theoretical account of civil society embodies two main principles. The first one is based on the understanding that man is constituted as a separate individual, whose ends are purely private, particular and contingent (ibid, §185), unlike the communal ends that are shared with either family through feeling or with state through reason. Consequently, civil society is composed of particular individuals, who are owners and disposers of private property, and choosers of their own life-activity in consideration of their subjective needs and interests. Civil society is defined by Hegel as "a totality of needs and a mixture of natural necessity and arbitrary will (*Willkür*)," as a result of which civil society comes to be the arena where the individuals not only establish their personal autonomy, but also set forth their claims for satisfaction of their contingent wants, caprices, and physical necessities (Seligman, 1992, p. 5).

On the other hand, Hegel (1991) conceives these 'selfish' individuals to be prompted by the reciprocal satisfaction of their interdependent needs (§181R). Accordingly, civil society becomes a complex association of transacting individuals whose needs, necessities and legal status are mutually interwoven. The conditioning of the selfish end to establish a system of all-round interdependence, which interweaves the subsistence and welfare of each individual to all others, constitutes the second principle of Hegel's account of civil society (§182-183).

Accordingly, while the system of needs is the first level of civil society, the civil sphere of public institutions constitutes the second level. In the second level, the

individuals are regarded as legal persons and members of association (ibid, §182) and civil society becomes the realm in which the individual legitimately satisfies his self-interest, while at the same time learning the value of group action, social solidarity and acknowledging his dependence of welfare on others. These serve to educate the individual for citizenship as is due and thus, prepare him for participation in the political arena of the state (Pelczynski, 1988, p. 364).

Karl Marx

Karl Marx is another prominent German political theorist and an influential Western philosopher of the nineteenth century. Although Marx emerges essentially as a critique of Hegel, it is indeed possible to trace the echoes of Hegel's political philosophy, with respect to his conceptualization of civil society.

Under the influence of Hegel, Marx adopted the dialectical synthetic pair of base and superstructure, although the base for Marx is the sphere consisting of the conditions, the means and most importantly the relations of production, into which people enter to produce the necessities of life. In Marxist theory, the constituents of the base are used not only to account for the production power, but also to understand the features of the individuals and how their relations to one another are conditioned (Marx & Engels, 1972, pp. 42-43).

According to Marx, the totality of these relations of production constitutes the economic structure of society, the real foundation, upon which the legal and political superstructure of the society is built. Consequently, the production of ideas, conceptions as well as consciousness are all directly interwoven with the material

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activity of men and also that the material life determines the general process within which the social, political, and intellectual life is shaped (ibid, p. 47).

Within this framework, civil society, for Marx, is determined by the existing productive forces, while at the same time determining these forces in its turn. Civil society thus embraces not only the whole material intercourse of individuals, but also the commercial and industrial life within a definite stage of the development of productive forces. According to Marx, this is a clear indication of how "civil society is the true source and theatre of all history" (ibid, p. 57).

Marx regards the emergence of civil society as a historically evolved socio-economic phase, where he associates each phase with a certain form of production. Accordingly, restrictive conditions on the capital of the Medieval society as well as feudal relations of property had to be superseded in order for the civil society to emerge (ibid, p. 95). For Marx, this could realize only with the development of bourgeoisie that evolved directly out of production and commerce (ibid, p. 57). The relations of production of this new phase, starting with the eighteenth century, are mainly characterized by the domination of private property (ibid, p. 66-67). Marx (1975) discusses in his *On The Jewish Question*, how the rise of bourgeoisie has ruled out the traditional interim institutions like guilds, causing the separation of society from the state, absent in feudal society. In this respect, Marx shares Hegel's argument concerning the essentially modern aspect of the emergence of civil society, along with its bourgeois nature and the separation of the state this entails.

In parallel with Hegel's earlier critique, Marx recognized that the life in civil society is riven by continuous conflict, competition and inequalities raging between different political and economic interests of the selfish individuals. Contrary to Hegel, though, Marx (1970) argued that the state eventually derives from civil

society and thus inevitably reflects the forces and interests within it (pp. 8, 41, 65). Therefore, the state not only legitimizes the conflict and competition of civil society through the sanctity of property and its relations, but also is, at least partially, subservient to these conflicting interests and acts as just another mechanism for furthering the interests of the dominant class under capitalism (Edwards, 2004, p. 8, Seligman, 1992, p. 53).

Marx follows Hegel in removing the political element from men's life and thus, putting him away from political life. Accordingly, Marx (1992) introduces a duality between the man as a citizen ('*political* man') and as a member of civil society ('*real* man'). Here the main opposition is that, while the real attributes of men belong to the latter, the former is "is simply abstract, artificial man, man as an *allegorical, moral* person" (ibid, p. 234). Therefore, as the real differences between men do not affect their standing as citizens and that the civil life dominates the political life (Arthur, 1972, p. 10).

Critics

Hegel's theory of civil society is not applicable in this study as he conceptualizes civil society in such a way that it embraces the socio-economic elements as opposed to the political nature of the state. Indeed, Hegel defines civil society as a 'totality of needs', where men's interests are civil and economic, but not political. However, understanding the EU's interaction with the civil society organizations in Turkey requires a model that acknowledges the contestability of civil society in both theory and real life. Accordingly, it is not possible to build a theoretical model of civil society for this study that removes the political element from the men's life.

On the other hand, Marx recognizes the conflictual and competitive nature of life in civil society. However, Marx has a purely economic interpretation of civil society, despite his acknowledgement of selfish individuals' political interests. Indeed, for Marx, civil society refers to the system of social relations, in which essentially economic developments take place. In this respect, Gramsci's conceptualization of civil society suits better for constructing a model to account for the EU's interaction with the civil society organizations in Turkey, as Gramsci's concept of hegemony enables us to make use of the cultural forces with those of the material ones as opposed to the economic reductionism of orthodox Marxism.

Critical Theory and Public Sphere

Seventeenth century Europe witnessed remarkable developments that played a key role for the social relations to acquire a new dimension. Of these developments, the emergence of the print media is of primary importance, which soon became the indispensable vehicle providing the flow of information and enabling the people, for the first time, to participate in debates without all gathering in one place. With further opportunities for the bourgeoisie to exchange, deliberate and improve their ever-mounting studies and new ideas in coffee houses, scientific associations, reading clubs and saloons, a new, 'public' zone was produced, which influenced the intellectual progress of the bourgeoisie. However, equally important was the influence of these developments and the emerging debates on 'public sphere' over the conceptualization of civil society. It was with Habermas that this reached its highest levels of articulation. In this respect, this section accounts for Habermas's conceptualization of public sphere in relation to his theory of civil society.

<center>Jürgen Habermas</center>

Habermas is acknowledged by many as the most prominent philosopher theorizing in highly elaborate terms the existence of a public sphere, under the umbrella of critical theory. In *The Structural Transformation of the Public Sphere* Habermas developed his concept of public sphere and claimed that it emerged during the eighteenth century as an area outside the authority of the state. The public sphere, for Habermas, is a particular type of spatial relationship, connecting the individuals by means of communication, and hence enabling them to establish various platforms for exchanging their views and knowledge. Characterizing the eighteenth century within the framework of the abovementioned developments, Habermas argues that the emergence of autonomous spaces, where people come together to limit state power have been the main indicators of the gradual establishment of the public sphere. On the other hand, Habermas (1994) also suggests that the commercialization of mass media transforming this critical public into a passive group of consumer public (pp. 169-170) as well as the emergence of welfare state producing clientelism and bureaucratization entailed an eventual decay of the public sphere throughout the nineteenth and twentieth centuries (ibid, p. 222-235).

The concept of a public, as a polity that cares about the common good and endowed with the capacity to deliberate about it democratically, is central to the conceptualization of civil society in Habermas's thinking (Edwards, 2004, p. 54-55). Habermas, in parallel with other critical theorists, believed a healthy civil society to be the one 'that is steered by its members through shared meanings' and that are constructed democratically through the communication structures of the public

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sphere (ibid, p. 9). Habermas acknowledges the importance of the development of shared interests an as attribute for effective governance, and the peaceful resolution of our differences. Accordingly, civil society as a public sphere becomes the arena for deliberation in which societal differences, public policy and matters of community and cultural identity are developed and debated (ibid, p. 54-55).

Habermas's conceptualization evolves around a basic tension between the 'system' and the 'lifeworld', in which the 'system' is a consistently integrated set of political and economic activities, combining the economic and political institutions and organizations, while 'lifeworld' refers to socially integrated spheres of action, crystallizing into private and public sphere and which are based on solidarity and communication (Keane, 1988a, p. 18). With respect to this dualistic structure, civil society corresponds to the institutions of sociability regarding the lifeworld (Ashenden, 1999, p. 148). The institutional core of civil society comprises of those non-governmental and non-economic connections as well as networks of voluntary associations that anchor the communication structures and institutionalize problem-solving discourses of the general interest within the framework of organized public spheres (Ehrenberg, 1999, pp. 222-223). Accordingly, civil society of this kind refers to those associations which fall outside the realm of the state and economy, and thus includes churches, cultural associations, academia, independent media, sports and leisure clubs, debating societies, groups of concerned citizens and grass-roots petitioning, business and professional organizations, political parties, labour unions and alternative institutions (Habermas, 1992, pp. 453-4).

Having observed that the Eastern socialist societies are beyond repair and also having sensed the limits of what the social movements could achieve, Habermas finally concluded that the 'system' cannot be transformed democratically from

within. Consequently, the moral-political goal of Habermas shifts from transformation of the system to its containment and aims at erecting "a democratic dam against the colonizing encroachment of system imperatives on areas of the lifeworld" (Habermas, 1992, p. 444). In this respect, civil society is conceived by Habermas as a central site of freedom and democracy, in which the voluntary groups in the lifeworld are hoped to be bulwarks against its colonization by the 'system' (ibid, p. 454).

<u>Critics</u>

Habermas's theory of civil society along with his concept of public sphere as a polity that cares about the common good as well as the emphasis on shared meanings and shared interests in the public sphere conceals the conflictual nature within civil society, suggesting it as a homogenous group. Furthermore, civil society is posed by Habermas to be a progressive site of politics and hence, overloaded with highly normative meaning. However, Habermas overlooks the fact that, particularly during the Europeanization process, the actors of civil society, while being considered to be outside the system, have at time same time concrete interconnections with various institutions that are included in the 'system'. For instance, various voluntary associations cooperate with the institutions of the state for administering issues relating to lifeworld. It is for these reasons that Habermas's theory of civil society does not suit the purposes of this dissertation.

Twentieth century Italian theorist Antonio Gramsci is often quoted as the person who "may be single-handedly responsible for the revival of the term 'civil society' in the post-World War Two period" (Foley & Hodgkinson, 2003, p. xix). Important as they may be, though, the conceptualization of Gramsci is notoriously difficult to grasp and analyze. Particularly because Gramsci developed and narrated major part of his conceptualization in prison, they are expressed circuitously and in an oblique manner. Accordingly, Gramsci's contribution not only to the theory of civil society, but also to the Marxist thinking in general, is by no means undisputed, and that ambiguity remains with respect to his theory of civil society and its constitutive elements. It is within this framework that I will account for Gramsci's theory of civil society and establish the conceptual model for this dissertation.

One of the main reasons underlying Gramsci's use of the concept of civil society is to comprehend the complex web of relations of the advanced capitalist societies and thus, to establish a nonviolent strategy for the develoment toward socialism. In this respect, Gramsci employed civil society to account for a new way in which socialism would prevail, but not through revolution.

As a leading theorist of the Hegelian-Marxist tradition, Gramsci reasoned in Marxist categories, though he has not taken all their assumptions for granted. Accordingly, Gramsci made use of the two main categories of Marxism, base and superstructure. Yet, Gramsci opposed the single sided approach of orthodox Marxism, in which the base determines the superstructure and proposed a mutual interaction among the base and superstructure. In consequence of this interaction, not

only economy, but also ideology, law, morality and religion clearly have a role to play in the advancement of the historical progress (Cohen & Arato, 1992, p. 143).

Identifying the definition of civil society in Gramsci is a particularly difficult task as the whole conceptualization is presented with a notoriously confusing terminology. Consequently, various definitions of civil society can be traced in the works of Gramsci stretching from being a counterpart of the state to being a part of the state along with and counterposed to political society. What brings this variation in Gramsci relates to the different interpretations regarding the definitions of base and superstructure as well as how civil society is placed with respect to these two categories. In this respect, certain political theorists and their analyses come forward.

A prominent assessment of Gramsci's conception of civil society came from Norberto Bobbio. According to Bobbio (1982), in parallel with Marx and as opposed to Hegel, civil society in Gramsci is the active and positive moment of historical development. Through emphasizing the civil society rather than the state as Hegel did, both Marx and Gramsci reverse Hegel's conceptualization. However, while this reversal takes place from the superstructure (conditioned) moment to base (conditioning moment) in Marx, it takes place within the framework of the superstructure in Gramsci (pp. 19-20).

Accordingly, unlike Marx, civil society for Gramsci is not a complex of relations of material production, commercial and industrial life, but rather the sum of ideological and cultural relations as well as the moral and intellectual life. In this respect, civil society is placed in the superstructural moment and not in the base as it was in Marx. In relation to the previous factor, while for Marx, base is the primary and conditioning moment and the superstructure is the secondary and conditioned moment, it is completely the opposite for Gramsci (ibid, pp. 18-23).

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Bobbio suggests that in addition to his principal antithesis between the base and superstructure, Gramsci introduced a second antithesis within the superstructure itself, taking place among the ideologies and institutions. In this antithesis, which relates to his concepts of coercion and consent, the ideologies are primary and the institutions are secondary moments (ibid, pp. 26-29). In sum, what is distinctive in Gramsci's conceptual system of civil society is that civil society is defined as only one of the terms of the two interbedded antitheses in which the superstructure dominates the base and the ideological moment dominates the institutional moment within the superstructure itself (ibid, p. 41).

As opposed to Bobbio, Texier (1982) suggests that in Gramsci, in order for one social group to dominate over the other subordinate groups, it is required to hold a strong position in the production relations and have an undeniable function. What this brings us to is the primacy of the economic element once more (p. 75). This hegemony of the dominant group will further be manifested in the moral and intellectual plane, presupposing that the new social group holds a conception of the world that is able to impose its superiority (ibid, pp. 72-76).

Texier challenges Bobbio with his argument that for Gramsci, it is the base, which is the 'primary and 'conditioning', though this is not to say that the superstructure is not active at all. However, Texier underlines that the fact that the political activity may at times be the conditioning, does not contradict the Marxist proposition that the relations of material production determine the development of social, political and intellectual life (ibid, p. 66).

Texier agrees that civil society in Gramsci belongs to the superstructure, and that the form of the superstructural activities may be ideological. Texier adds that the customs and attitudes of *homo oeconomicus*, which are previously shown to be

'superstructural facts', constitute the fundamental content of civil society. However, Texier argues that the content of these activities are economic and social. This becomes particularly thought-provoking as Texier emphasizes that Gramsci envisioned the trade unions to be one of the legs of the counter-hegemonic force in capitalist society and his emphasis on the enhancement of civil society with the rise of trade unions (ibid, p. 81-83). Hence, civil society for Gramsci means;

> the complex of practical and ideological social relations (the whole infinitely varied social fabric, the whole human content of a given society) which is established and grows up on the base of determined relations of production. It includes the types of behaviour of *homo oeconomicus* as well as *homo ethico-politicus*. It is therefore the *object*, the *subject* and the *locality* of the superstructural activities which are carried out in ways which differ according to the levels and moments by means of the 'hegemonic apparatuses' on the on hand and of the 'coercive apparatuses' on the other (ibid, p. 86).

In sum, civil society for Gramsci is a realm outside the state, the market and the family embracing culture and ideology, exercised by various forms of autonomous organizations, associations and activities. Accordingly, Gramsci recognized churches, trade unions, cultural institutions, clubs, neighborhood associations, and especially political parties as specific to modern civil society (Cohen & Arato, 1992, p. 143).

Not only with respect to his conceptualization of civil society, but also as a political theorist in general, Gramsci is perhaps most closely associated with the concept of hegemony. Gramsci used 'hegemony' to theorize the necessary conditions for a successful overthrow by the proletariat of the bourgeoisie as well as the structures of power the bourgeoisie had in late nineteenth and early twentieth century Western European states (Anderson, 1976).

In this respect, Gramsci (2008) carefully observed that capitalism had been entrenched and have maintained control not only through political and economic

coercion, but also ideologically, by establishing a culture, in which the bourgeois values came to be the common sense values of all. Consequently, the working class identified their own good with the good of the bourgeoisie, helping to maintain the *status quo* rather than challenging it. In this context, Gramsci's 'hegemony' refers to the consent given by the subordinate classes to their own domination by the ruling classes, along with a process of intellectual as well as moral leadership (pp. 57-60, 181-182).

Gramsci's conceptualization of civil society is closely associated with his analysis of hegemony in that civil society plays a central role in the formation of a new culture and ideology and the enforcement of the present one. In this respect, civil society appears as the 'site of rebellion' regarding the construction of a new cultural and ideological hegemony (Edwards, 2004, p. 8) as well as the maintenance of the ongoing hegemony. Civil society allows the bourgeois society to exercise its power not only through the coercive capacities of the state, but also with the inculcation of consent through civil society. While Gramsci drew clear distinction of hegemony, based on consent as opposed to domination, based on coercion, he did not exclude either one of them at the expense of the other. This consent attained through civil society is a cultural phenomena indoctrinated by the use of religion, popular culture, and other forms of association. Therefore, for Gramsci, hegemony may be expressed in the families, schools, universities, media as well as voluntary associations since all these institutions are important in shaping the cultural and ideological dispositions of citizens (ibid, p. 8).

With the concept of hegemony, Gramsci equalizes the cultural forces with those of the material ones. While the dominant class is able to exercise domination based on coercion in the economic and political spheres, it had to exert moral and

intellectual influence in the civil sphere. According to Gramsci's analysis, it is the 'hegemony' that explained the durable character of existing capitalist regimes (Cohen & Arato, 1992, p. 143).

Gramsci's concept of hegemony and in particular his counter hegemonic struggle is important as it provides us with a model that would conceptualize the interaction between the EU and the civil society organizations during Turkey's accession. The EU treats Turkey's accession as a process for transforming the society in a liberal-democratic manner. Accordingly, the EU has actively been trying to frame values and collective will as well as build institutions and ideology within civil society. The various financial incentives provided and the support given to the legal and institutional changes by the EU, aim for the different sectors of Turkish society to define themselves with the new set of values and 'consent' to this new liberal-democratic framework.

Gramsci regarded civil society, so to speak, the 'soft underbelly' of the capitalist system, offering other classes, most particularly the industrial working class, a chance to undermine the cultural domination of bourgeoisie, including their ideas, values, education and voluntary organizations (Pelczynski, 1988, p. 365). According to Gramsci, the working class should develop a culture of its own and bring together a wide array of social forces, stemming from both the base and the superstructure, under what Gramsci calls a 'historical bloc'. Gramsci suggests this bloc to form the basis of consent in civil society for a particular type of social order. Respectively, it would establish and enforce the hegemony of the (new) dominant class with the assistance of ideas, values, various institutions and different forms of associations. In claiming so, Gramsci emphasizes the importance of superstructure in

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maintaining and transforming the relations of the base and as such, Gramsci again diverges from orthodox Marxism.

In Gramsci's view (2008), establishment of socialism requires persuasion instead of revolution, and that the capitalist state and bourgeois society are to be overthrown gradually, over a long period of time. Gramsci accounts for this power struggle by positing a strategic distinction between the war of movement[3] and the war of position. War of movement is characterized by the relatively rapid movements of troops, carrying out sudden frontal attack on the state apparatus, where the society at large takes no place in the war waged by their military, while the war of position characterized by successive advances and retreats, resulting only when the society as a whole has no staying power left (pp. 206-209, 229-239).

For Gramsci, the complex nature of modern civil society renders the war of position to be a more suitable strategy for a successful seizure of bourgeois hegemony by the working class. This is an intellectual war, in which the leaders of the working class voice their ideology through education, media and other forms of mass associations, entailing an enhancement of class consciousness as well as spreading of revolutionary knowledge and organizational capacity. Such struggle entails being both 'in' and 'against' the hegemonic practices of the dominant class. In that sense, all the members of the given society are agents of this ongoing war.

However, Gramsci acknowledges that it is not possible for the working class to liberate itself on its own at the early stage of this process and that Gramsci places much emphasis on the role the intellectuals would play in the society. Gramsci conceives the intellectuals to be the leaders of this process, who would be responsible from ideologically transforming the society.

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[3] Also translated to English as 'war of manoeuvre'

In order to account for the role the intellectuals play during this process, Gramsci (1985) makes a distinction between traditional intellectuals and organic intellectuals. Traditional intellectuals stand for those intellectuals who, not only do not belong to any political class with organic ties, but also put social distance between themselves and the political parties. In the modern societies scientists, teachers and artists make up the traditional intellectuals, while clergy was the main traditional intellectual in pre-modern societies. On the other hand, organic intellectuals have close relationship with political groups and assume responsbililty for structuring the life and society (p. 15).

Gramsci regards the ideological transformation of traditional intellectuals by the organic intellectuals to be the key aspect for any social group that desires to become dominant in the society. Organic intellectuals have to be raised as the "envoys" of the dominant class in charge of securing the "consent" of the people at large for the direction given by the dominat class to the social life and hence establish the social hegemony (ibid, pp. 28-31). The direction of politics depends on the outcome of the interactions between these two groups of intellectuals.

The aforementioned conceptualization based on the distinction between organic intellectuals and traditional intellectuals constitutes one of the main analytical tools for establishing a model to analyze the employment of civil society organizations by the EU during Turkey's accession process. There is a liberal-democratic social coalition in Turkey that is pro-EU accession. The EU has been trying to consolidate this liberal-democratic social coalition and also seeking to make partners with them through assigning the aforementioned duties of "organic intellectuals". In return, the EU expects this liberal-democratic social coalition to assist the social transformation through reaching out the leaders of those groups

framed by an ideology other than the liberal-democratic one. On the other hand, the leaders of the latter group, stand out as the "traditional intellectuals" as they keep themselves distant from the EU accession process. While there exists multiple agencies for both groups including certain public officials, journalists, academicians as well as businessmen – additionally imams and leaders of religious groups in the case of traditional intellectuals –, the leaders of civil society organizations constitute one of the major agencies in both cases.

In this context, the Party not only raises and organizes its organic intellectuals, but also serves as the main mechanism that links the organic and the traditional intellectuals of the dominant group. For Gramsci, it is the Party that will be the founder of the socialist state and become the "Modern Prince" (ibid, 37).

An important point to be considered with respect to the theoretical model of this dissertation is the relation between the EU and those civil society organizations that make up the "intellectuals" in Turkey. Establishing the external-internal linkages with respect to democratic transition has been occupying the scholars of comparative politics for some time, in which the international factors has been more pronounced than in the other fields (Yılmaz, 2002, p. 68). Since 1990s, several scholars (Huntington, 1991; Pridham, 1991a, 1991b; Whitehead 1991) have attempted to build approaches that address the importance of international influence and the role the external actors play during the course of democratic regime changes. Among them, "internationalized domestic politics" of Douglas Chalmers (1993) is best suited for our model regarding the EU's relations with the domestic actors. Chalmers introduces the notion of "internationally based actors" to define those actors who stays involved in a country's domestic politics over a period of time and becomes built into the political institutions of the country and he calls "internationalized

domestic politics" to those political systems in which the internationally based actors have a significant presence (p. 1). Although the presence of external actors have been common in conventional approaches, Chalmers' "internationalized domestic politics" is more applicable in this context, as it refers to new type of political systems that "include internationally based actors as normal parts of the system, not actors external to it" (ibid. p. 28). Consequently, Chalmers' account is important as it sheds lights on the behaviour of the EU as a domestic actor, despite retaining its role also as an external actor. In that sense and in relation to Gramsci's conceptualization, the EU has been acting the role of the new "Modern Prince".

CHAPTER III

THE CONCEPT OF EUROPEANIZATION AND

ITS APPLICATION TO CIVIL SOCIETY

Understanding the impact of the EU policies on the Europeanization of Turkish civil society organizations requires us to delve into the theme of Europeanization. This extensive overview on Europeanization is necessary first because it provides us with an overview of the rich literature on different conceptualizations of European integration as well as the debates on the role that civil society organizations assume during this process. Meanwhile, this chapter enables us to identify and examine the various mechanisms employed by the EU to Europeanize civil society organizations in Turkey. What renders this overview further important is that it illustrates the failure of the framework provided by Europeanization to account for the impact of the EU policies on the Europeanization of Turkish civil society organizations. In that sense, it posits an answer to why our quest is not located within the framework of Europeanization.

In this respect, this chapter begins with a conceptual framework of Europeanization in the light of the related literature. This is followed by an analysis on the Europeanization of civil society organizations both in the member states and in the candidate countries, in particular on Turkey. The chapter concludes with an overview of the financial, technical and political instruments used as support mechanisms by the EU in the Turkish context, with an emphasis on the way the EU has instrumentalized these mechanisms to Europeanize Turkish civil society organizations.

Conceptual Framework on Europeanization

Over the past few decades, there has been a growing body of literature on

Europeanization, offering an array of definitions with which various issue areas have

been addressed. However, what may at first seem as a lively debate on the

conceptualization of Europeanization – why it takes place, how the process of

Europeanization works, the dynamics and mechanisms behind it, its content and

form, what effects it has on domestic and European policy and structures – may

indeed render impossible the establishment of an overarching definition containing

all pillars of the contestation on Europeanization. In this respect, to make the debate

revolving around the definition of Europeanization more understandable, I will

discuss the concept of Europeanization with respect to two different aspects.

Accordingly, I will first look into the scope of influence of Europeanization, and

discuss the Europeanization of institutions and policy; and the Europeanization of

norms and values respectively. I will then analyze the concept of Europeanization

with respect to its area of influence and address the Europeanization of member

states and the Europeanization of candidate countries.

<u>Europeanization with respect to Scope of Influence</u>

Understanding Europeanization as the changes taking place within the institutions

and policies could be at the level of individual states (member states and / or

candidate countries) as well as at the EU level. The classification of Europeanization

as such is closely related to the distinction of Europeanization as either a bottom-up or a top-down process.

Europeanization as a bottom-up process is very much focused on the EU. A prominent definition that explains the bottom-up process sees Europeanization as the emergence and development at the European level of distinct structures of governance, that is, of political, legal, and social institutions that formalize interactions among the actors to make, implement and enforce European-wide binding policies, and of policy networks specializing in the creation of authoritative European rules (Cowles, Caporaso & Risse, 2001, p. 3; Harmsen, 2000, p. 14; Olsen, 2002, p. 929). A well-known example of this is the Convention, established to draft the Constitutional Treaty that brought together different political, economic and social actors to meet the then-current political, economic, legal and social challenges facing the EU. According to J. T. Checkel (2001), Europeanization here includes "the strengthening of an organizational capacity for collective action and the development of common ideas […] regarding citizenship and membership" (p. 180). Parallel to this definition, Europeanization can also take place as the development of the EU policies, in particular the issue areas which imply the transfer of decision making or policy competences to the European level (Cowles & Risse, 2001, p. 218). A prominent example for this is the Bologna process with which the level of decision making on higher education is to a large extent transferred from the national level to the EU level. Finally, Europeanization as a bottom-up process can also take the form of institution building (Börzel and Risse 2003: 59), which results in the emergence of a formal EU legal structure (Cowles et. al, 2001, p. 218). The formal Treaties signed among the member states are the best known example for this type of Europeanization.

Europeanization as a top-down process focuses on change in domestic institutions of individual states in the form of adaptation as well as the convergence in their policies as a consequence of the developments at the European level and economic and political cooperation within (Olsen, 2002, p. 932; Anderson, 2002; Börzel, 1999; Radaelli, 2000, p. 35). It is concerned with the way the EU institutions and policies affect those of the member states and candidate countries (Sidenius, 1999; Cram, 2001; Beyers, 2002; Saurugger, 2005; Beyers and Kerremans, 2007). Indeed, Europeanization as a top-down process is one of the main mechanisms to account in understanding how 'Europe matters'.

The famous expression, 'misfit', which describes the case in which an incompatibility between the institutions or policies at the European and domestic levels occurs, stands out as one of the key drivers of domestic change resulting from Europeanization. It follows that the individual states feel the need to change only if European policies, and / or institutions differ significantly from those at the domestic level. Or rather, the more the European policies, and / or institutions differ from those at the domestic level, the more there is an urge within the state to adopt to these institutions and / or policies.

On the other hand, Börzel's (1999) related account for change, sharply contrasts with the aforementioned narrative of Europeanization in relation to 'misfit'. Accordingly, Börzel argues for the inverse proportionality present among the degree of incompatibility between national institutions and policies and the pressures exerted by Europeanization. In other words, for Börzel, the larger the 'misfit', the less likely change is to occur.

However, the issue of Europeanization as a top-down process is not only a question of being a misfit, as the existence of a misfit itself is not always sufficient

enough to account for the presence or absence of adaptational change. For instance, it is well-known that some of the EU member states have experienced sustained resistance to change over considerable periods of time – on particular issues, some even have not changed at all – albeit the compliance problems with the EU rules and regulations this has entailed. A prominent example is the case of England, where we witness a constant resistance to take part in certain common policies and the institutions of the EU, as it was illustrated with Euro or Schengen Zones. Furthermore, the adjustment of a national policy may as well stem from dynamics relating to global economy. For instance, the perceived threat in the imports from China and the tariff and quotas introduced against the Chinese textile by the EU, as elsewhere in the world, is a result of the global economy. The market dynamics here require a state (or the EU) to take precautions in order to protect its market. To sum up, adaptational pressures are necessary conditions, but they are sufficient enough neither to bring along nor to understand domestic change (Cowles & Risse, 2001, p. 228). In this respect, the argument of Börzel and Risse, in which the notion of misfit is acknowledged as a necessary condition for domestic change, while the likelihood of change is nevertheless linked to the existence of other factors facilitating adaptation such as power relations, actors' preferences and strategies, and mediating institutional factors (Fischer, Nicolet & Sciarini, 2002), appears to be comprehensive and elucidatory to address the aforementioned points and concerns.

It should also be noted that the institutional adaptation may not always be automatic, continuous and precise. There is no single, optimal institutional response to changes, as institution-building and policy-making processes at the EU level are unevenly developed across Europe and the adaptive pressures exerted upon the individual states may be different. Hence, European-level developments do not

dictate specific forms of institutional adaptation but leave considerable discretion to domestic actors and institutions. Consequently, the adaptation of domestic policies and institutions to the developments at the EU-level cannot be assumed to be universal or constant (Olsen, 2002).

The narrow definition of Europeanization as a juridical transfer of sovereignty to the EU level with the bearing of national consequences, and where the focus is on the adoption of the EU policies and formal competencies, has reflections upon the candidate countries as well. Within this framework, the process of adaptation of the *acquis communaitaire* of the EU, named also as EU-ization, is observed mainly in the candidate countries or in the new member states.[4] This process suggests an increasing convergence of or an imposition of particular policies, political structures or social identities on the related countries. Enlargement and more clearly the accession process represent a colossal exercise in policy transfer (ibid, p. 2) and accession negotiations are a clear example of the course of enforced EU-ization. Indeed, enlargement is regarded as a process of conditionality for accession, characterized by the asymmetry of power (ibid, p. 14). Accordingly, Turkey's reforms in the last decade illustrate the consequences of this asymmetric relationship, in which the EU is able to induce domestic change in certain institutions and policies not only by providing a model but also through insisting on specific standards in various issue areas (Börzel, 2003, Diez, Agnantopoulos & Kaliber, 2005).

It is in this respect that the Europeanization of institutions and policies could be best explained through accounting for the interrelationship between both processes of bottom-up and top-down in which there is a dynamic push-and-pull among both the creation of a European polity and the adaptation of national polities

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[4] In certain exceptional cases, the EU accepts the adaptation of part of the *acquis* by the candidate country after the accession.

(Magnus, 2000, p. 27; Harmsen, 2000, p. 51). It follows from this definition that the Europeanization of institutions and policies entails two steps. While the first step provides for the adoption of policies at the EU level derived from a process, namely that of negotiation, in which all member states take a part and have an influence, the second step conceives the institutions formed or the policies adopted to be incorporated at the domestic level. Consequently, the two-way interaction between the European and national processes relate the two steps to one another (Anderson, 2002).

When Bull dismissed the suggestion that the European Community (EC) represented a 'civilian power' in international relations, he was actually responding to the suggestions of François Duchéne who claimed that traditional military power had given way to civilian power as the means to exert influence in international relations. However, the international system today is made up of webs of interactions among citizens of different states, which help to sustain shared norms, values and beliefs (Keck & Sikkink, 1998, p. 213). In this regard, Europe has ceased to be a purely geographical concept and came to mean a specific value system as well (Vajda, 1988, p. 333). Accordingly, Europeanization may also entail systems of meanings and collective understandings, where the impact is observed on political culture and collective identities (Cowles & Risse, 2001, p. 234). Hence, the narrow interpretation in respect to institutional adaptation of formal organizational arrangements only, would not permit us to grasp the whole picture of Europeanization.

As such, Europeanization could be conceptualized in terms of the reconstruction of identities (Europeanization of identities) as well as the promotion of democratic principles of the EU (Europeanization of norms) the most well-known

of which are human rights, rule of law and democracy. Briefly, the Europeanization of identities refers to the reshaping of identities as construction of systems of meanings and collective understandings within the context of European integration (ibid, p. 219). The EU and Europe become reference points in the construction of the identities and in terms of the ways in which the EU has an impact on local forms of cultural identification throughout the member states (Harmsen, 2000, p. 17).

In parallel to the construction of identities with reference to the EU, promotion of democratic principles has become an increasingly important part of the EU policies[5], not only with respect to its relations with candidate countries but among the member states as well. Accordingly, the Europeanization of norms can be defined as the effort on the part of the EU to transfer the normative pillar, meaning the rules and norms of democratic behavior to all related parties with which it may engage (Diez et. al., 2005, p. 2). The normative pillar cover the core norms such as peace, liberty, rule of law, democracy and human rights as well as other norms such as social solidarity, anti discrimination, sustainable development and good governance (Manners, 2002). The Europeanization of norms is expected to regulate the behavior, as well as to affect the preferences of the individual states through influencing the way actors see themselves. Indeed, the Europeanization of norms acts as a process of international socialization, with which constitutive beliefs and practices institutionalized in a state's international environment are internalized (Diez et. al., 2005, p. 6).

There are various mechanisms with which the diffusion of norms and values can take place. A well-known mechanism is the enlargement process as briefly

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[5] European Initiative for Democracy and Human Rights and Copenhagen Criteria are among the EU formal agreements that proclaim respect for human rights, the rule of law and democratic political institutions.

mentioned with respect to the Europeanization of institutions and policies. Schimmelfennig (2001) rightly argues that the strategic use of norm-based arguments and appeals to democratic values are what characterizes the enlargement process, as indicated by the extensive use of Copenhagen Political Criteria since 1999, not only throughout the accession process, but also during pre-candidature phase. The various related reports drafted by the European Commission, European Parliament and other EU institutions are major elements of this mechanism for diffusing norms and values throughout the enlargement process. The diffusion of the EU norms and values to the candidate countries, together with the institutional and structural changes, aim at re-shaping and Europeanizing their identities. However, there is no fast and easy way to achieve the Europeanization of identities and such impacts of Europeanization are rather "evolutionary than revolutionary" (Cowles & Risse, 2001, p. 237). In other words, while structural changes may take place more quickly and have more dramatic consequences in the short-term and thus, become easier to notice, the changes over the political culture and identities of the states and their people have a slower pace and hence more difficult to see.

However, this is not to suggest that all diffusions of norms and values are a result of institutionalized relationship between the EU and a third country. On the contrary, diffusions are widely observed following a range of strategic communications. Such strategic communications may be the result of the EU's physical presence in the given state, as it is in the case of certain Balkan countries. On the other hand, unintentional diffusion of norms and values should be noted, which is most particularly exemplified regarding the EU's trade and commercial relations with the overseas countries. This example is important for also highlighting

the exportation of norms and values as well as social habits and identities Europe to countries not affiliated to the EU.

A major point to be considered here is the development of parallel norms and values outside the boundaries of the EU. Transnational groups and the historical events like the end of the Cold War influence the discourse on the norms of a country. These norms and values may even trigger domestic responses. However, the creation of norms at the EU level and their diffusion by the EU serves as important focal points around which all the related discourses and even identities are fashioned. In that sense, while Europeanization still matters as it serves as a reference point through which these processes can be channeled, we must nonetheless distinguish between Europeanization pressures coming from the EU and those pressures coming from the states themselves or those stemming from a more global context (ibid, p. 221).

Following the questions of 'what' Europeanization of identity and norms is and 'how' the process works, it is also important to account for 'why' it takes place. Towards the end of the twentieth century, the EU began to reveal its aim to extend European influence beyond Europe and to establish a more global presence in relation to democracy and human rights. The Congo Mission and the EU's support for the African Union's Mission to Sudan are some of the international responsibilities, which the EU began to assume henceforth. Indeed, the increasing international presence of the EU was regarded to be based on the development of an extensive network of socio-economic links and stable contractual partnerships with developing countries. In this sense, it was believed to be rather well suited to the dissemination of norms and political values (Gillespie & Young, 2002, pp. 5-7). Furthermore, the Europeanization of identity and norms is regarded as the sign of

increased transnational and intercultural relations. Thus, the Europeanization of

norms and identity is judged to be on the rise as a result of the forces of the EU

integration (Harmsen, 2000, p. 18). The impact of increased intercultural relations is

further enhanced with the internationalization of communications technology,

information flows and civil society links that globalization entails. Such an

environment provides an unstoppable spread of democratic norms, especially to

those parts of the developing world that had still not undergone transition (Gillespie

& Young, 2002, p. 1).

Europeanization with respect to the Area of Influence

Although the early writers applied the term "Europeanization" to the adaptational

process in the distinct domain of NATO and the possible emergence of a European

pillar within the organization (Featherstone, 2001, p. 17), the meaning and the use of

this term has changed dramatically since then. Today, Europeanization with respect

to its area of influence has come to refer to the spreading EU influence upon national

policies and understanding this influence requires separate considerations regarding

member states and candidate countries.

To begin with, at the very core of Europeanization, one finds the endeavor of

transforming or harmonizing member states' policies to bring about convergence

(Guiliani, 2002, p. 5). In this sense, Europeanization is regarded as a problem-solving

approach promoting common positions on issues that are deemed critical or at least

important to all or some of the member states. A well-known example of this is the

Common Agricultural Policy developed in response to the increasing need on the

part of the member states to establish a common ground for agricultural policy. In

relation to the aforementioned issues of the previous section, the debates on the Europeanization of the member states is generally focused on the impacts of European integration on the domestic political institutions such as national administration, parliament, judiciary and public policies. On the other hand, the extent to which, norms, values and attitudes of the citizens as well as the interest groups are Europeanized has received considerably less attention (Anderson, 2002).

With respect to the impact of this Europeanization process on member states, there are a number of conflicting views, prevailing in the literature, despite their limitation in scope. Akçapar (2007), for instance, suggests the Europeanization of member states to be a matter of concern for the member states on the periphery of the EU, which are economically less developed. Akçapar, here, takes Europeanization to imply a series of structural transformations intended to bring these countries to the level of those, which are at the center with reference to the economic and political models.

On the other hand, Jeffrey J. Anderson (2002), after having observed that the EU has been around long enough to exert Europeanizing effects on its member states, highlights the opposing trajectories of development for France, Belgium and Italy, that these countries have not been exhibiting common patterns of development although they have been subject to the same conditioning effects of European integration. Based on this analysis, Anderson suggests the existence of differential effects of Europeanization, while concluding that the process of Europeanization itself alone does not produce convergence among –at least some of the– member states.

The technocratic bias of Europeanization as well as the lack of deep engagement by political elites and the public is among the major reasons behind this

differential impact of Europeanization (Dyson, 2007, p. 60). However, understanding the Europeanization process on member states with its differential impacts is not possible without accounting for the role the domestic institutions of the member states play. Domestic institutions are mediating factors of Europeanization through which the effects of European integration are filtered to the national level. For instance, it is generally the national ministries, which implement the technical decisions taken at the EU level. The pace of the implementation, the method by which it is implemented, how well the new regulations will be structured as well as how it is communicated to the public is a concern of the domestic institution, which at the end, will determine how well the member state is Europeanized. Needless to say, the role the domestic institutions play in the candidate countries are equally important in understanding the Europeanization of these countries.

Furthermore, it should also be noted that Europeanization with respect to the member states is a two-way, interactive process between the EU and its member states. The member states should not be regarded as merely passive receivers of European demands for domestic change. On the contrary, member states may also proactively shape European policies, institutions, and processes to which they have to adapt later. Indeed, member states may prefer to upload or export their national policies to the European level as this would reduce the cost of the adaptation at the time of down-loading. In addition, uploading may enable national governments to address those problems in their national agenda, which can no longer be dealt with effectively at the domestic level (e.g. organized crime, environmental pollution, or immigration). In this framework, given the heterogeneity of the preferences and action capacities of member states, their strategies in responding to Europeanization may vary significantly (Börzel, 2002, 2003).

Historically, the Europeanization of non-member states, most particularly the candidate countries, had a wide-ranging scope and has been defined as the spread of forms of life and production, habits of drinking and eating, religion, language, and political principles, institutions and identities typical of Europe and unknown in the rest of the world beyond European territory (Olsen, 2002, p. 937). However, Europeanization with respect to the candidate countries is generally understood in the context of the EU enlargement. Initially, the concept of Europeanization was comprehended as the adoption by the Central and East European countries of a West European state model, during their candidacy to the EU. However, the term now came to assume a more general meaning referring to the accession process of all candidate countries including Turkey. The meaning of Europeanization here involves not only the anchoring of democratic institutions and market economies, but also an array of issues that can be categorized as political, economic, social and cultural. In this respect, the Europeanization of the candidate countries is an ongoing transformation with an attempt to full integration to the structures of the EU (Tocci, 2005).

However it would be wrong to assume a linear relationship, driven by the EU conditionality, in which externally demanded conditions of the EU are unquestionably accepted by the candidate country through adopting constitutional, legal and administrative policy reforms. Europeanization inferred to as joining the EU has a sort of flexibility, allowing the candidate countries to negotiate over –at least some of the– conditions of entry and to set their own timetable for accession (Whitehead, 1991).

Accordingly, Europeanization depends on various parameters. One of the well-known parameters is the costs of compliance for the state, meaning the

perceived financial and political costs of demanded conditions. When the costs of compliance are considered by domestic decision makers to be higher than the rewards, then the decision makers are likely to default on the conditions.

Another parameter is the value of beliefs, which depends not only on the objective elements offered in the EU contract, but more so on the subjective assessment of those benefits. For instance, despite the undeniable benefits of the EU membership for Turkey, the very existence of ongoing debates on the desirability of Turkey's membership by the EU member states is clearly received by the Turkish public opinion as an evidence of the lack of a clear and consistent EU commitment for Turkey's accession. In return, this has been one of the major causes for reducing the perceived objective value of promised EU benefits.

A third parameter regarding Europeanization is related with the time inconsistency. Particularly within the accession process, the reforms are expected to be completed in the short and medium term, while the actual delivery of the benefits, that is membership, usually takes place in the long term. As a result, the unpredictability of the long term reduces the value of the benefit for the candidate country and accordingly, the necessary incentives for reform (Tocci, 2005).

One other parameter determining the pace of Europeanization is concerned with the interaction of Europeanization with the domestic groups. Change occurs not simply because it is imposed by the conditions of the EU, but also because it interacts with the endogenous elements of the candidate country. It is for this reason that the European Commission cooperates not only with the politicians and bureaucrats, but also with various other strategic groups including actors of civil society, businessmen, journalists, academics and similar opinion formers. Europeanization becomes successful so far as it is coupled with a process of

definition of a national identity and the creation of a consensus about where the nations belonged in the international system (Whitehead, 1991). Accordingly, and in parallel with the earlier section, domestic institutions come to the fore as mediating factors of Europeanization assisting in filtering down the effects of European integration to the national level.

It is important to note that the definition of a national identity for the candidate country is closely related to how the EU will be (re-)defining its own socio-cultural identity. This final parameter of Europeanization is instrumental in determining the ways in which the EU will further shape and transform its identity. Accordingly, this parameter is of utmost importance as the direction and content of the Europeanization with respect to the candidate countries, involving not least the adoption of the *acquis*, will be based on the outcome of this process (LaGro & Jorgensen, 2007, p. 3).

The Europeanization of Civil Society Organizations

The study of the European forces on the institutions, policies and values alone cannot lead to a full understanding of the overall transformation that a country goes through with respect to its integration process, as the EU places increasingly more emphasis on the role the civil society organizations should play. In this respect, a more adequate explanation should also take into consideration the development of the state-society relations, and in particular the elements of civil society of the given country. Accordingly, this section aims at accounting for the Europeanization of civil society organizations within the EU and with respect to its relations with the candidate countries, particularly with Turkey.

In parallel with the aforementioned discussion on the broader definition of Europeanization, the Europeanization of civil society organizations may also be defined in a number of ways. In considering the civil society organizations, the definition of Europeanization is generally associated with the efforts to transfer the normative pillar, in which case the civil society organizations are considered as key components of the mechanisms of norm diffusion. Accordingly, the Europeanization of civil society organizations entails the shaping of the normative values and provides the ground for the promotion of democratic principles.

On the other hand, as taken from the perspective of member states, a widely acknowledged definition of the Europeanization of civil society organizations is the increased role of these organizations in the governance at the EU level as well as their adoption of an explicitly European rather than purely national dimension (Warleigh-Lack, 2001, p. 620). However, having the Turkish context at its core, this dissertation adopts a more narrow working definition derived from the definition of Warleigh-Lack. Accordingly, the Europeanization of civil society organizations is defined in this dissertation as the increased role of civil society organizations in matters relating to Turkey's accession and in serving the objectives of the EU.

In the context of this definition, it may be suggested that the Europeanization of civil society organizations would require first and foremost a well-established civil society culture, which includes various factors ranging from high levels of organizational capacity to volunteerism and civil society awareness. This is because the main objective of the EU considering Turkey's accession is the liberal-democratic transition of Turkish society. However, this is not necessarily correct as the civil society organizations encompass a diverse set of groups that may interact with different actors, assume various roles and engage at different levels in the

accession process. In return, they generate divergent patterns of behavior, which may at first seem contradictory. For instance, those civil society organizations that received the direct support of the EU (e.g. Lambda İstanbul Solidarity Association) or those groups that have clearly benefited from the accession process (e.g. Kurdish groups) have remained indifferent or have even raised their concerns with respect to accession process. On the other hand, those other organizations based on a conservative community, which are known traditionally to be against the West and receive no direct support of the EU, are not necessarily against the EU accession and some of them even support the accession process. Furthermore, some of the liberal-democratic civil society organizations are indecisive in how much and how to support the democratization and the accession as they worry whether or not these reforms relating to democratization would entail more conservatism. Therefore, it would be misleading to evaluate the Europeanization of the civil society organizations, in other words their involvement in the accession process by looking at how much they internalized these norms and values themselves.

Europeanization in this context also depends upon the links and dialogue that Turkish civil society organizations establish both within and outside Turkey and how sustainable this dialogue has been. While the establishment of sustainable dialogue with the European counterparts would familiarize the local / national civil society organizations more with the liberal-democratic norms and values as well as other practices, standards and principles of the EU, the cooperation at the domestic level would facilitate the diffusion of these norms, values, practices, standards and principles. The domestic socio-political circumstances within which the civil society organizations operate should also be taken into account as domestic environment is one of the key determinants in understanding the way the civil society organizations

behave and react to the external influences as the support given by the EU. Finally, other factors including the use of EU instruments and the impact generated by them may have an impact on the Europeanization of civil society organizations.

The Europeanization debate has so far prompted a wide interest and a number of studies on the prevailing role and importance of the EU as an external factor on the liberal-democratic transformation of Turkey, particularly during the post-Helsinki period (Öniş, 2000, Avcı, 2005, Göksel & Güneş, 2005, Diez, et. al., 2005, Rumelili, 2005, Aydın & Keyman, 2004). These studies cover not only the political and economic realms, but also reflections on the social realm.

A prominent area of discussion in this social realm of Europeanization is the civil society sector in Turkey. Most notably, the related literature underlines how the Europeanization process has empowered the civil society organizations in Turkey and hence, different studies have focused on the different pillars of this empowerment. Broadly speaking, there are three major groups of arguments found in these studies. The first argument draws attention to the impact of the Europeanization process stipulated by the EU on the structure of the new legal framework organizing civil society in Turkey (Nergiz, 2006). The positive nature of the new legal framework, entailing a wider field of activity for the actors of civil society is also acknowledged by successive Progress Reports of the European Commission after 2004.

The second and more widely acknowledged argument discusses the empowerment resulting from the EU funding provided for the development and activities of civil society organizations as part of the Europeanization process (Rumelili, 2005, Göksel & Güneş, 2005, Ergun, 2010). The impact of the EU funding has been most noticeable on the youth initiatives and small-scale cultural

activities for which it was more difficult to find other sources of funding for their activities. Furthermore, the availability of EU funding as well as the related opportunities for international cooperation not only facilitated the civil society organizations to acquire "skills and tools to conduct their activities in a 'European' way" (Ergun, 2010, p. 508), but also unleashed other sources of funding that previously hesitated to become implicated in certain issues (Rumelili, 2005, p.50).

The third argument emphasizes the EU's symbolic power, empowering the civil society actors. According to Rumelili (2005) the EU, as a symbol and a model, has legitimized the efforts of those civil society organizations working for Greek-Turkish cooperation as "they perceive themselves and are also perceived by others as not only working for Greek-Turkish cooperation, but also for [Turkey's membership in] the EU. Because of the meanings wrapped around the EU, this means that they are also working for progress, modernity, and development" (p. 53). In a similar vein, Göksel and Güneş (2005) discuss how the EU prospect enabled the civil society organizations working on democratization to achieve concrete results that they were unable to prior to the Helsinki Summit in 1999 (p. 58).

The related literature treats the actors of civil society not only as a consequence but also as an agent of the Europeanization process. Accordingly, the role and the importance of the civil society organizations in advancing Turkey's overall Europeanization have also been elaborated (Nergiz, 2006, Ergun, 2010, Göksel & Güneş, 2005). It is suggested that the civil society organizations not only contributed to the favorable outcome of the Helsinki Summit, but also served as the principal pressure for the EU-related democratic reforms. This pressure originated notably from, but not confined to, the organizations stemming from the business community. This line of argument confirms with Tocci's claim (2005) that the

transformation in Turkey is a result of domestic climate overlapping with the EU anchor rather than just being a consequence of the EU's impact. In conformity with the aforementioned arguments, Ergun (2010) establishes that the idea of Europe is transmitted not only by formal institutions, but increasingly by civil society organizations and the EU has exercised its transformative power within the context of civil society development in Turkey, which was facilitated through increased interaction between local and European organizations (pp. 507-508). In this respect, Alemdar's study (2008) is also important as it displays how the local civil society organizations interact and strategically use the EU or altering the preferences of the state in favor of their own policy positions and thereby become prominent actors in decision and policy making.

In considering the aforementioned studies, the Europeanization of civil society organizations for the Turkish context is generally acknowledged as the empowerment of the civil society organizations in parallel with the development of the civil society realm within the framework of liberal-democratic line. On the other hand, others look at the contribution of these organizations to Turkey's overall Europeanization process during the accession to the EU. In a similar vein, this dissertation also defines the Europeanization of civil society organizations as the increased role of these organizations in matters relating to Turkey's accession and in serving the objectives of the EU. However, this study diverges from previous studies by focusing on how the EU employs the civil society organizations in the accession process for the liberal-democratic transition in Turkey, in other words, the interaction between the EU and civil society organizations in Turkey. Furthermore, unlike the previous studies, this study challenges the very definition of civil society employed

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by the EU and hence, offers a new insight for understanding the Europeanization of civil society organizations.

In this context, within the framework of the aforementioned definitions, the coming sub-sections discuss briefly why and how the EU has been supporting the Europeanization of civil society organizations both in the EU and in the candidate countries as well as the challenges faced in this regard. These discussions are important as they illustrate the EU's effort to bring the civil society organizations and / or the countries in which they reside closer to Brussels, as part of its endeavor for Europeanization described at the beginning of this chapter.

<u>The Europeanization of Civil Society Organizations in the EU</u>

The presence of civil society organizations at the EU level is not a recent phenomenon. Indeed, civil society organizations are deemed as one of the key actors of the European integration since from the foundation of the European Community / European Union. The long-established EESC has been acting as a bridge between the organized actors of civil society and the EU since from 1957 and giving sectoral interest groups access to the European decision-making process.

However, the acknowledgement of the role and importance of civil society organizations as a new actor at the European level by the EU institutions, entailing the active involvement of civil society organizations at the EU institutions and policy making has been prominent only during the last couple of decades. Indeed, Maastricht Treaty of 1992 is considered to mark the beginning of a new episode for greater engagement of civil society organizations as the Treaty shifted new policy areas with direct impact on the citizens to the European level. Subsequently, the

range of issues which must be referred to the EESC has been extended and since then, EESC has published several Papers, Opinions (1999, 2000a, 2000b, 2001a, 2001b), assumed various tasks and has actively been involved in numerous debates to formulate the ways of ensuring better involvement of civil society organizations and guaranteeing their effective influence at the EU level. Respectively, the Members of European Parliament (Berg, 2006; Pietikäinen, 2008) have also been urging the European Commission to establish long-lasting, regulated processes with common rules of conduct to ensure better involvement of civil society organizations and to guarantee their effective influence. Along with the increasing emphasis of the EU on importance of the role played (or should be played) by the civil society organizations since the 1990s, Treaty of Nice approved and underlined the role and scope of EESC one more time. Accordingly, Article 257 Treaty European Community, as amended by the Nice Treaty (Council of the European Communities, 2001a) reads:

> An Economic and Social Committee is hereby established. It shall have advisory status. The Committee shall consist of representatives of the various economic and social components of organised civil society and, in particular, representatives of producers, farmers, carriers, workers, dealers, craftsmen, professional occupations, consumers and the general public (§39).

Not only EESC, but the European Commission has also been actively expressing the importance of civil society organizations through various Communications and Papers (1992, 2000, 2001) with which it underlines the need for a stronger interaction with civil society organizations. This process is also influenced by the increasing presence of various national, regional and international civil society organizations and transnational networks in Brussels, actively seeking ways to shape, influence and sometimes evaluate the policy making and decision making mechanisms of the EU. Strong involvement and valuable input of some civil society

organizations hardly goes unnoticed in the halls of the EU institutions. The increasing emphasis on the importance attached to the civil society organizations by various actors of the EU is based on several reasons relating to the expected role that the civil society organizations may assume as well as on their potential impact on the society at large.

First of all, civil society organizations have specific expertise to contribute to the policy discussions (Commission of the European Communities, 2000, point 1.3.3); to provide the dissemination of scientific ideas and of technological developments and to establish forums for the exchange of thinking across the whole range of human concerns (Commission of the European Communities, 1997, point 7.1). Furthermore, civil society organizations are able to represent the views of specific groups such as the people with disabilities, or to raise specific issues as in the case of environment to the European institutions. Indeed, various civil society organizations have the ability to provide a voice for those not sufficiently heard through other channels (Commission of the European Communities, 2000, point 1.3.2, 1997, point 6.8).

With respect to the civil society organizations set up at the European level, there is the expectancy for positive contribution to the European integration (Commission of the European Communities, 2000, point 1.3.5). In point of fact, civil society organizations are believed to have a strong impact over the society on issues relating to norms and values besides providing the ground for the establishment of democracy in a country. It is acknowledged that the greatest power of civil society organizations reside in their capacity to influence public values and norms on a global scale (Turner, 1998). Although governments as well as economic development, increasing education level and exposure to the global environment are

still regarded to have significant role in shaping the normative values and bringing cultural change, cross-border networks among civil society organizations are also able to structure a new discourse on normative values (Gillespie & Young, 2002, pp. 10-11). Furthermore, cross-border cooperation of the civil society organizations contributes to intercultural understanding as well as to the deepening of interregional relations through providing popular participation (Jünemann, 2002, p. 87).

One of the core capacities of civil society organizations is their ability to provide transmission of knowledge. For instance, civil society organizations working on consumer rights in a candidate country could more easily attain the standards acknowledged at the EU, through the relations they establish with their European counterparts. Then again, the same organizations are able to bring these standards to the attention of the public more quickly than the respective state can do, due to their advantage of proximity. Thus, not only the norms and values, but also technical issues regarding EU integration may also be more easily dispersed to the daily lives of the public.

Civil society organizations are also believed to serve as a platform in which people learn to adapt to the political system in which they live, and thus, politically socialize. Political socialization is an ongoing and interactive process, requiring both experience and participation. Therefore, while formal education itself is not enough to provide the political socialization, civil society organizations are seen as suitable agencies to complement formal education in carrying out this process. What is more important is that, political socialization provides the attention of citizens to be drawn to the EU via issues which concern their daily affairs, rather than by attempting to enthuse them about an integration process conceptualized in abstract terms (Warleigh-Lack, 2001). In this regard, civil society organizations are expected to

contribute to European integration through molding the public opinion towards the formation of a European end (Schutter, 2002, p. 936).

Furthermore, it is useful to note the discourse on the democratic deficit of the EU. At this point, democratic deficit does not only imply the lack of representativeness and direct electoral accountability. It also signifies the loss of the ability to influence the societies, for which the state or the rule-making body is in need of civil society organizations. Consequently, the future legitimacy of the EU itself also depends largely on its capacity to include the voice of these organizations. The formation of the European public opinion and the participation of the public at large secure the legitimation of the EU policies, as they will be more and more based on the action of citizens' initiative, and thus, more broadly acceptable policy outcomes will be produced (ibid, pp. 199-202).

Meanwhile, civil society organizations themselves, many of which have now organized under the umbrella of a European network, have called upon the EU, the member states and the candidate countries several times about the valuable input, which the stronger involvement of civil society organizatins would give in the shaping, implementing and evaluating the EU policies and programmes. In consequence of all the aforementioned developments, the EU support for the development of civil society organizations both within and outside of the EU has increased dramatically. This support for the civil society organizations came not only verbally or in written through communications and declarations, but also in practice as well, in particular through the financial and technical assistance of the EU provided to the civil society organizations (Diamond, 2004).

In parallel with this importance attributed by European institutions to the civil society organizations, a wide range of funding programmes have been established for

the use of these organizations. A preliminary example of such assistance is the Mediterranean Economic Development Area (MEDA) Programme, which has become the principal financial instrument of the EU for the implementation of the Euro-Mediterranean Partnership. The first phase of the MEDA Programme, MEDA I, from 1995 to 1999 aimed at not only supporting the economic transition, but also the strengthening of democratization, civil society and socio-economic equilibrium of the Mediterranean countries within national indicative programmes. In this respect, a specific 'MEDA democracy' budget line was created in 1996 to provide finance for the activities of civil society organizations. In 1999, the thematic priorities came to include awareness-raising of civil society, along with education, protection and promotion of the rights of the child, conflict prevention and resolution in countries in crisis, promotion of inter-ethnic and inter-racial tolerance and good governance (Crawford, 2000, p. 20). For the period 1995-1999, MEDA I accounted for over 3,400 million Euro of the 4,685 million Euros of budgetary resources allocated for financial cooperation between the EU and its Mediterranean partners. Although civil society and a democratic society are not synonymous, the use of these financial and structural instruments indicates how the EU regards civil society organizations as key instruments for the promotion of democratization. Accordingly, the support for civil society organizations has always been a core element of the EU endeavors for democracy promotion.

Poland and Hungary: Assistance for Restructuring their Economies (PHARE), Instrument for Structural Policies for Pre-Accession (ISPA) and Special Accession Programme for Agriculture and Rural Development (SAPARD) have been the major pre-accession instruments financed by the EU to assist the applicant countries of Central and Eastern European. Although these programmes have

addressed the private and public sectors in general and were meant to assist their development within the framework of their preparations for joining the EU, they have nonetheless provided various financial and technical support to the civil society organizations of the region.

Other similar programmes include the Community Assistance for Reconstruction, Development and Stability in the Balkans (CARDS) for the Western Balkan Countries, Technical Aid to the Commonwealth of Independent States (TACIS) for the CIS countries, European Development Fund for cooperation and development with the signatories of the LOME Convention[6] as well as the Youth, Leonardo da Vinci, European Voluntary Service and Framework Programmes. There are also Declaration 23, the new Third Sector and Employment budget lines, the SME and Social Economy budget lines, and specific budget lines for external actions, part of which the civil society organizations of the related countries can make use of (Commission of the European Communities, 1997, point 9.9).

Furthermore, the acceleration of the European integration has established the need for a European public space, within which the civil society organizations could interact not only among themselves but also with the EU institutions. In addition, the increasing emphasis on the elite driven nature of the integration process coupled with the more recent 'democratic deficit' debates brought to the agenda, the establishment of healthy communication channels, through which the civil society organizations could have an access to the EU institutions. An early example of this has been the founding of European Roundtable of Industrialists (ERT) in 1983 with the aim of promoting "competition and competitiveness on a continental scale" so as to overcome the "lack of dynamism, innovation and competitiveness in comparison

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[6] Trade and aid agreement between the European Community and 71 African, Caribbean and Pacific countries, signed in February 1975 in Lomé, Togo.

with Japan and the United States" (2010). Since the early years of its establishment, ERT has successfully been securing an access to and leverage at the European Commission through technical cooperation in the policy making process as well as by drafting policy papers and reports, which are largely taken into account by the Eurocrats of the Commission (Gül & Arısoy, 2007). While it would be wrong to assume this privileged nature of ERT's relations with European Commission as reflecting a common use of the Commission, it is nevertheless promising as a first step in enabling the civil society organizations an access to the policy making process at the European level.

There have been a number of other mechanisms for structured dialogue developed by the European institutions over the past two decades. These include the European Commission's and European Parliament's Committee on Employment and Social Affairs, bi-annual meetings held with the relevant civil society organizations, structured and regular dialogue held by Directorate General for Trade of the European Commission with the related civil society organizations as well as the good working relations between the civil society organizations working on environmental issues with the Directorate General for Environment of the European Commission and with the European Parliament.

The Europeanization of Civil Society Organizations in the Candidate Countries

Along with the Eastern enlargement, the EU has actively emphasized the importance it attached to the establishment of democracy, human rights and rule of law. Yet, the EU has well experienced over the past decade that a mere transfer of legal codes does not bring a firm establishment of these notions in the candidate countries. It is only

together with the understanding of these notions and support of the society as a whole that democratization efforts may have lasting results. In this sense, a well-developed civil society, regarded as an area of political activity from below, is believed to constitute a necessary condition for democratization (Keyman & İçduygu, 2003).

Furthermore, an important lesson drawn from the Eastern enlargement was the insufficient level of information and preparedness of the citizens of both member states and candidate countries, which resulted in the persisting misconceptions at the time of the enlargement. This has led both the European Commission and the European Parliament to search for ways to establish a strong and sustained dialogue between the respective societies as well as with the EU institutions to provide better mutual knowledge so as to ensure a stronger awareness of the opportunities and challenges of accession process (Commission of the European Communities, 2005a). Consequently, following the recent wave of the EU enlargement, the urge for establishing a vibrant civil society, complement the accession process along with the development of economic, administrative and judicial capacity to comply with the *acquis communautaire* has become stronger (Dyson, 2007, p. 58). In this context, together with the increasing emphasis about their importance and role in the EU in general, civil society organizations are assigned the task to play one of the most important roles in this intensive political and cultural dialogue.

Another reason as to why the civil society organizations have emerged as a new factor in the accession of the candidate countries relates to their aforementioned capacity to access citizens more effectively due to their physical and emotional proximity. Thus, a fully-functioning civil society organization is not only able to reflect the concerns and expectations of the citizens to the public authorities, but it is

also able to communicate the reformed policies back to the citizens. Therefore, civil society organizations came to be regarded as a key stakeholder of the accession process, which were expected to assist the full and effective implementation of the wide range of reforms and ensure the consolidation and irreversibility of this process.

A final reason for the support given to the civil society organizations in the candidate counties is the hope that this would generate bottom-up dynamic, pressure for democratization (Gillespie & Young, 2002, p. 12), institutional reform, rule of law, good governance and that it would complement the top-down approach to the accession. This was based on the assumption that Europeanization is inseparable from a strong civil society, of which civil society organizations constitute a major part (Jünemann, 2002, p. 87).

It is for these reasons that the EU seeks civil society organizations to assume a more active role during the accession process. For this purpose, the EU has extended the already existing financial means available for the civil society organizations. Both the pre-accession funds and the Community programmes came to provide considerable financial assistance for these organizations. Indeed, some of these programmes have the development and capacity building of the civil society organizations as well as the strengthening of freedom of association and freedom of assembly in the candidate countries as their priority. Accordingly, the EU began to monitor closely the legal and institutional developments in the candidate countries with respect to freedom of association and freedom of assembly. Respectively, European Commission has announced "Civil Society Dialogue between the EU and Candidate Countries" in June 2005 to draw the terms of financial assistance and to frame the dialogue between the EU, member states and civil society organizations relating to future enlargements.

The European Commission finds it particularly necessary to establish a civil society dialogue with Turkey as the mutual knowledge of the respective public opinions remains poor. Furthermore, there is an undeniable concern in the European public opinion about Turkish culture and that Turkish state and society having values and practices incompatible with those in the EU. Indeed, as indicated by the recent research carried out by Yılmaz (2009) in France, Germany, Poland, Spain and United Kingdom, culture stands out as the most influential factor on the attitudes towards Turkey. Accordingly, "mostly cultural factors" influence 45.6 percent of those who are against Turkey's accession to the EU, while "mostly political factors" influence 29.7 percent and "mostly economic factors" influence only 20.7 percent. The same research also indicates that arguments against Turkey's full membership based on cultural reasons find by far more support than the other arguments with geographical or historical considerations.

It is in this regard that the European Commission has presented a three-pillar strategy in its Recommendation for Turkey's Progress Towards Accession. Accordingly, while the first pillar is concerned with the fulfillment of the Copenhagen Criteria and the second pillar, the specific conditions for the conduct of accession negotiations, "the third pillar suggests a substantially strengthened political and cultural dialogue bringing people together from EU Member States and Turkey" (Commission of the European Communities, 2004, point 1).

However, the low level of organizational capacity has emerged as a major concern that affects the power and capability of action of the civil society organizations in Turkey to make best of these financial and technical instruments. Despite the various incentives and programmes launched to provide training and support for capacity building, it has been observed that many civil society

organizations lack the basic skills required for organizational management, project implementation and sustainability. In addition, experts and reports draw attention to the these programmes' tendency to focus on the new or emerging civil society organizations, leaving more experienced ones without any support on how to advance their organizations to the next level (Bikmen & Meydanoğlu, 2006, p. 116).

Furthermore, two evaluation studies ordered by the European Commission (MWH Consortium 2008, 2009) to better focus and communicate its support towards the civil society organizations in Turkey as well as a recent special report by the European Court of Auditors (2009) diagnosed an insufficiency in the EU's strategic approach. In response, the European Commission has initiated a strategy to address these criticisms in the area of civil society development. Accordingly, Delegation of the European Union to Turkey has publicly shared the outline of the Commission's multi-annual approach, strategy and operational priorities, covering 2011-2015, for the civil society development in Turkey and has undertaken consultation with citizens, representatives from different actors of civil society, public institutions and all other interested parties. The final results of this study are to be announced in 2011.

Drivers of the Europeanization of Civil Society Organizations

Although the EU institutions and policies are known to create additional opportunities for civil society organizations to influence policy-making, not all domestic organizations make use of the extended niche provided by the EU. Thus, an important issue regarding the Europeanization of civil society organizations is the

forces laying behind this process. In other words, looking from the angle of the civil society organizations, what derives the Europeanization?

Resource-based accounts have largely dominated the literature in explaining the capacity for the Europeanization of civil society organizations. That is to say, the staff resources or financial strength of a civil society organization is expected to determine the ability of that organization to Europeanize. In this respect, disparities in resources lead to disparities in the Europeanization of civil society organizations. However, this account overlooks the primary dependence of many organizations on domestic institutions in order to realize their goals. Such groups may have no need or incentive to Europeanize. In this respect, organizations that depend on government subsidies may be less Europeanized.

Furthermore, in many instances, the EU appears not to be an alternative, but a complementary element to an ongoing process of interest mobilization. This implies that adaptation or Europeanization will largely depend on the immediate organizational environment of domestic groups.

It is useful to note here that the policy domain in which the organizations have their interest is one of the key derives behind the Europeanization of civil society organizations. Some policy domains may need to be realized at the European level in order to be successful, while for others it may need to be realized at the domestic level. For instance, a group working on human rights or democracy promotion may find more opportunities to Europeanize than a hometown association, which may be limited to local networks. In sum, it is not necessarily the European institutions, or the resource endowment that shapes the Europeanization. Although the EU creates various opportunities for domestic groups to adapt, Europeanization is not a natural or immediate response. Instead, the Europeanization of civil society

organizations is shaped by diverse and complex set of factors (Beyers & Kerremans, 2007).

Challenges to the Europeanization of Civil Society Organizations

Regardless of the importance attached to civil society organizations within the larger framework of civil society by the EU and their undeniable value in the Europeanization process, these organizations face a number of challenges in carrying out their aforementioned roles attributed.

To begin with, civil society organizations have to meet the challenge of not being financially independent. As a result, there is a growing competition amongst these organizations about funders, backers and supporters. Consequently, to sustain themselves financially, civil society organizations consistently compete with one another. This contradicts the cooperative understanding which ought to underlie the activities of the civil society organizations. Alliances are made on an ad hoc basis with other organizations, which are able to answer strategic needs. Thus, the ability of these organizations to make strong links with other organizations and to establish regular allies diminishes (Kaldor, 2003, p. 94).

Securing a funder does not terminate the problems faced by the civil society organizations, as most donors impose conditionality, which in return limits the independence of these organizations. Instead of going where they can do the most good for their interest, they are often limited in their activities either in order to or as a result of the funds they receive (Warleigh-Lack, 2001). Project-based funding is also problematic as most civil society organizations lack the required know-how,

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human resources, coordination and cooperation for successfully drafting and implementing projects.

Another limitation on the acts of the civil society organizations come from the EU institutions. Indeed, the EU institutions should be actively involved for the development of the civil society organizations to effectively fulfill their task. However, such active involvement risks the independency of the civil society organizations. This is the case that has been experienced with the various grants and programmes provided by the European Commission for the better engagement of civil society organizations in the accession process. These grants and programmes limit the freedom of the civil society organizations in their choice of activities through the eligibility criteria that is provided for these financial opportunities. The concern that civil society organizations should not be created or formatted by the European institutions, but rather be taken as they exist and furnished the capacities to contribute to the EU has long been widely acknowledged by the EU institutions. For instance, a report drafted by the Rapporteur Philippe Herzog and published in the European Parliament in 1996 underlines that:

> Political institutions must observe the principle that social players and organizations are independent; [the European Parliament] notes that the role of the former is not to bring the latter into being, but rather to provide them with a legal framework and the means of obtaining information and gaining real access to the institutions (§35).

However, it has been clear that these attempts have not generated genuine results thus far.

It should also be noted that it is often the case that better-organized and better-informed civil society organizations make better use of the EU resources, although they may be less representative, and may even provide less useful and efficient channels between the EU and the citizens (Schutter, 2002, p. 206).

Another important challenge concerns the role that the states play. Civil society organizations can foster only with those states, which should, at the same time, be sufficiently strong to provide resources (Warleigh-Lack, 2001) as well as the appropriate environment securing the respect for private life, freedom of expression, freedom of association and assembly. Thus, a strong civil society and well-functioning of civil society organizations require a state, one in which the democratic principles have been well-established.

Finally, civil society organizations need the active involvement of citizens, who are both willing and able to collaborate for the process of civil society creation. Civil society organizations are indeed underpinned by a "culture of solidarity" manifesting itself with the will of citizens to limit their own interests and take on obligations to act for the common interest (European Economic and Social Committee, 1999, point 5.2.1). Thus, rather paradoxically, civil society organizations need to draw on existing political socialization. On the other hand, civil society organizations have to carry out constant education to construct a public space populated by self-conscious citizens. They have to place emphasis on explicit politicization of their supporters regarding the EU issues (Warleigh-Lack, 2001).

EU Support Mechanisms for Civil Society Organizations in Turkey

This section describes the main political, technical and financial instruments the EU employs to support the Europeanization and also the development of civil society organizations in Turkey, for the purpose of providing the niche for their increased and active involvement in matters relating to the accession process. While certain financial instruments also foresee technical improvement of civil society

organizations, particularly through capacity building, it is necessary to make a distinction between these two instruments as such distinction corresponds better to the design of the programmes the EU implements to support the civil society organizations in Turkey.

<div align="center">Political Instruments</div>

One of the best known political instruments of the EU for supporting the development of civil society organizations in Turkey is the annual Progress Reports. Progress Reports – formerly known as Regular Reports – are drafted by the European Commission and present an annual overview to follow and evaluate the candidate or the potential candidate countries' developments with respect to their accession or candidacy. Progress Reports are prepared in accordance with European Commission's annual strategy document that explains the EU's policies regarding enlargement.

Since the first then–Regular Report in 1998, limitations to freedom of association and freedom of assembly have been raised regularly in the subsequent reports. While the reports in general issue the related legal framework, the particular problems regarding certain associations and / or individuals also found themselves a place. In some cases (e.g. the closure case of Lambda İstanbul Solidarity Association) European Commission has followed the problem closely and persistently raised the issue in these reports until that problem was resolved.

However, according to one public official, Progress Reports are not as influential over the politicians as it may be reflected in the press. In his opinion, it is rather the related public officials from the Foreign Ministry, scholars and journalists

who pay attention to the details of these Reports rather than the politicians. He suggests that the individual letters written by the European Commissioners, Members of European Parliament as well as European politicians to their Turkish counterparts are the main instruments that have a real influence over the actions and decisions of Turkish politicians.

<div align="center">Technical Instruments</div>

The EU has founded Technical Assistance and Information Exchange Programme (TAIEX) to assist the accession countries for harmonization, implementation and administration of the *acquis communaitaire*. TAIEX provides short term technical support, trainings on technical issues and database instruments. TAIEX as a whole is not designed for the use of civil society organizations only. However, the People to People (P2P) Programme aims at enhancing the role of civil society organizations during the accession process through providing them with the opportunity of visiting the EU institutions, relevant European umbrella organizations as well as other national European and international organizations in order to learn the EU policies, programmes, initiatives, best practices.

On the other hand, the European Union Visitors Programme (EUVP) is designed to enhance the mutual understanding between the European and non-European professionals through arranging five to eight days meetings with the EU officials in Brussels, Strasbourg and / or Luxembourg. The EUVP is jointly sponsored and administered by the European Parliament and the European Commission. The EUVP is also not specifically designed for the civil society organizations. However, it is a suitable instrument for some civil society

organizations to build their capacity, while at the same time assisting their

Europeanization.

Financial Instruments

The first comprehensive financial instrument from European Commission to civil

society organizations in Turkey covers the period between 1996 and 2001 and this

period is known as the "MEDA Framework Agreement". This first part of the

programme has lasted until 1999 and provided financial support from the general

budget of eight million Euros to various projects implemented by the civil society

organizations. Between 1999 and 2001, European Commission has continued to fund

many other projects of civil society organizations on the strengthening of women and

youth, protecting the consumers as well as on cultural issues. (Özdemir, 2007, p. 10;

Secretariat General for EU Affairs, 2009)

In response to its new candidacy status, Turkey was removed from the scope

of MEDA programme and Turkey has started to receive support from the "Pre-

Accession Financial Assistance" budget line. Accordingly, eighty-four projects

designed with the EU harmonization perspective and within the Decentralized

Implementation System were approved by the European Commission within the

scope of 2002, 2003 and 2004 programmes (Secretariat General for EU Affairs,

2009). The total amount of money allocated by the European Commission to Turkey

through pre-accession budget line is given in Figure 1.
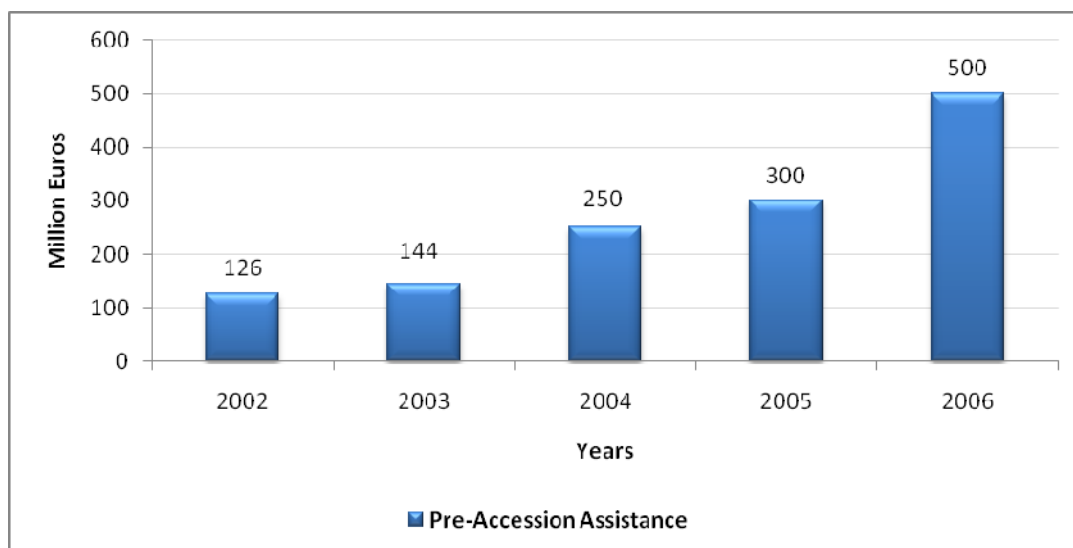
Figure 1: Pre-Accession financial assistance (2002-2006)

Source: Secretariat General for EU Affairs, 2009

Naturally, not all the aforementioned pre-accession financial assistance was provided for the use of civil society organizations in Turkey. Indeed, there exist no specific figures to make such distinction. However, there are quite a few well-known programmes implemented within the framework of the pre-accession financial assistance by the civil society organizations.

In this respect, one of the key programmes was the establishment of Civil Society Support Team using 3.4 million Euros budget. The aim of this programme was to support the capacity building of the civil society organizations in different cities through various training programmes. Following the success of the programme, the Team was encouraged by the EU Delegation in Ankara to establish an association and therefore, permanently continue their work for promoting the development of the civil society organizations and act as a domestic actor to distribute some of the EU funding. In this respect, European Commission has provided another 1.82 million Euros to support the transformation of this Team into the Civil Society Development Centre (CSDC). As an important actor in this process,

the CSDC aims at building the capacities of local civil society organization through trainings and funding. Though the origins of the CSDC stems from an EU-led programme, the CSDC has now become an internal layer between the EU and Turkish civil society organizations. Furthermore, a new Civil Society Enhancement programme was initiated with a 10.5 million Euros budget. This programme has financed around 150 projects on protection and enhancement of women's and children's rights, inclusion of the handicapped to the social life, protection of consumers, environment and culture (Özdemir, 2007, p. 10).

In addition to this, a new dimension with the aim of establishing a more constructive cooperation between the civil society and the public authorities has emerged. For this purpose, European Commission has developed a programme in 2005 with a budget of two million Euros for improving the cooperation between the civil society organizations and different public bodies as well as for enhancing the levels of democratic participation of civil society organizations (ibid.).

Following the announcement of the aforementioned Civil Society Dialogue in June 2005, the European Commission has begun to use the financial instruments not only for the strengthening of civil society organizations, but also for the "dialogue" that will be established among them. Initially, four different programmes were carried out under Civil Society Dialogue with which 4.33 million Euros were provided for the funding of around seventy projects. In order also to support the Civil Society Dialogue, Turkish government and the EU has allocated 29.5 million Euros of the 2006 pre-accession assistance for this purpose. This amount covers a comprehensive Civil Society Dialogue Grant Programme with a budget of 19.3 million Euros. This programme, which began in 2007 and completed in 2009 has supported 119 projects from youth organizations, universities, municipalities and

professional organizations (ibid, p. 10; Secretariat General for EU Affairs, 2010).

Civil Society Dialogue includes not only the funding of projects, but also supporting

the participation of Turkey in different Community and thematic programmes, which

will be discussed below.

For the period starting from 2007, there exists three groups of financial

instruments through which the civil society organizations in Turkey are able to

access the EU funding. The first one is the Instrument for Pre-Accession Assistance

(IPA), which is the annual budget allocation of the EU, given directly to Turkey to

facilitate the harmonization process. IPA is initially designed to cover the period

2007-2013 and have five components for Turkey: support for transition and

institution-building; cross-border cooperation; regional development; human

resources development; rural development (Commission of the European

Communities, 2007). The amount of financial assistance allocated for IPA is given in

Figure 2. The funding of the civil society organizations is allocated within the

framework of IPA, though the exact figures of the money financial assistance is not

present in the official documents. However, the figures relating to different

programmes give us an understanding of the amount of financial assistance allocated

to the civil society organizations by the EU.
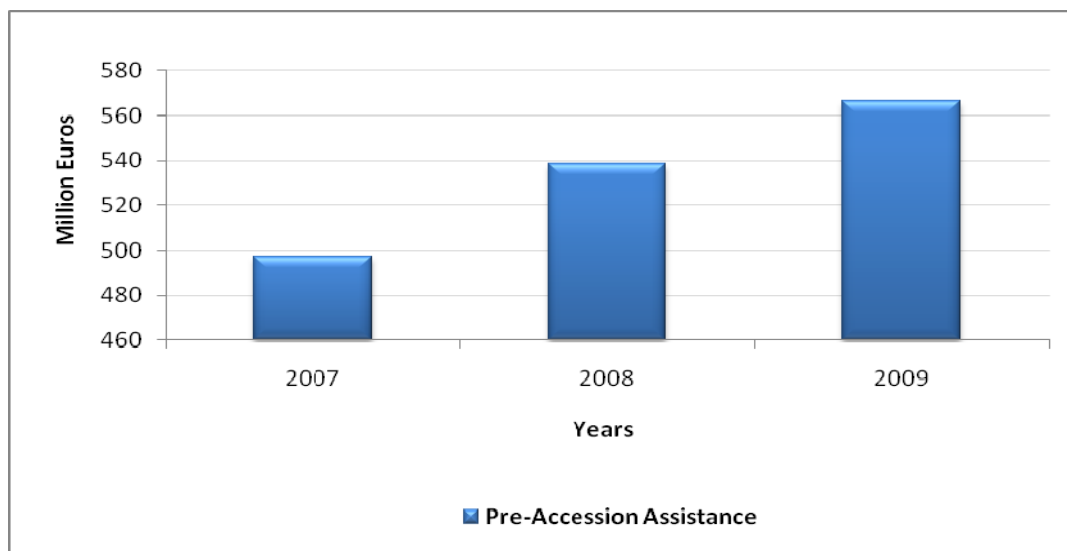
Figure 2 Instrument for Pre-Accession Assistance (2007-2009)

Source: Delegation of the European Union to Turkey, 2009

The responsibility of the procedural operations for the distribution of all the EU funding under IPA is carried out through the Central Finance and Contracts Unit (CFCU) in Turkey. In parallel with previous cases, the CFCU was established as an integral part of the financial-technical framework of the EU accession process and with the aim of transferring the contracting authority of the European Commission to the Turkish government. Accordingly, the CFCU holds responsibility for budgeting, tendering, evaluating, contracting, accounting, payments and reporting of the EU-funded programmes in Turkey, including those grants given to the civil society organizations.

Apart from the financial instruments relating specifically to the pre-accession, Turkish civil society organization are also able to benefit from some of the Community programmes. Community programmes are established by the EU to promote cooperation between the member states in the fields related to the different EU policies. Community programmes are multi-annual programmes that are linked to the central budget of the EU. All member states are eligible to participate in the

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Community programmes, except in the rare case when they opt out. On the other

hand, for certain Community programmes, third countries can become associated to a

specific programme via signing a Memorandum of Understanding with the European

Commission and contributing financially to the programmes' budget. Those

countries that have fulfilled these criteria can thereinafter participate in the

programme at the same level as member states (Europa Media PSC., 2008, p.8).

Turkey has been participating in an increasing number of Community

programmes (see Table 5), thus providing the Turkish civil society organizations

with various avenues through which they can access the EU funding. Furthermore, in

the case of Turkey, the EU allocates part of the pre-accession assistance for the

purpose of transferring it to Turkey's contribution to the Community programmes

(Delegation of the European Union to Turkey, 2006, p. 54).

Table 5 The Community Programmes that Turkey Participates

Name of the Programme	Objective
Culture 2007	Expanding the European culture zone.
Lifelong Learning Programme	Supporting educational opportunities from childhood to advanced age.
Youth Actions	Improving the understanding of civil and active participation, individual responsibility and initiative among the youth at local, national European levels.
Public Health	Rapid reaction against health hazards and improvement of health conditions.
Seventh Framework Programme	Associating the research policy to the economic and social objectives through bringing European Research Area under a single framework.

Source: Özdemir, 2007

The Community programmes are centralized meaning that the application process is

located at Brussels. As the general aim of these programmes is to promote

cooperation between the member states – and if possible with third countries – the

funds are allocated largely to cooperative projects requiring European partner

organisations to establish consortia. In the absence of detailed figures from the EU,

the complex web of channels with respect to Community programmes as well as the

multi-member consortia renders it impossible to determine even an estimate amount

of money used by the Turkish civil society organizations through these programmes.

CHAPTER IV

DEVELOPMENT OF CIVIL SOCIETY IN TURKEY: HISTORICAL OVERVIEW

Examining the development of state and society relations in Turkey is a key to understanding not only its contemporary structure, but also some of the current predicaments relating to the Europeanization of Turkish civil society organizations during the accession process. It is through looking into the steps taken by the state, particularly in regards to the field of association that we can comprehend the capacity of Turkish civil society organizations that the EU faced in the late 1990s.

The aim of this chapter is to reveal that the bottom-up dynamic for the advancement of civil society organizations in Turkey was hampered with restricted legal environment and related actions of the state. The consequent military interventions have crushed all the civic assets that were believed to have overgrown and become powerful, not allowing for any independent group to flourish. These military interventions along with the legal structure have disposed of the civil societal elements built up thus far in the society and impeded any kind of organization, not least the civil society organizations. By the end of the 1990s and at the beginning of a new crossroad of the relations with the EU, the civil society organizations in Turkey were still in its infancy.

Accordingly, this chapter highlights the milestones in Turkish socio-economic and political history relating to the development of civil society organizations, and with a particular emphasis on the military interventions and shaping of the legal framework. This chapter begins with a brief overview of the

received wisdom regarding the early years of Turkish Republic. However, instead of relying on this, this chapter rather focuses on the period starting with the multi-party system in 1946, since it is acknowledged as one of the key dates in Turkey's democratic transition. Therefore, the initial overview is followed by three sections covering respectively the period between the mid-1940s until the first military takeover in 1960; the period from 1960 until the military takeover in 1980 and the post-1980 period until 1999.

Accordingly, the narrative of this chapter is based on the literature, which studies the construction and shaping of state-society relations in Turkish socio-political life, establishes the different aspects of this process and elaborates how this may have had an impact on the rise and development of civil society organizations in Turkey. Respectively, the fundamental works that I reviewed include *Center Periphery Relations: A Key to Turkish Politics*, *Civil Society and Culture in the Ottoman Empire* and *Türk Siyasasını Açıklayabilecek Bir Anahtar: Merkez-Çevre İlişkileri* of Şerif Mardin; *The Making of Modern Turkey* and *Turkey: The Quest for Identity* of Feroz Ahmad; *State and Society in the Politics of Turkey's Development* and *State, Society and Democracy in Turkey* of İlkay Sunar; *Yirmibirinci Yüzyılda Türkiye: İkibinli Yıllarda Türkiye'nin Toplumsal Yapısı* of Emre Kongar; *Türkiye'de Toplum ve Siyaset Makaleler* and *Power; Lübnan'da İki Vakıf Davası Işığında Son Osmanlı Döneminde Hukuk, Cemaat ve Kimlik* of Engin Deniz Akarlı; *Civil Society in Western Europe and Ottoman Empire* of Ömer Çaha; *80 Sonrası Politik Kültür* of Nilüfer Göle; *Political Modernization As Reflected in Bureaucratic Change: The Turkish Bureaucracy and a 'Historical Bureaucratic Empire' Tradition* of Metin Heper; *1960 Sonrası Türk Siyasal Hayatına Bir Bakış: Demokrasi Neo-Patrimonyalizm ve İstikrar* of Ersin Kalaycıoğlu; *Class and State in the*

Transformation of Modern Turkey of Çağlar Keyder; *Globalization, Civil Society and Citizenship in Turkey: Actors, Boundaries and Discourses* of Fuat Keyman and Ahmet İçduygu; *Türkiye'de Sivil Toplum ve Demokrasi* and *Postmodernite, Sivil Toplum ve İslam* of Ali Yaşar Sarıbay. This chapter also includes an overview of the constitutions as well as the related laws and amendments regarding the civil rights and civil society organizations from the late Ottoman period until 1999 and makes use of *Demokratikleşme Sürecinde Türkiye* of Serap Yazıcı to account better for these legal texts.

An Overview of the First Decades of Turkish Republic (1923-1945)

In consideration of the state-society relations in the early years of Turkish Republic, the received wisdom has been the presence of strong and centralized state, disallowing any autonomous groups with a powerful ground, acting outside of the state authority, who would secure an environment for the elements of civil society to flourish. It is within this political and social framework that the bureaucratic elite is said to assume the role of a "social engineer" in a Popperian sense in which the bureaucrat came to believe that he can change the history of man as we change the face of the earth, and that the ends are chosen or even created by the people (Popper, 1966, p. 22, Sarıbay, 1994, pp. 167-168). A related element of received wisdom suggests that in the early years of Turkish Republic, this mentality as a social engineer has been a determinant feature of the Turkish bureaucrats in their identification of social and political problems as well as the ways generated to tackle them. In this respect, the general approach of Turkish social engineering was to integrate from top down through imposing regulations that were initiated by the

bureaucratic elite. Accordingly, the political order prevented the internal dynamics that could sustain the structural transformation of the society (Heper, 1976, Sarıbay, 2000), which is considered to be the most crucial factor hindering the energy and progress obtained by the social groups, as social groups were allowed space to act only when they accommodated to the center (Mardin, 2000, p. 98).

A further element of the received wisdom for this period is the presence of a loose political alliance between the bureaucracy, the local notables and the newly emerging bourgeoisie (Ahmad, 2000, p. 52, 76). It is suggested that on the one hand, the Kemalists invoked the aid and cooperation of the local notables to secure the participation of the peasants, who would provide the military force to fight in the battles. In return, the Kemalists had to recognize the authority of the local notables and thus maintain the status quo in the provinces, which would hinder the overall restructuring of the society in the years to come after the War. (Mardin, 1975, p. 24, Ahmad, 2000, p. 75). This alliance entailed an implicit recognition of the local notables' authority in exchange for the acceptance of the bureaucrats' central position (Sunar, 2004, pp. 48-49). Thus, although the military and civilian bureaucrats may have appeared to be the central power with reformist outlook, they were never able to attempt an overall structural change in the social order of the recently established Republic.

On the other hand, by the end of the Independence War, the observers note the emergence of a national economy dominated by Turks, followed by an entrepreneurial group, who would serve as the core of Turkish bourgeoisie (Ahmad, 2000, p. 45). However, this group was neither mature nor strong enough to seize the initiative to develop a well-functioning bourgeoisie and thus required the assistance of the state to grow stronger and attain a self-sustaining level of capital. (Kongar,

1998, pp. 19, 122-123, 131). And unlike the West, Turkish bourgeoisie was created by and grew stronger under the auspices of the state and what appeared as an independent force in the West came to be rendered dependent on the state in Turkey. This alliance remained intact during the first decades of the Republic and constituted a major factor determining the social, economic and political structure in the period between 1923 and 1945. A notable qualification of the received wisdom on the accommodation between the three legs of this alliance relates to the absence of forces and actors that would create the space autonomous from the state in which the civil society organizations could flourish.

Legal developments have been a key aspect relating to the activities of civil society organizations during this period. The first steps on framing the legal infrastructure had taken place in 1909, some of which were inherited by the newly established Turkish Republic. Accordingly, the first legal text on the freedom of association appeared in the 1909 Constitution, which stated:

> Ottomans enjoy the right of assembly, on the condition that they obey the law on the subject. The societies are forbidden which aim at injuring the territorial integrity of the Ottoman Empire, changing the form of the Constitution or of the government, acting contrary to the provisions of the Constitution, or bringing about a separation between the various Ottoman elements, or which are contrary to public morals. The formation of secret societies in general is also forbidden.[7] (Article 120)

Associations Law was subsequently enacted in 1909 to frame the details on the organizations and activities of the associations. In this respect, the associations were not obliged to obtain a license for establishment (Article 2), but rather they were

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[7] "Kanunu mahsusuna tebaiyet şartı ile Osmanlılar hakkı içtimaa mâliktir. Devleti Osmaniyenin temamiyeti mülkiyesini ihlâl ve şekli meşrutiyet ve hükûmeti tagyir ve Kanunu Esasî ahkâmı hilâfına hareket ve anasırı Osmaniyeyi siyaseten tefrik etmek maksatlarından birine hadim veya ahlâk ve adabı umumiyeye mugayır cemiyetler teşkili memnu olduğu gibi alelıtlâk hafi cemiyetler teşkili de memnudur."

required to inform the state following their establishment (Article 6). Furthermore, the state was given the right to inspect the associations (Article 18).

Following the short-term disruption during and after World War I and the Independence War, the first decades of Turkish Republic have witnessed the efforts for drawing the legal framework for civil society organizations and associational movements. Even though there was no mention on individual rights and liberties in Constitution of 1921, Constitution of 1924 cites the right of association in Article 70 and Article 79.

> Inviolability of person; freedom of conscience, of though, of speech, of press; freedom of travel and of contact; freedom of labor; freedom of private property; of assembly, of association; freedom of incorporation, are among the natural rights of Turks". (Article 70)[8]
> "Limitations upon freedom of contract, labor, property, assembly, association and incorporation shall be determined by law. (Article 79)[9]

However, the Law for Maintenance of Public Order, dated 4 March 1925, introduced a serious limitation and repression over the associations in general and labor associations in particular (Alkan, 1998a, p. 60). Even though the Civil Code of 1926 (T.C. Resmi Gazete, 1926) had more liberal and democratic clauses on associations, the limitations introduced by Law for Maintenance of Public Order and the High Treason Laws of the early 1920s rendered the establishment of associations weak (ibid, pp. 56-57). Furthermore, the Associations' Law of 1909 was replaced by a more restrictive law in 1938 (T.C. Resmi Gazete, 1938). The new law had a more elaborate description and more comprehensive list of the prohibitions and thus, the new law had substantially limited and controlled the right of association.

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[8] "Kişi dokunulmazlığı, vicdan, düşünme, söz, yayım, yolculuk, bağıt, çalışma, mülkedinme, malını ve hakkını kullanma, toplanma, dernek kurma, ortaklık kurma hakları ve hürriyetleri Türklerin tabii haklarındandır." (Madde 70)

[9] "Bağıtların, çalışmaların, mülk edinme ve hak ve mal kullanmanın, toplanmaların, derneklerin ve ortaklıkların serbestlik sınırı kanunlarla çizilir." (Madde 79)

Another important legal development regarding the mass organization concerns the Labour Law, in particular the regulations it brought on the unions and strikes. By mid-1930, the Labour Law was introduced reflecting the concerns of the governing elite in parallel with the Associations Law. Labour Law of 1934, which was later strengthened in 1936, did not allow the workers to form unions or to strike and thus tried to prevent the workers from protesting (Ahmad, 2000, p. 99).

From the start until the end of World War I, hardly any associations were founded in Turkish Republic. However, following the end of World War I and the Independence War, both the authority gap and the lifting of the total ban on freedom of association resulting from this gap may be the reason behind the flourishing of associations during this period (Alkan, 1998a, p. 55). In 1918, over sixty new associations were founded. The number of associations founded reached 118 in 1919 and 148 in 1920. Despite a small decline, the foundation of new associations continued. Sixty-two new associations in 1921, thirty in 1922, fifty-seven in 1923, thirty-eight in 1924 and seventeen in 1925 were founded (Alkan, 1998b, p. 117).

However, as indicated by the legal framework of the period and suggested by the received wisdom, Turkish reformers had difficulty in accepting the elements of civil society as an independent mechanism outside of the state structure as well as the political participation of the large masses (Mardin, 1969, p. 280). Particularly after 1930, Republican People's Party (*Cumhuriyet Halk Partisi* – CHP) did not tolerate the independent organizations outside of its control and all autonomous societal forces, including civil society organizations have been eliminated. Following the closing down of the Free Republican Party, the Turkish Hearts had dissolved itself in 1927 to join CHP, and later were closed down in 1931 (Keyder, 1988, p. 203). Following this, all associations were either closed down or dissolved themselves

(Yücekök, 1998a, p. 27). All sports clubs and associations were brought under the roof of Turkish Training Associations Alliance (*Turkiye İdman Cemiyetleri İttifakı*), which had been established before and had been organized all around Turkey. Apart from these, there existed proposals for other organizations that are more widespread and stronger ideologically such as Student Unions, Teachers Unions, Association of Journalists, Union of Turkish Women and Masonic lodges to dissolve themselves and to pass their assets either to CHP or to People's Houses (Ahmad, 2000, p. 90).

A final element of received wisdom for this period is that the civil society organizations were allowed as far as they complemented and were organized under the control of the political authority (ibid, pp. 115-116). Respectively, various para-governmental organizations were established in the early 1930s, to guide the population towards a statist scheme, the most significant of these being the People's Houses. By 1935 the full control of political authority over the elements of civil society had been well established, leaving no channels of dissent remaining (Keyder, 1988, p. 203).

Multi-Party Period (1946-1960)

Post-1945 period in Turkey is significant not only because the multi-party system is acknowledged as a milestone in Turkey's democratic transition, but also because, rather ironically, this period has witnessed a series of political and legal developments that crushed all the civic assets and thwarted the bottom-up dynamic that may lead to the flourishing of civil society organizations in Turkey.

By 1945, the political alliance between the bureaucracy, the bourgeoisie and the landlords began to crack and the need for a new political balance has emerged

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(Ahmad, 1996, p. 22). While the private sector had grown considerably until mid-1940s and came to regard bureaucracy as an obstacle in front of free investment, landlords, joined the urban opposition against CHP, following the land reform attempts (Sunar, 1974, pp. 82-89). More importantly, both the nature and the way in which the Defense Law of 1940 and the Capital Tax Law of 1942 were implemented, were observed to be arbitrary by the bourgeoisie and the landlords. (Ahmad, 2000, pp. 71, 102). Thus, they were no longer willing to maintain the status quo and that they gradually broke away from the earlier alliance.

Well-aware of the growing popular opposition, CHP began to adopt democratic rights, religious freedom and liberalization as slogans similar to Democratic Party (*Demokrat Parti* – DP) (Sunar, 1974, p. 83). Subsequently, starting from 1946, there was a relative liberation of the social and political participation rights, which thus far had been under strict control. Likewise, Associations Law was also amended with an Act issued on June 1946 (T.C. Resmi Gazete, 1946), regarding the regulation on their establishment and on the prohibitions. This resulted in an active and intense period for the development of associations (Yücekök, 1998b, p. 75). Furthermore, in 1947, a new law was introduced that recognized the right of industrial workers to organize in trade unions, though strikes continued to be considered illegal. Yet, despite the easing of the law, only ten percent of urban workers were organized, as the unions were frequently closed down whenever they were suspected of putting the economic interests of the workers above "national interests" (Sunar, 1974, pp. 79, 104).

The period between 1946 and 1950 was marked by the struggles of the emerging bourgeoisie for political and economic independence. Gradually, a new balance was set in 1950, when the state power was transferred to DP, which appeared

as a grand coalition of forces – including businessmen, landlords and even some of the bureaucrats – against CHP (Ahmad, 1996, p. 106). It is interesting that the emerging bourgeoisie in Turkey invested in land, unlike their counterparts in the West, had no conflict with the local notables, but rather, they cooperated and entered into political collusion at different intervals (Kalaycıoğlu, 1995, p. 474).

Soon after their electoral victory against CHP, DP seemed to have devoted itself to the mission of democratization. In 1951, DP even drafted a bill that would include the right to strike for the workers. However, the drafted bill remained as a carrot for the workers and was never brought to the Parliament (ibid, p. 55). During the early 1950s, along with this relative process of democratization, the free organization of people appeared to flourish as well. Associations, foundations, labor unions, peasant groups and an opposing media have emerged together with the multi-party system in this period (Çaha, 2001, p. 238). However, the bureaucratic as well as the political elite were still unwilling to regard these elements of newly emerging civil society as an independent mechanism. On the contrary, the governmental authorities in the 1950s had a suspicious controlling attitude and also the difficulty of accepting the political participation of large masses. Indeed, Associations Law was amended in 1952 (T.C. Resmi Gazete, 1952), now allowing the courts to ban the activities and safeguard the properties of the associations even before the court orders the closure of the association. Political life remained a statist-elitist realm in which the elected political elite has still the full control. As a result, these newly emerging elements of civil society were not allowed to become the actors of the political life (Mardin, 1969, p. 238).

Following the electoral victory in 1954, Menderes was quick to learn that the increasing internal opposition in his party demanded harsh measures against CHP,

press and universities in order to be appeased (Ahmad, 2003, p. 112). While the Press Law had already been stiffened prior to the elections in 1954, a new series of measures were taken to suppress the opposition together with the new self-confidence (Ahmad, 1996, p. 63).

Years of Turbulence (1961-1980)

The new balance among the political actors, established in early 1950s together with the Multi Party period, lasted only one decade and ended with the military takeover on 27 May 1960. On the one hand, it was considered that the army has intervened to adjust the system in favor of the established elite, including itself. This was also an indication that the traditional elite were reluctant to share its central power with those claim it on the basis of their electoral victory (Akarlı, 1975, p. 150). In that sense, it underlines the cleavage between the center aiming to preserve the static order and the periphery in search for change (Mardin, 1975, p. 30). On the other hand, the military takeover in 1960 together with the 1961 Constitution may be said to display the will and the effort of the bureaucratic elite to change the society in accordance with a new social model that includes not only the democratic rights and freedoms, but also the tools in the hands of the state to control the social and economic life (Kongar, 1998, p. 320).

Compared to the Constitution of 1924, the new Constitution put more attention on the fundamental rights and freedoms. Accordingly, the right to form associations (Article 29) as well as the right to congregate and march in demonstration without prior permission (Article 28) was secured by this Constitution. Under the new Constitution, people had more civil rights and the

universities, greater autonomy. The civil rights were advanced with the amendment of the Associations Law on 1964 (T.C. Resmi Gazete, 1964), which made the police entry into the associations more difficult. Moreover, the students were given the freedom to organize their own associations and respectively they formed Ideas Clubs (*Fikir Klüpleri*) in the universities in which problems confronting their society were discussed. These clubs were considered to be the first serious attempt to create a space for civil society in Turkey (Ahmad, 2000, pp. 136, 142). Furthermore, together with the new Constitution, the social rights were systematically organized for the first time. Article 46 assured the right of the employees and employers "to establish trade unions and federations of trade unions without having to obtain prior permission, to enroll in them as members, and to resign from such membership treaty."[10]

Throughout the 1960s, the private industrial sector in Turkey grew substantially to reach the level of contribution to gross national product almost equal to that of agriculture. By the end of the 1960s, the increasing presence of private industrial sector in economy was also reflected in the social fabric of Turkey. Two new groups gained political grounds during this period. One was the working class, formed by those who moved to shanty towns in the major cities as a result of the urbanization caused by the increasing industrialization. Led by a class-conscious leadership and with the propaganda of the Workers' Party of Turkey (*Türkiye İşçi Partisi* –TİP), free to act under the new Constitution, the working class became politicized during the 1960s. The workers had initially been united under the non-political, pro-government The Confederation of Workers' Unions of Turkey (*Türkiye İşçi Sendikaları Konfederasyonu* – Türk-İş), which followed the American model

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[10] "[İşçiler ve işverenler,] önceden izin almaksızın, sendikalar ve sendika birlikleri kurma, bunlara serbestçe üye olma ve üyelikten ayrılma hakkına sahiptirler."

that focused on economic demands and discouraged political affiliations. However, as a result of the increasing political involvement of the workers, a group of unions broke away from Türk-İş and formed Confederation of Revolutionary Workers' Unions (*Devrimci İşçi Sendikaları Konfederasyonu* – DİSK), following the European model that economic demands could only be gained through political action and therefore had the support of the TİP (ibid, pp. 132, 143).

The other group was the increasingly self-conscious bourgeoisie. The business groups in Turkey were organized in the form of 'chambers' since from the early days of their emergence. This type of organizations was supported by the governments through making the necessary laws and furnishing the chambers with certain authorities. The chambers soon became powerful organizations, especially after having obtained authorities over foreign exchange and quota allowances. Having united under a single organization called the Union of Chambers and following the liberal environment shaped by the 1961 Constitution, the number of chambers of commerce, industry and commodity exchanges increased rapidly. Apart from this Union, the bourgeoisie also established the Union of Istanbul Employer Associations in 1961 and after completing its nationwide organization in 1962, the Union changed its name to Turkish Confederation of Employer Associations. As the bourgeoisie had grown both in size and in confidence during the 1960s, it decided to rely no more on the governing party to further its cause, but found their own pressure group and further their interests through their own organization (Ahmad, 2003, p. 120). Consequently, Association of Turkish Industrialists and Businessmen (*Türk Sanayicileri ve İşadamları Derneği* – TÜSİAD) was established in 1971. During the 1960s, organizations, in particular in the economic life, established with functional

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basis were wide spread, although it was not yet possible to talk about a structure composed of totally voluntary organizations (Mardin, 1975, p.30)

The 1961 Constitution allowed, for the first time, for a party – TİP – representing the interests of groups that were in sharp contrast with those of the government. And, the impact of the TİP in Turkish political life was felt much deeply than its representation in the Parliament. Ideas Clubs, leaning towards left politics, were well organized at the universities. Publishing and translation of political literature expedited the political involvement of the intelligentsia and the working class. Toward the mid-1960s, the politics was not only in the university and in the factory, but it also spilled over to the streets and demonstrations have become a factor of daily politics (Ahmad, 1996, pp. 187, 197).

This environment of chronic crisis, triggered by street politics, was the key element of the ongoing instability, which entailed the military intervention in 1971. Therefore, one of the main objectives of this intervention was to secure an environment in which the structural changes for development of the country could be carried out. A basic requirement of this was to hinder a second wave of liberalization as the one in the early 1960s. According to Erim, the 1961 Constitution "was a luxury for Turkey, a developing society could not afford if it desired rapid progress along the road to capitalism" (ibid, p. 285). Therefore, the first thing carried out under martial law was to amend the 1961 Constitution, which was blamed for Turkey's problems, to strengthen the state and to end all political activity outside of the Parliament. Indeed, the changes covered basically every political and social institution in Turkey, including the trade unions, the press, the universities, the Council of State and the Parliament so that, as stated by Erim, "there is no going back to the period before 12 March" (Ahmad, 2003, p. 136).

In a way, repression of the leftist groups was considered to bring the restoration of law and order. Therefore, all political youth organizations affiliated to the Federation of the Revolutionary Youth of Turkey (*Türkiye Devrimi Gençik Federasyonu* – Dev-Genç) were closed down; groups such as the Ideas Clubs in the universities were banned; the offices of the Union of Teachers and DİSK were searched by the police and respectively the meetings and seminars of all professional associations and unions were prohibited. As for the press, all leftist magazines including *İşçi-Köylü, Proleter Devrimci Aydınlık, Aydınlık, Türkiye Solu, Devrim* and *Ant* were withdrawn from circulation; two newspapers, *Cumhuriyet* and *Akşam* were suspended for ten days; and the bookshops were warned about suppressed publications, during the first days under the martial law. Soon after, on 3 May, all strikes and lockouts, no matter for what purpose, were declared to be illegal. In short, all political activities of the working class were crushed together with the 1971 Memorandum (Ahmad, 2000, pp. 148-151).

Even though TİP was no threat in the elections, it was certainly a crucial factor in politicizing the country. They were very influential over the trade unions and the youth organizations and they frequently sued the government and the members of their party for infringing the laws and the constitution (Ahmad, 1996, p. 303). Therefore, following the 1971 Memorandum on, a public prosecutor opened a case against TİP, accusing its leaders of carrying out communist propaganda, thus violating the 1936 Penal Code as well as supporting Kurdish separatism, which was a violation of the constitution. As a result, on 20 July 1971, TİP was closed down and its leaders were held under arrest (Ahmad, 2000, p. 148).

As all the aforementioned organizations were active, especially prior to 1970, the Memorandum in 1971 introduced limitations on right to associate. In this respect,

Article 29 on the right to form association was amended on 20 September 1971. Although every individual still enjoyed to right to form associations without prior authorization, the law has given the right to "impose restrictions for purposes of safeguarding the integrity of the State with its territory and people, national security, public order and public morality."[11] The same restrictions were added to Article 46 on the right to establish trade unions.

Following the various amendments made in the constitution, a new Associations Law was issued on 1972 (T.C. Resmi Gazete, 1972), which abrogated the Associations Law of 1938 and remained in force until 1983. The new law required for the permission of the government for the international activities of the associations (Article 6). Furthermore, the supervision of the associations was framed in Articles, 40, 41 and 42 as general, financial and police supervision.

A primary factor to be highlighted here is the role of the military in the making of contemporary Turkey. Even though, the military tradition was relatively weakened during the first decades of Turkish Republic, the outbreak of Cold War brought the armed forces once again into the main stream. Since from the early 1950s, Turkish Armed Forces have become and remained to be an independent source of power and authority, with the capacity to influence Turkish political, social and economic developments (Kongar, 1998, p. 663).

A general characteristic of the Turkish socio-economic structure during the period between 1960 and 1980 is the rise of a bourgeois class composed of businessmen, industrialists and the high-ranking bureaucrats, who gained their socio-economic and political rights under the patronage of the state. Therefore, Turkish bourgeoisie neither wanted major reforms and grand socio-economic changes, nor it

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[11] "Kanun, Devletin ülkesi ve milletiyle bütünlüğünün, milli güvenliğin, kamu düzeninin ve genel ahlâkın korunması maksadiyle sınırlar koyabilir."

desired a state not interfering the economic affairs (Sunar, 1974). On the other hand, the same period witnessed the rise of a working class in the urban areas. However, the working class lacked the class-conscious and was neither dependent on the values of their village, nor ready to be a part of the trade unions. What counted in trade unionism during the period between 1960 and 1980 was the organizational capacity of the leaders, and not its members (Kalaycıoğlu, 1995, p. 475).

The period before 1980 rightly demonstrated that democracy, though a pre-condition, is not enough for the flourishing of the elements of civil society. As highlighted by Nilüfer Göle (1995), civil society is determined not only by the relations of its elements with respect to the state, but also by the nature of the relations with other social actors. Flourishing of civil society organizations require a space autonomous from the state, which necessitates the democratic rights and freedoms. However, it also depends upon a web of horizontal relations among the social actors, which involves social clashes as well as compromises. The social actors before 1980 acted with the aim of capturing the state and dominating the other social actors. They used to regard the change not dependent upon the participation of other social actors, but as a top-down process, linked to the state mechanism. Therefore, agreeing with Göle, the social actors prior to 1980 had more the nature of contre-elite, than of actors of civil society (pp. 512-513).

The Post-1980 Period (1981-1999)

Despite the changes in the 1961 Constitution following the Memorandum in 1971, Turkey, once again found itself surrounded by crises, increasingly embroiled by outrage of violence in the streets. Besides, serious bottlenecks became prominent in

the Turkish political system starting from the second half of 1970s. During this period, the government could not take any decisions and the parliament was unable to pass any bill. For instance, the President could not be elected for six months in 1980. It is in this context that a military coup took place on 12 September 1980.

According to the National Security Council carrying out the military takeover, it was the political and economic crises dominating the second half of the 1970s, that is, the polarization of the society and the parliament, outrage of violence and its spread as well as the failure of the parliament to take a decision, which led military to assume the task of taking over. Kenan Evren (1991) the leader of the military takeover of September 1980, notes in his memoirs that;

> All associations and trade unions in Turkey were divided as left and right and almost all of them were drifted into politics. […]There was no decree in the Constitution to prevent this. People were given unlimited freedom, but it was not clear how this freedom could be limited when the security of the society and the existence of the state would be under threat. The primary thing was the individual freedom; the peace in the society and the existence of the state were secondary (pp. 275-276).

Evren, also denounces the universities for becoming a "quasi autonomous country" as no authority could interfere with their administration. According to Evren, it is because of their autonomy that the universities became a shelter for terrorists (ibid, p. 276). In this respect, the junta gave priority to restructuring political life, which they believed would bring long-term stability. The National Security Council began by issuing decrees to suspend the constitution, dissolve the parliament, close down the political parties and detain their leaders. They suspended all professional associations and trade unions; and rendered the strikes illegal. As evidently seen in the memoirs of Evren, the junta was very much disturbed with the important role that the youth and the universities played in politics since the 1960. Therefore, they took the necessary measures to de-politicize the youth and the universities. To this end, in

November, a new Law on Higher Education was passed purging those associated

with the Left. This was accompanied by crushing all elements of the Left, including

social democrats, trade unionists, and even members of the nuclear disarmament

movement organized as the Peace Association. The extreme right, represented by the

Nationalist Action Party, was also suppressed, even though its ideology was adopted

in the form of the so-called 'Turkish-Islamic synthesis' by the junta regime (Ahmad,

2003, p. 150, 2000, pp. 182-185).

The junta considered the 1961 Constitution – as much as the uncompromising

politicians – with unlimited rights and freedoms, to be responsible for the crises

during the late 1970s. It is for this reason that the National Security Council sought

to establish a new constitutional system, fundamentally different than the 1961

Constitution, which would preempt any similar crisis to occur in Turkey again.

Serap Yazıcı (2009) notes that the constitutions and international agreements

generally start with an introduction including the historical, political, sociological

and philosophical reasons of the documents, which also act as the main tool of

legitimation. Yazıcı underlines that the introduction of the 1982 Constitution stresses

the sanctity of the state authority, with which reasons and purposes this authority

should be strengthened as well as the favoring of the state against the individual and

his rights. Accordingly, the purpose of the new constitution was to empower the state

with more authority that is assumed to have eroded (pp. 122-123).

Even though the new constitution included all the fundamental rights and

freedoms, they were not without limitations. In addition to the specific limitations of

the related articles, Article 13 set the general conditions for limiting each right and

freedom. In a way, the new constitution protects the state against the individual. "The

constitution has established an order in which the limitations underlie the essence;

the acknowledgement and protection of the freedoms, the exception" (ibid, p. 127).

In addition, Article 14 of the 1982 Constitution, titled "Prohibition of Abuse of

Fundamental Rights and Freedoms", was drafted in such a way to serve as another

mechanism to limit all the rights and freedoms.

Respectively, the restrictive nature of the 1982 Constitution was also reflected

in the articles regarding the field of activities of the civil society organizations.

Article 33 and 34 clearly left the civil society organizations outside of the field of

politics.

> Associations [...] cannot pursue political goals, cannot have political
> activities, neither be supported by the political parties and nor support
> them, cannot act jointly with the syndicates, professional institutions
> and foundations. (Article 33)[12]

> Associations, foundations, syndicates and professional organizations
> cannot meet or march on issues other than their interest or objective.
> (Article 34)[13]

A new Associations Law was issued in 1983 in the light of these articles, and

abrogated the Associations Law of 1972. Sharing the restrictive nature of the 1982

Constitution, the new Associations Law and aimed at depoliticizing the associations.

The law limited the cooperation with the political parties and prohibited the use of

the symbols of political parties and trade unions by the associations (Article 6).

Many of the clauses in the 1982 Constitution indicate the mistrust of the junta

regime with respect to the civil society organizations. Apart from the strict

limitations on the civil-political area, arbitrary use of constitutional and legal

provisions by state officials, high pressures on the members of the civil society

organizations and the confining of their leaders have intimidated many from joining

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[12] "Dernekler [...] siyasi amaç güdemezler, siyasi faaliyette bulunamazlar, siyasi partilerden destek göremez ve onlara destek olamazlar. (Madde 33)"

[13] "Dernekler, vakıflar, sendikalar ve kamu kurumu niteliğindeki meslek kuruluşları kendi konu ve amaçları dışında toplantı ve gösteri yürüyüşü düzenleyemezler." (Madde 34)

these organizations. In this respect, this legal and institutional environment shaped with the aforementioned perspective of the junta regime had long-lasting negative impact over the civil society arena in Turkey. According to the results of the World Values Survey carried out in 1990, 1996 and 2001 in Turkey, the percentage of the people belonging to each group of voluntary organizations on social welfare for elderly, youth work, religion, sports, women's groups, peace movements, organizations concerned with health, consumer groups, local political actions, human rights, environment, ecology, animal rights remained below one percent, while people belonging either to the education, arts, music or culture organizations, labor unions and professional associations vary between one to two percent (World Values Survey, 2007). These figures indicate how reluctant the people in Turkey remained towards civil society organizations during the 1990s, and thus how strong the impact of the military regime established in 1980 was.

Together with the Constitution of 1982, the term civil society came to stand for a zone of rights and liberties against the state and assumed a meaning that is the antonyms of a military society (Mardin, 1991, p. 9). Indeed, throughout the 1980s, civil society was regarded as a tool to express the needs and the desires of the individuals and the society against state and a military power holding a control in every aspect of life. In that sense, civil society was closely related with formatting the state-society relations in which the position of the society would be enhanced and the liberties reinforced (Aktay, 2003).

Various articles of the 1982 Constitution were amended in 1987 and 1995. The first wave of amendments in 1987, and later in 1995, included reforms expanding the zone of civil and political rights. First, political bans were lifted. This was followed by complete lifting of the ban on the cooperation of the political parties

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with associations, trade unions and professional associations in 1995. Apart from these, the political parties were given the right to establish subsidiary groups, such as women and youth branches, and to organize abroad. Starting from the mid-1990s, along with the more liberal trend in Turkish political life, the articles regarding the civil society organizations have also been reframed. Article 33 was also amended in 1995. All these amendments have served to purge some of the authoritarian elements of the constitution, and thus bring in a more democratic face to a certain extent.

Following the approval of Turkey's candidacy to the EU in 1999, one of the most comprehensive constitutional amendments was carried out in 2001. This was followed by a series of reform packages, aiming to transfer the constitutional amendments to the legal and institutional structure in Turkey. The constitutional amendments as well as the legal and institutional reforms in the post-1999 period will be discussed at length in Chapter V.

In the meantime, post-1980 period has witnessed a series of interrelated internal and external processes that may have influenced the flourishing of civil society organizations in Turkey. In this respect, the first internal process stems from the fact that the state, which assumed the capacity to act almost completely independent from civil society faced a legitimacy problem in maintaining its position as the primary context for politics (Keyman & İçduygu, 2003, p. 223). In return, other actors came to assume roles in the economic and political life and civil society organizations have also become one of the new reference points in the language and the terms of politics (Sarıbay, 2000, p. 105).

The second internal process relates to the liberal policies being implemented during the post-1980 Turkey. Free market economy, supported by Özal, became the most dominant economic paradigm, followed by the removal of obstacles to political

liberty in the coming years. Liberalism not only created a more favorable environment for the civil society organizations to function, but also entailed a new entrepreneurial group, which carried out various related initiatives. This group includes new private sector businesses as well as economically oriented new civil society organizations.

No matter how much the social transformations of 1980s and 1990s had a positive impact on the civil society organizations, the increasing importance attached to these organizations cannot be justified only on the internal dynamics of Turkish society. Indeed, there have also been certain turning points, triggered by external forces and that have played a decisive role during the past ten to fifteen years. In this regard, the first important development has been the Habitat Conference that was hosted in Turkey in 1996. The Habitat Conference brought together hundreds of civil society organizations coming all around Turkey and drew attention to the increasing importance of civil society in the global scale.

The second important development has been the Marmara Earthquake, which was considered to be an element that activated the civil society organizations in Turkey. It was observed that the disaster disproved the "cliché about Turkey for decades that civic associations do not work and that people sit back and wait for the state to do everything. That's a cliché in the process of being erased from the Turkish lexicon" (Makovsky, 1999). On the other hand, much of the optimism stemming from the Marmara Earthquake in 1999 is not free of criticisms. The latter group claims that these organizations returned to a state of disorganization and disconnection following the disaster. Paul Kubicek (2001), while acknowledging that civic organizations in general enjoy a higher profile in Turkey than before the disaster, underlines that they were not able to sustain their level of political

mobilization and to come together to push for reforms beyond the area of disaster preparedness (p. 4). Kubicek's (2002) observations of the help and rescue groups in the aftermath of the Marmara Earthquake draw the attention to the fact that despite some early signs of solidarity these organizations were not unified, meaning that "they had no interest in sticking their necks out to defend groups that under normal circumstances would be regarded as an adversary" (p. 768).

However, it is the course of Turkey's integration to the EU which had far-reaching influence on the state-society relations, entailing a new structure in which state and society relate to one another. In particular the reform process triggered following the official announcement of Turkey's candidacy to the EU in 1999 have resulted in the revision of the related legal and institutional framework, thus paving the way for the lifting of the ongoing limitations since the 1980 over the freedom of association and freedom of assembly. As will be examined thoroughly in Chapter V, the reforms regarding the civil society organizations along with other actors of civil society have provided a more favorable environment.

Furthermore, the EU has begun to provide considerable financial and technical assistance through various incentive mechanisms. Consequently, both this new legal framework and the increasing incentive mechanisms have contributed not only for bringing about a more favorable environment for the establishment of civil society organizations as well as for carrying out their activities, but also for raising the public awareness regarding the key role and importance of civil society organizations in sustainability of the democratic societies.

CHAPTER V

LEGAL AND INSTITUTIONAL CHANGES IN THE POST-1999 PERIOD

In parallel with the importance the civil society organizations gain in the EU, there

has also been an increasing emphasis by the EU to ensure the Europeanization of

civil society organizations in the candidate countries. It is in this respect that the

European Commission has announced the "Civil Society Dialogue between the EU

and Candidate Countries" in June 2005. This document, drawing the terms of

financial assistance and framing the dialogue between the EU, member states and

civil society organizations, aimed at enabling civil society organizations to assume a

more active role during the accession process. In this document, particular attention

is given to Turkey as the mutual knowledge of the respective public opinions was

believed to be poor in comparison to other candidate countries and hence, the already

existing financial and technical instruments available for civil society organizations

in Turkey – as discussed in detail in Chapter III – have been extended.

However, financial and technical instruments are not enough by themselves to

provide the increased role of civil society organizations in matters relating to the

accession process and the European integration. What is equally necessary is the

transformation of the environment in which these organizations participate. In this

respect, the aim of this chapter is to assess how well the relevant legal and

institutional framework is reformed since the official announcement of Turkey's

candidacy to the EU in 1999. Indeed, this chapter provides a full picture on the legal

and institutional reforms with respect to freedom of association and freedom of

assembly, carried out since 1999, as the transformation of this environment cannot be grasped by looking into those reforms concerning civil society organizations only.

Accordingly, the EU has been active in promoting the strengthening of freedom of association and freedom of assembly, and it has closely been monitoring the legal and institutional reforms as well as the changes in the relevant socio-political environment since 1999. Consequently, the required reforms and the related events with respect to freedom of association and freedom of assembly in general have come to attract increasingly more attention in the Progress Reports and Accession Partnership Documents, which are also included in this chapter in parallel with the reform process.

During the initial years following the announcement of Turkey's candidacy to the EU, actors of civil society were among those who were actively voicing their concerns and demands. There have been several groups that have mobilized their members and focused their attention on EU-related issues. A well-known example of this is the European Movement 2002, which rallied support for the adoption of political reforms and Turkey's accession into the EU in 2002. The Movement gained further visibility with its publicity campaign in support of political reforms in the country based on the slogan '*Başka Yarın Yok*' [There is no other tomorrow]. Several working groups under the European Movement have produced a common text supporting Turkey's accession into the EU, which was published and opened to signature by the public. Although Emre Kocaoğlu, a former member of the Turkish parliament, cited the European Movement during a conference on Turkey-EU relations as an important source of pressure on members of the previous Parliament and argued that the Movement's activities and efforts did have some role in the

adoption of the reform package of August 2002, it is difficult to gauge its influence as well as the influence of similar initiatives (Kirişçi & Çapan, 2004, pp. 182-183).

Looking into the past twelve years from the part of Turkey, we see an intense reform period until just before a couple of years. During this period, Turkey has amended forty-two articles of its Constitution in total for the purpose of harmonizing with the EU legal framework; thirty-two articles in 2001, two articles in 2002 and ten articles in 2004[14]. The constitutional amendments have been accompanied by packages of political reforms, better known as "Harmonization Packages". Between February 2002 and July 2004, eight Harmonization Packages have amended 218 articles of fifty-three laws, covering wide range of political reforms. In 2006, a final Harmonization Package was passed by the Parliament, amending nine laws. Recently, a new package of constitutional amendments has been ratified with a referendum on 12 September 2010 revising 25 articles of the constitution, some of which address the freedom of association and freedom of assembly. Furthermore, several international and European conventions have been ratified by the Parliament. In this regard, sections of this chapter highlights the respective legal and institutional changes introduced in Turkey with regard to freedom of association and freedom of assembly since 1999.

Freedom of Association Concerning Civil Society Organizations

At the time when Turkey's candidacy to the EU was announced, the European Commission underlined in the initial Regular Reports that freedom of association in Turkey is subject to certain limitations. Regular Reports, later known as Progress

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[14] Articles 38 and 87 have been amended twice, once in 2001 and later in 2004.

Reports, have been one of the main tools in the hands of the European Commission to give general evaluation of the candidate country's accession process with regard to political and economic conditions. However, albeit the persisting demands in the subsequent Regular Reports starting from 1998 to remove the restrictions over the freedom of association, no positive step was observed until 2001.

Following the announcement of Turkey's candidacy and in parallel with the findings of the Regular Reports, the European Commission urged Turkey to "strengthen legal and constitutional guarantees of the right to freedom of association and encourage development of civil society" as a short-term priority in the first Accession Partnership with Turkey in 2001 (Council of European Communities, 2001b). In response, Turkey guaranteed in its 2001 National Programme for the Adoption of the Acquis to enhance constitutional safeguards regarding the civil society organizations as well as the social and economic institutions for democracy in the short term, and to review the legislation on the freedom of association in the medium term. Accordingly, Turkish Parliament adopted a series of constitutional amendments covering the Introduction, thirty-two articles and one provisional clause on 3 October 2001 (T.C. Resmi Gazete, 2001d). The constitutional amendments covered a wide range of areas including the freedom of association of the civil society organizations.

The amendment to Article 33 of the Constitution on the freedom of association was undertaken in light of both the commitment made by Turkey in the 2001 National Programme for the Adoption of the Acquis to review the legislation and also Article 11 of the ECHR titled "Freedom of assembly and association." Accordingly, the second paragraph of Article 33 on obtaining permits to establish associations was deleted, thus the establishment of associations have been eased,

while specific grounds for the restrictions to this right, "national security, public order, for the prevention of crime, public morals, public health, or for the protection of the rights and freedoms of others"[15], were added to this article. The amended article now reads:

> Everyone has the right to form associations, to become, or to cease to be a member of an association without prior permission.
>
> No one shall be compelled to become or remain a member of an association.
>
> The right to form associations shall only be restricted on grounds of national security, public order, the prevention of crime, public health and morals, and protection of the rights of others.
>
> The formalities, conditions, and procedures to be applied in the exercise of the right to form associations shall be prescribed by law.
>
> Associations may be dissolved or suspended from activity by the decision of a judge in cases prescribed by law. In cases where delay endangers national security or public order and in cases where it is necessary to prevent the perpetration or the continuation of a crime or to effect apprehension, an authority designated by law may be vested with power to suspend the association from activity. The decision of this authority shall be submitted for approval to the competent judge within twenty-four hours. Unless the judge declares a decision within forty-eight hours, this administrative decision shall be annulled automatically.
>
> Provisions of the first paragraph shall not prevent the imposition of restrictions on the rights of armed forces and security forces officials and civil servants to the extent that the duties of civil servants so require.
>
> The provisions of this article are also applicable to foundations.[16]

Soon after, the new Civil Code was drafted (T.C. Resmi Gazete, 2001c) and went into force on 1 January 2002 including the details regarding the establishment,

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[15] "Dernek kurma hürriyeti ancak, millî güvenlik, kamu düzeni, suç işlenmesinin önlenmesi, genel sağlık ve genel ahlâk ile başkalarının hürriyetlerinin korunması sebepleriyle ve kanunla sınırlanabilir."

[16] See Appendix H for the text in Turkish.

organs and activities of the associations and foundations. Even though, the new Civil Code reflects the reformist framework of the recent constitutional amendments, in particular Article 33, it still bore a cumbersome procedure for the establishment of associations as well as a restrictive nature regarding the relations with the international organizations.

A major shortcoming of the new Civil Code regarding the freedom of associations concerns the status of unregistered associations. According to the Article 53 of the 1926 Civil Code, it is sufficient for the founders of an association to form a framework of rules and announce their desire to become an association in order to acquire juridical personality. In that sense, an association does not need to notify officials or get registered in order to acquire juridical personality. Although Article 54 of the 1926 Civil Code states that "an association whose rules have been approved by its founders and its administrative board has been picked, may become registered"[17], the requirement to get registered is only for those associations involved in commercial activities. However, the new Civil Code abolished articles 53 and 54 of the former Civil Code and did not include a regulation about unregistered associations. The new Civil Code states that associations can acquire juridical personality only after notifying administrative authorities, which will then examine the issue. With this rule, acquiring juridical personality is made to depend on informing officials and also denies the existence of unregistered associations.

The aforementioned constitutional amendment in October 2001 have underlied the "Harmonization Packages", which have become one of the main tools of the reform process for meeting the Copenhagen political criteria. Between February 2002 and July 2004, eight Harmonization Packages were adopted by the

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[17] "Nizamnamesi müessisleri tarafından kabul edilmiş ve idare heyetini teşkil etmiş olan her cemiyet, kendisini sicille kaydettirebilir."

Parliament, most of which involving reforms regarding the freedom of association and freedom of assembly.

To begin with, second Harmonization Package, adopted by the Parliament on 26 March 2002 (T.C. Resmi Gazete, 2002a), amended various articles of the 1983 Associations Law. Article 4, on the right to found an association is revised in accordance with the amendment to Article 33 of the Constitution. In this respect, the permanent prohibition to found an association of the convicted people under certain crimes has been removed. Furthermore, five year prohibition to found an association of those who are expelled from a political party or those members who cause the political party to be banned, has been removed from this article.

Article 5 concerns those associations, the founding of which are prohibited by law. The amendment to paragraph 6 of this article, removed the prohibition for founding an association to protect, develop or expand languages or cultures other than the Turkish language or culture or to claim that they are minorities based on racial, religious, sectarian, cultural or linguistic differences. While the prohibition for the associations to use languages prohibited by law is removed with the amendment to Article 6, the amended Article included that Turkish should be used in their official affairs.

Articles 7, 11 and 12 of the Associations Law on the "The prohibition of international activities", "The activities abroad of associations established in Turkey" and "The activities in Turkey of associations established abroad" were issues of debate in the subsequent Harmonization Packages. Article 7, which had prohibited the founding of associations for carrying out international activities; cooperating with the associations and organizations abroad of associations founded in Turkey; opening branches in Turkey of associations founded abroad, was repealed with the second

Harmonization Package. On the other hand, Articles 11 and 12 set the conditions in which exceptions for the prohibitions in the Article 7 would be possible. Article 11 and 12 were first repealed with the second Harmonization Package, then later amended with the third Harmonization Package in August 2002, but repealed again with the fourth Harmonization Package in January 2003 with the decision to apply the provisions of Turkish Civil Code in this respect. Thus, to provide uniformity among the reforms, the fourth Harmonization Package included amendments to the relevant articles of the Civil Code.

Accordingly, the requirement to obtain prior permission from the Council of Ministers for the international activities of the associations has been repealed with the amendment to Article 91 of the Civil Code. The amendment to Article 92 transferred the competences related to the activities of foreign associations in Turkey formerly exercised by the Council of Ministers to the Ministry of Interior, provided that the views of the Ministry of Foreign Affairs are obtained. However, the condition that "if international cooperation is deemed to be beneficial" has been kept in this article. An additional provision, extending the applicability of the provisions of amended Article 92 of the Civil Code to non-profit organizations other than associations and foundations has been added to this article.

Conditions for establishing federations were somewhat eased as the requirement for the founding associations to be a public welfare association has been removed from Article 34. Furthermore, amendment to Article 43 replaces the requirement for prior permission of the Ministry of Interior based on the opinion of the Ministry of Foreign Affairs and other related ministries by a seven-day notice regarding the relations with the foreign associations and organizations. Finally,

despite the changes made in Article 38, the associations formed by university students were still restricted to deal with educational matters only.

The third Harmonization Package, adopted in 3 August 2002 (T.C. Resmi Gazete, 2002b), considerably revised the Associations Law. The amendment to the Article 15, 46 and 73 provided for the establishment of a new department in charge of associations within the Ministry of the Interior as well as the framework of its authority that had previously been entrusted to the Directorate General for Security. However, when the new Department of Associations has finally taken over responsibility over the associations in August 2003, it was observed that the personnel of the new Department were often the same as those who had previously worked for the Directorate General for Security. The limitations imposed upon the civil servants on their right to establish associations have been removed with the repeal of Article 39. Some improvements on the scope of associations' activities have also been made. This relates mainly to the ban on associations activities for civil defense purposes, which was removed with the amendment to Article 40. Likewise, repealing of Article 56 lifted the restrictions imposed upon students. On the other hand, while the changes in Article 62 have eased the operations of the associations, the amendments to Articles 45 and 47 introduced new control procedures on the activities and accounts of the associations.

Meanwhile, an additional article was introduced to the "Decree Law on the Organization and Functions of the Directorate General for Foundations". The new article regulates the activities of foundations established abroad with or willing to open a branch in Turkey as well as international cooperation and activities of foundations established in Turkey. However, the cumbersome procedure, which initially required the proposal of the Directorate General for Foundations, the opinion

of the Ministry of Foreign Affairs and Ministry of Interior and the permission of the Council of Ministers was partially eased with the seventh Harmonization Package in July 2003, and the replaced of permission of the Council of Ministers with that of the Ministry of Interior.

The fourth Harmonization Package, adopted on 2 January 2003 (T.C. Resmi Gazete, 2003a), introduced further reforms to the Associations Law. Accordingly, restrictions on purposes for which associations may be established have been eased with the amendment to Article 5, providing for the expansion of the exercise of the right to freedom of association in alignment with the amendment to Article 33 of the Constitution. As regards the use of certain names and symbols, a provision has been introduced to Article 6 that allows associations to use foreign languages in their international contacts and unofficial correspondence. This amendment brings the Associations Law in alignment with the amendment to Article 26 of the Constitution on the "freedom of expression and dissemination of thought".

While the amendment to Article 16 provides for the membership of legal entities in associations, the amendment to Article 18 introduces provisions on the right to vote by those legal entities that have become members of associations.

The restrictions in the Article 44 on making announcements or distributing publications have been eased. The obligation for prior notification and for the decision of the executive board and the signature of the members for the publication of announcements, declarations and similar publications of associations has been repealed. The requirement to forward the copies of these documents to the relevant authorities prior to distribution, including to the public prosecutor, has been removed. Furthermore, the phrase "in any language prohibited by law and in writing"

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has been deleted from the article in order to align the Associations Law with the amendment to Article 26 of the Constitution.

Two weeks afterwards, the fifth Harmonization Package (T.C. Resmi Gazete, 2003b) included an amendment to the Article 82 of the Associations Law, replacing "prison terms" with "fines" for offences on prior permission for contacts with foreign associations (Article 43), on obligations concerning the audit of associations (Article 45), and on issues relating to real estate.

The Seventh Harmonization Package, adopted on 30 July 2003 (T.C. Resmi Gazete, 2003c), has introduced a comprehensive revision of the legal structure on associations, amending both the Associations Law and the Civil Code. To begin with, the right to establish associations has been enhanced with the provisions incorporated into Articles 1 and 4 of the Associations Law, allowing legal persons to found associations. Articles 8 and 31 have been amended to align procedures in accordance with the amended Articles 1 and 4. The amendment to Article 4 further reduces restrictions on the establishment of associations, by lifting the prohibition on the establishment of association for those who have been convicted of criminal offences under Article 312 of the Turkish Penal Code.

The right to become members of associations has also been enhanced by repealing the provision in Article 16, which prohibited persons convicted under Article 312 of the Turkish Penal Code from becoming members of associations for a specific period of time. The amendment to Article 38 broadens the right to found associations by students registered at institutions of higher education. With the amendment, higher education students are allowed to found associations that not only relate to educational and recreational matters, but also to art, culture, and science.

The amendment to Article 10 has reduced the maximum period for the Ministry of the Interior to conclude its evaluation of the charter of establishment and its annexes, and the regulations of the association from ninety days to sixty days, and thus expedite the process. Finally, the amended Article 31 allows the associations to establish more than one branch in provinces, central townships, townships and villages, and the requirement for those persons establishing these branches to have prior six-months residency in the locale of this branch has been lifted.

The Civil Code has also been amended within the scope of the seventh Harmonization Package to align procedures with the changes introduced to the Associations Law. In this respect, Articles 56, 64 and 82 of the Civil Code on the establishment of associations by legal persons have been amended in accordance with the related articles of the Associations Law. The requirement for the "six months in advance" written notification to terminate the membership has been repealed with the amendment to Article 66. Second paragraph of Article 94 of the Civil Code, having the identical provision of Article 31 of the Associations Law has been repealed.

Despite the comprehensive revision of the legal and institutional structure by 2003, the civil society organizations have continued to face problems with respect to closure of offices and branches and suspension of activities. Pressures against some those civil society organizations and their branches which are active in the field of human rights, in particular in regions under emergency rule, have been wide spread. Many of these organizations as well as their executives have been subject to close monitoring and some face prosecutions, confiscation of equipment, and censorship of their press releases and communications, having different dimensions of repercussions reflected in the media. For instance, despite the relief provided by the

Harmonization Packages, the Mesopotamia Culture Centre, the Human Rights Association Bingöl branch, and headquarters have been subject to investigations. The Chairperson of Diyarbakır Human Rights Association branch, as well as the Human Rights Association branches in İstanbul, İzmir and Elazığ faced investigations and prosecutions on numerous charges. In May 2003 the headquarters and offices of the Human Rights Association's Ankara branch were searched by the Anti-Terror Branch of the Ankara Security Directorate after a warrant was issued by the Ankara State Security Court, reportedly on the basis of Article 169 of the Penal Code (Commission of the European Communities, 2003, pp.32-33).

The revised National Programme for the Adoption of the Acquis of 2003, prepared in parallel with the National Programme of 2001 underlined the commitment of Turkey to continue the support given for the development of the civil society organizations by way of reviewing and providing the effective implementation of the legislative and administrative reforms concerning associations and foundations.

Consequently, the Parliament passed a new Law on Associations, which became effective on November 2004 (T.C. Resmi Gazete, 2004a). The new law addresses a number of the concerns related to the previous legislation. First of all, the limitations on the establishment of associations regarding convicted people (Article 4 of the previous Associations Law) as well as on the basis of race, ethnicity, religion, sect, region, or any other minority group (Article 30) are removed in the new Law. Despite the existing constitutional prohibitions, which may be used to restrict the foundation of certain kinds of association are invoked in the new Law, the establishment of Kurdish Writers' Association in Diyarbakır in February 2004 (even before the new Law went into effect) suggests that associations are increasingly

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permitted to open, on the basis of these categories. The right to establish associations has been also been extended to children below eighteen (Article 3).

The new Law is also important in reducing the possibility for state interference in the activities of associations by way of amending the article on monitoring the associations (Article 19) and repealing the article on the authorities of the Governor (Article 54 of the previous Associations Law).

The new Law is particularly important with respect to the international cooperation and activities of the associations. The new Law replaces the requirement to seek prior permission to receive funds from abroad with the requirement for prior notification (Article 21); repeals the requirement for prior notification to hold meetings with foreigners in Turkey or abroad, thus decontrolling the relations with the foreign associations and organizations (Article 43 of the previous Associations Law). The new Law also permits associations to conduct joint projects with, and receive financial support from, other associations and public institutions (Article 10).

The procedures regulating the activities and the administrative affairs of the associations, including the articles on the certification of the books (Article 11), liquidation of associations (Article 15), purchasing real estate (Article 22), notification regarding the board members (Article 23) and permission for certain names (Article 28) have also been eased.

The new Law repeals the article on student associations (Article 38 of the previous Associations Law), thus lifting all related restrictions; removes the requirement to inform local government officials of general assembly meetings (Article 21 of the previous Associations Law). Moreover, the Law requires that governors issue warnings prior to taking legal action against associations and the security forces are no longer allowed on an association's premises without a court

order (Article 20). Furthermore, the requirement to invite security forces to the general assembly has been removed (Articles 67-70).

The new Law allows for the establishment of temporary and informal platforms or networks for all civil society organisations (Article 25) as well as the right to open a representation for the associations (Article 34), federations and confederations (Article 8). In addition, the restriction on the facilities to be established by the associations has been limited, requiring a prior permission only for the student dormitories (Article 26). Finally, some of the actions considered to be illegal in the previous Associations Law have been removed and the respective penalties have been mitigated (Article 32).

In March 2005 (T.C. Resmi Gazete, 2005), a regulation was published in order to provide detailed information concerning the implementing rules for the new Law. Although the Regulation invokes the Associations Law to impose limitation on those associations with names and / or objectives contrary to the Constitution, some associations established on the basis of race, ethnicity, religion, sect, region, and other minority groups were able to register. These include, for instance, the registration of Ankara Kurdish Democracy as well as Culture and Solidarity Association in December 2004. On the other hand, difficulties relating to the registration of some associations remained. For instance, the requests of the Jehovah's Witnesses to establish an association, with a statute including explicitly religious objectives, were challenged in court in 2006. However, the Court of Cassation confirmed the acquittal decision in the closure case against the Association for Supporting Jehovah's Witnesses, after which the association was legally registered.

The regulation also includes cumbersome notification procedures, particularly with respect to international cooperation and activities of associations and foundations established in Turkey; the application procedure of the foreign associations and foundations to open a branch in Turkey as well as the receipt of finances from abroad.

Yet, the comprehensive revision of the legislation on associations, providing a more liberal environment for their establishment and activities, has been one of the main reasons behind the rapid increase in the number of associations since from mid-1990s as illustrated in Figure 3 (see also Appendix D).
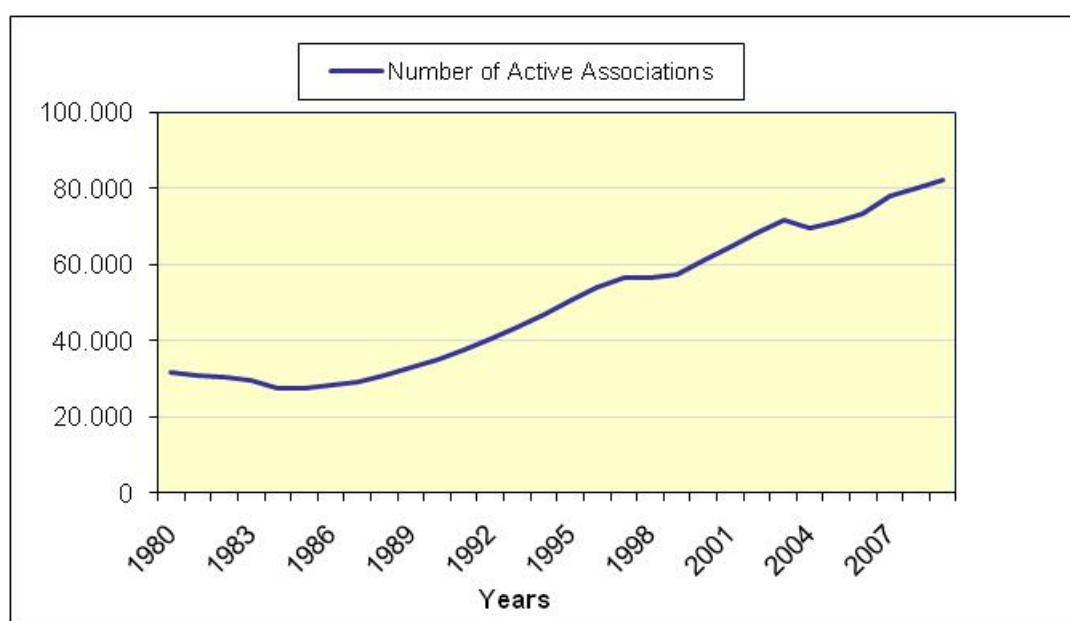
Figure 3 Number of active associations in Turkey

Source: Ministry of Interior, Department of Associations

Despite other factors, not least the increasing financial assistance of the EU for the civil society organizations, it is difficult to account for the sharp increase in the number of newly established associations in particular since 2004 as illustrated in

Figure 4 (see also Appendix D), without considering the more liberal environment
provided by the new Associations Law.
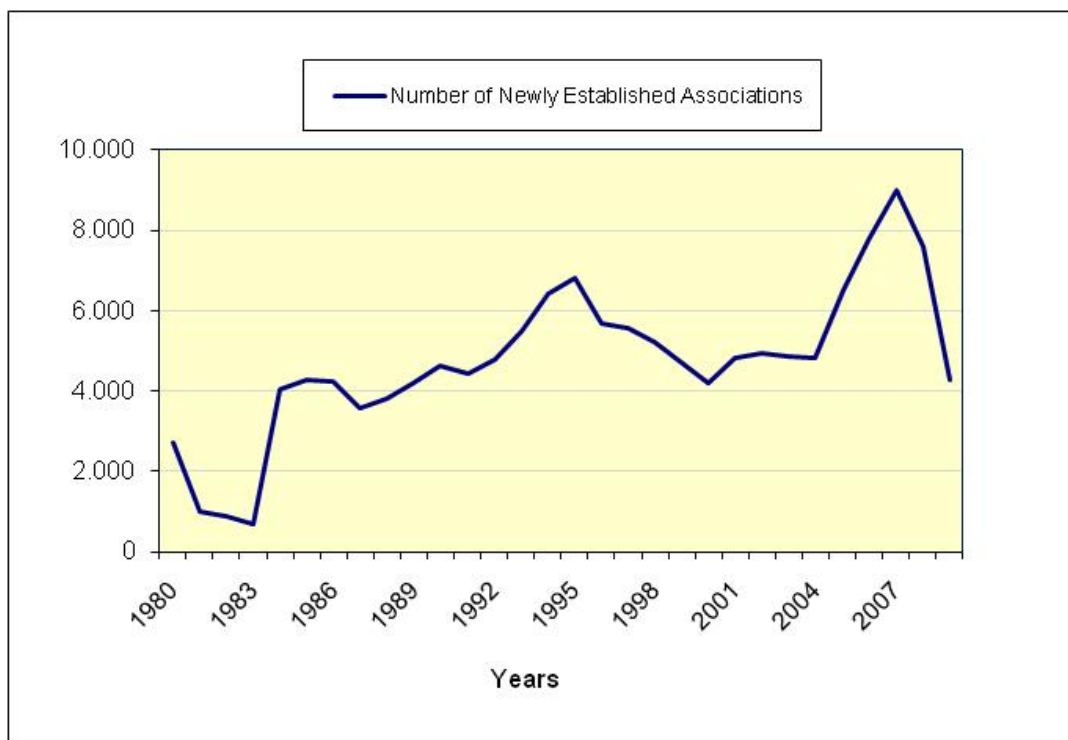
Figure 4 Number of newly established associations in Turkey

Source: Ministry of Interior, Department of Associations

In spite of the increasingly liberal nature of the legal framework with respect to civil
society organizations, some associations continued to face administrative problems
in practice. In particular, the human rights associations encountered significant
judicial harassment, as illustrated by the fifty court cases and three investigations,
which have been launched against the Human Rights Association between August
2004 and October 2005 (Commission of the European Communities, 2005b, p.27).
Furthermore, in September 2005, the registration of Kaos GL Gay and Lesbian
Cultural Research and Solidarity Organization was temporarily blocked by Ankara's
Deputy Governor, in consideration of the Civil Code, proscribing the establishment

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of an association which is "contrary to law and morality". However, the prosecutor decided not to pursue the case, as he concluded that homosexuality cannot be equated with immorality. Similar charges were brought against the Lambda İstanbul Solidarity Association, a lesbian, gay, bisexual, transgender and transvestite association. In May 2008, İstanbul court decided to close down the Lambda İstanbul Solidarity Association, as its statute was considered against general morality. In response to the appeal made to the Court of Cassation, the ruling of the closure was overturned. However, the court's ruling made the legality of the Lambda İstanbul Solidarity Association conditional on not encouraging lesbian, gay, bisexual, transvestite and transsexual behavior with the aim of spreading these sexual orientations.

A final step regarding the improvement of the legal framework has been the adoption of the Law on Foundations on 20 February 2008 (T.C. Resmi Gazete, 2008), bringing the previous legislation[18] under a single set of rules. The scope of the new Law extends to all existing foundations, covering the foundations established during the Ottoman Empire; minority foundations established by non-Muslim communities during the Ottoman Empire; and the more recent foundations (private cash foundations) established according to Civil Code provisions during the Turkish Republic.

The new Law relaxes the conditions for establishing a foundation. The previous ban, which had prohibited the foreigners to establish foundations in Turkey has been replaced by the principle of reciprocity (Article 5). The regulatory framework on selecting board members has been eased, allowing the foreigners to be

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[18] The previous legislation covered Turkish Civil Code no. 4721, Bylaw on the Foundations Established in accordance with Turkish Civil Code, Communications from Directorate General of Foundations.

a board member (Article 6). With the new Law, prior authorization is no longer required for opening branches or representative offices abroad or to carry out international activities. It is sufficient to have this in their bylaws and provide prior notification. Permission is no longer necessary and prior notification is sufficient for the foundations to receive grants from abroad (Article 25).

The new Law has eased the procedure for acquiring and selling property and assets. According to the new Law, the foundations may acquire or dispose of property based on the guidance of an independent expert's report (to ensure fair market value) and a decision from the executive board and no longer need the prior approval of the regulatory authorities (Article 12). Likewise, the foundations are able to become partners of economic enterprises with prior notification and prior approval of regulatory authorities is no longer required (Article 26). The new Law provides foundations with tax exemptions for the repair, restoration and landscaping of cultural properties that they own and grants tax incentives for the donations to the foundations (Article 77).

Finally, the new Law provides for the establishment of a new body called "Foundations Council" as the highest decision-making body for foundations. The Foundations Council is composed of fifteen members, the five seats of which are filled with the representatives of foundations (Article 41). The first elections to the Foundations Council were held in December 2008 and the Council is active since then.

As illustrated in Figure 5 and Figure 6 (see also Appendix E), the number of active foundations have not increased dramatically and remained rather stable unlike the case of associations, despite the new Law and the numerous improvements in the legislative framework as well as the various new tools of financial assistance for the

foundations to benefit. An important factor explaining this is the recency and the more limited nature of reforms on foundations compared to those legal and institutional improvements carried out with respect to associations. Another factor is the more complicated and cumbersome procedure required to establish foundations, thus resulting people to prefer establishing associations.
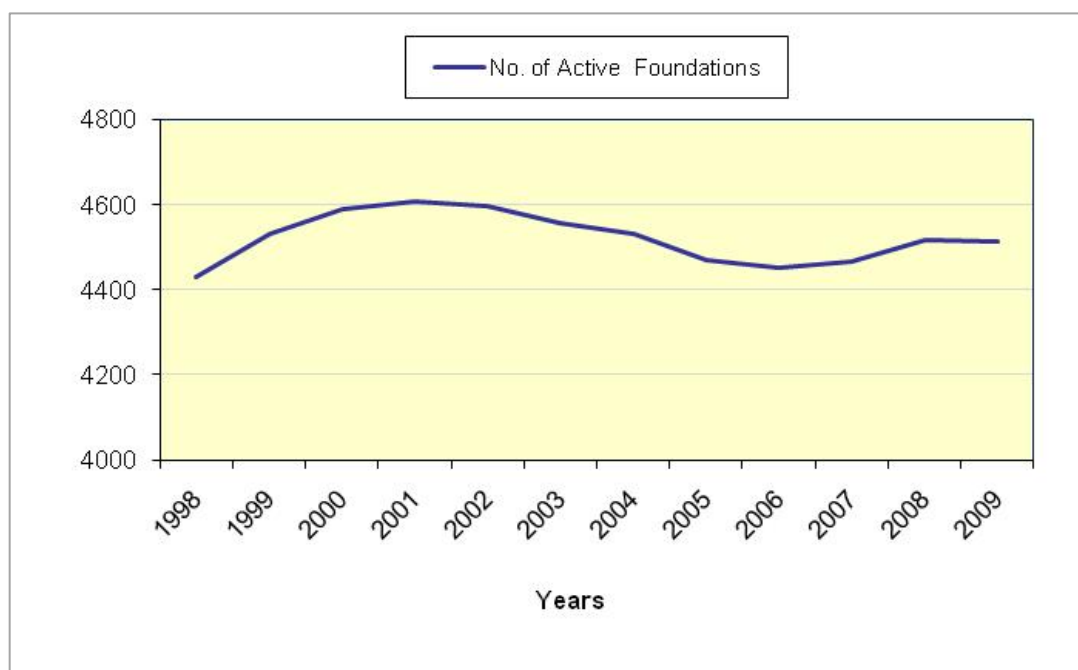
Figure 5 Number of active foundations in Turkey

Source: General Directorate for Foundations at Prime Ministry
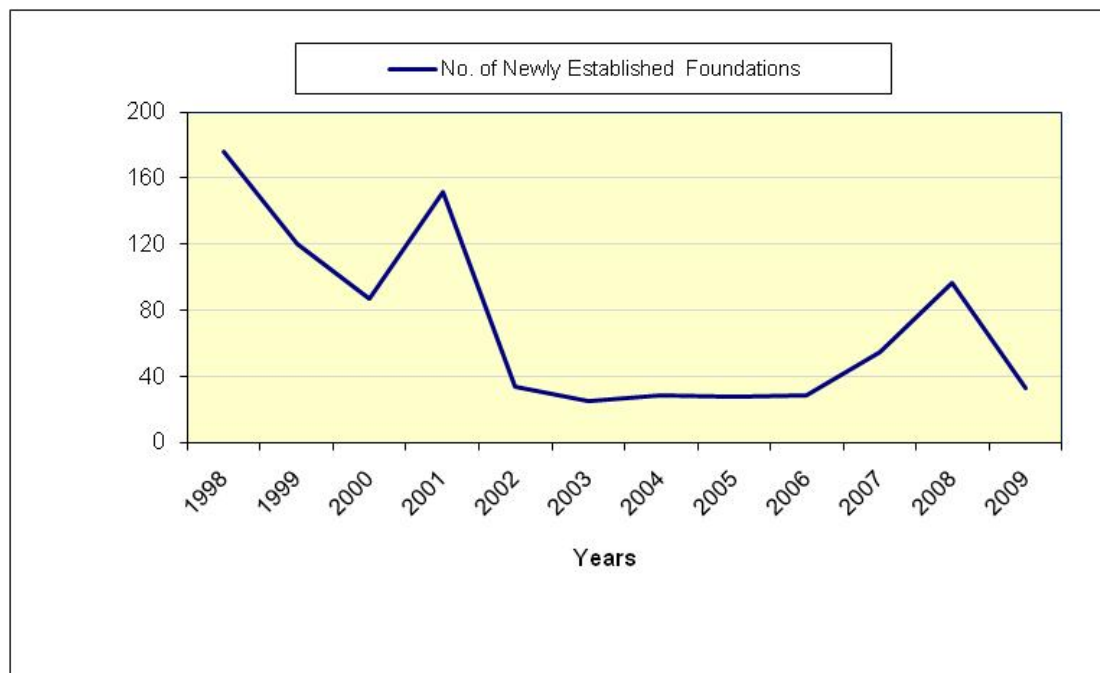
Figure 6 Number of newly established foundations in Turkey

Source: General Directorate for Foundations at Prime Ministry

Thus far, especially following the adoption of the new Associations Law and the related Regulation as well as the new Foundations Law, the EU seems to be satisfied with the level of overall development regarding freedom of association and freedom of assembly. The legal framework is acknowledged to be generally in line with international standards and the positive impact on the grounds of the legislative reforms concerning freedom of association is underlined by the annual Progress Reports after 2005 and in the Recommendation of the European Commission on Turkey's Progress towards Accession (Commission of the European Communities, 2004). However, practical restrictions as well as the problems stemming from institutionalization and the arbitrariness in the implementation of the new legal framework raise concerns on the side of both Turkey (Civil Society Index 2005) and the EU (Commission of the European Communities, 2004, point 2). According to the

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findings of the Civil Society Index project in 2005, (Bikmen & Meydanoğlu, 2006) although the reform process entails a more supportive legal structure as well as an expansion in fundamental rights and freedoms, "the environment in which the civil society maintains its structure and activities, continues to be restrictive due to the lack of rule of law, misuse of authority, the understanding of excessive centralism of state and underdeveloped relations of both the state and the private sector with civil society" (pp. 47-48).

Meanwhile, in June 2005, the European Commission adopted the Communication on the Civil Society Dialogue between the EU and the Candidate Countries, underlining the promotion of dialogue between civil society, in the EU and the candidate country, to address issues as well as concerns relating to enlargement. Consequently, the revised Accession Partnership documents of 2005 (Council of the European Communities, 2006) and 2007 (Council of the European Communities, 2008) both include "open communication and cooperation between all sectors of Turkish civil society and European partners" as a short term priority in addition to implementation of all reforms and the facilitation and encouragement of domestic development of civil society and its involvement in the shaping of public policies. National Programme for the Adoption of the Acquis of 2008, revised in accordance with the Accession Partnership documents of 2005 (Council of the European Communities, 2006) and 2007 (Council of the European Communities, 2008), confirms that "the dialogue, communication and cooperation between Turkish civil society and the EU member states' civil society will be further encouraged" and that "the development of civil society and its involvement in the shaping of public policies will be more facilitated".

In this respect, a project titled "Promotion of the Civil Society Dialogue between European Union and Turkey" was included in the 2006 Programming of EU Pre-Accession Assistance to Turkey implemented by the EU General Secretariat with to co-financing of the European Commission. The project provided financial assistance to youth organizations, universities, municipalities and chambers within the framework of four grant schemes. In parallel with the "Civil Society Dialogue between the EU and Candidate Countries", the overall objective of this Project was to ensure a better knowledge and understanding of Turkey within the EU, and the EU in Turkey, thus allowing for a better awareness of the opportunities and challenges of future enlargement. A continuation of this project was included in 2007 Programming under Instrument for Pre-Accession Assistance (IPA) for the civil society organizations working on Culture and Arts; Fisheries and Agriculture. Furthermore, State Minister and Chief Negotiator Egemen Bağış (2010) continue to stress the great importance the government attaches to civil society and to regard all the civil society organizations in Turkey as the natural members of the Negotiation Committee in Turkey's EU accession process.

On the other hand, no legal and institutional changes have been introduced regarding the involvement of civil society organizations in the shaping of public policies. Initially, during the screening process, the Chief Negotiator, together with the related ministers and bureaucrats, has invited the representatives of certain civil society organizations, following the completion of the screening of each chapter. However, these sessions would rather be informative, than consultative, presenting the details of the meetings held in Brussels with the European Commission.

When the actual negotiations started, the Chief Negotiator demanded from certain civil society organizations to submit a sample Negotiation Position Paper on

the basis of the screening reports and following those position papers submitted by the new member states of the EU, which would be accompanied with a meeting at the General Secretariat for EU Affairs once the final position paper is completed. Although, this mechanism suggests a certain degree of consultation, by no means we can come to the conclusion that the civil society organizations are involved in the decision making. This is because the meetings at the General Secretariat for EU Affairs would take place once the position paper is completed and therefore would not involve any further discussion. As one civil society veteran noted, these general meetings at the General Secretariat for EU Affairs were more in the form of a presentation than consultation, while an invitation for those other meetings that may include some consultation would be sent only a few days in advance giving hardly any time for the civil society organizations to get prepared. On the other hand, there is no defined procedure as to which civil society organizations are invited to submit their opinions. Furthermore, as the final version of the position papers would be kept confidential, it would not be possible to assess whether or not or to what degree the opinions coming from the civil society organizations are taken into account.

On the other hand, a public official working closely with the civil society organizations complained about the difficulties his institution and himself experience in obtaining the opinion of the civil society organizations on each organization's working area relating to *acquis communaitaire*. An expert assisting the civil society organizations to prepare an opinion on the forthcoming position papers confirms this by underlining that these organizations have no idea of the related sections of the *acquis communaitaire* concerning their working area and consequently do not even know on how to form an opinion.

Soon after taking office, the Chief Negotiator Egemen Bağış held a meeting on 6 March 2009 in Ankara, with the representatives of civil society organizations. A similar meeting was repeated on 18 June 2009, 13 February 2010 and 11 December 2010 in İstanbul. However, the mass attendance to both meetings, covering hundreds of civil society organizations from diverse areas of action, rendered it impossible not only for all the civil society organizations to voice their concerns, but also to have a productive dialogue.

In pursuit of improving the relations with the civil society organizations, the state may have started to cooperate with a number of civil society organizations in matters relating to public services, incorporate them in city councils. However, as the findings of the Civil Society Index Project carried out in 2005 (Bikmen & Meydanoğlu, 2006) indicate, the role of civil society organizations in decision making process remains to be only on the paper. What is required from the state is to establish a clear and comprehensible framework and mechanisms to secure the transparent and accessible relations among the two parties (p. 50). In this respect, with no clear and coherent legal framework organizing their cooperation, civil society organizations are involved in the decision-making process only on an *ad hoc* basis, with unclear selection criteria, and thus have limited impact on the decision making to bring tangible policy outputs.

Freedom of Association Concerning Political Parties

Within the framework of Turkey's accession to the EU, another pillar of reforms relating to the freedom of association concerns the political parties. Provisions on party closure has been one of the main points on which the reform demands have

centered since from the time when Turkey's candidacy was announced as the decade

leading to Turkey's candidacy had witnessed the prohibition and dissolving of

numerous political parties:

Table 6 Political Parties Dissolved in Turkey (1991-1999)

Name of the Political Party	Date of the Dissolution
The United Communist Party of Turkey (TBKP)	July 1991
People's Party (HP)	September 1991
Great Anatolian Party (BAP)	November 1992
Socialist Party (SP)	July 1992
The Freedom and Democratic Party (ÖZDEP)	July 1993
The People's Labour Party (HEP)	July 1993
The Socialist Party of Turkey (STP)	November 1993
Greens Party (YP)	February 1994
The Democracy Party (DEP)	June 1994
Socialist Unity Party (SBP)	June 1994
The Democratic Party (DP)	September 1994
Democracy and Change Party (DDP)	March 1996
Revival Party	1996
The Labour Party (EP)	February 1997
The Welfare Party (Refah)	January 1998
Democratic Mass Party (DKP)	February 1999

Most of these cases as well as those that have taken place in the coming years have

not remained within the limits of Turkish legal system, but were brought to ECtHR.

Thus ECtHR has relatively extensive case-law on party prohibition, with most major

cases concerning Turkey. These include:

Table 7 Major Cases Brought to ECtHR on the Party Prohibition

Name of the Case	Date
United Communist Party v. Turkey	30 January 1998
Socialist Party v. Turkey	25 May 1998
ÖZDEP v. Turkey	8 December 1999
Yazar v. Turkey	9 April 2002
Refah v. Turkey	13 February 2003.

Source: Venice Commission, 2009, §43

In this respect, Turkish Parliament has amended various articles of the Law on Political Parties in August 1999, making it more difficult for the authorities to dissolve a political party and ban its members from subsequent participation in political life. While the amendments to Articles 98, 101, 103 and 104 have partially removed the detailed procedure on the closure of political parties, the amendment to Article 95 eased the conditions on the members of the banned political parties to re-enter the political life. Furthermore, the amendments also lifted some of the restrictions in the organizations of the political parties. In this respect, the amendments allowed for the political parties to found representations abroad and found subsidiary organizations, such as for women and youth (Article 7) and reduced the age for entering a political party from twenty-one to eighteen (Article 11).

The decision of the ECtHR in December 1999, that found Turkey to be in violation of Article 11 on the freedom of assembly and association of the ECHR in the case of the dissolution of the ÖZDEP Party by the Constitutional Court in 1993, has been timely, for underlining the importance of the reforms on the freedom of association of political parties.

However, neither the amended Law on Political Parties nor the subsequent decision of the ECtHR was sufficient to prevent the dissolving of the Virtue Party, confiscation of its assets and the political ban on five of its members of Parliament in June 2001 for carrying out anti-secular activities.

Yet, both the decision of the ECtHR on the dissolution of the ÖZDEP Party and the reaction at the European level against the decision of the Constitutional Court to dissolve Welfare Party, followed by the debate engendered in Turkey, resulted in the amendment to the principles to be observed by political parties, as part of the first

wave of constitutional amendments in October 2001. In this respect, Article 69 under

the heading "Provisions Relating to Political Parties" has been amended to introduce

a number of criteria for determining whether the political party has become a center

for the execution of prohibited activities leading to its dissolution. Accordingly the

following sentence is added to the sixth paragraph of Article 69:

> A political party will be considered to have become the center of
> execution when actions of this type are undertaken intensively by the
> members of that party and when these actions are discreetly or openly
> approved by the general assembly or the chairman or the central
> decision-making or administrative organs or by the General Council
> of the Party Group at the Turkish Grand National Assembly or by the
> administrative board of that Group, or when these actions are directly
> and intentionally committed by party organs.[19]

A new paragraph is added after the sixth paragraph of Article 69, which allows the

Constitutional Court to "take the decision to deprive the party of State funds, either

partially or in full, instead of permanently dissolving the party, according to the

gravity of the actions brought before the Court", thereby enabling the Constitutional

Court to impose sanctions on political parties other than permanent dissolution and

thus result in more proportionate sanctions. Furthermore, Article 149 of the

Constitution, relating to procedures of the Constitutional Court, under the heading

"Functioning and Trial Procedure" has also been amended to introduce a three-fifths

majority to dissolve political parties, thus making dissolution more difficult.

However, the grounds for banning political parties, as given in the paragraph 4 of

Article 68 of the Constitution, remain unchanged:

> The statutes and programs, as well as the activities of political parties
> shall not be in conflict with the independence of the state, its

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[19] "Bir siyasî parti, bu nitelikteki fiiller o partinin üyelerince yoğun bir şekilde işlendiği ve bu durum o partinin büyük kongre veya genel başkan veya merkez karar veya yönetim organları veya Türkiye Büyük Millet Meclisindeki grup genel kurulu veya grup yönetim kurulunca zımnen veya açıkça benimsendiği yahut bu fiiller doğrudan doğruya anılan parti organlarınca kararlılık içinde işlendiği takdirde, söz konusu fiillerin odağı haline gelmiş sayılır."

indivisible integrity with its territory and nation, human rights, the principles of equality and rule of law, sovereignty of the nation, the principles of the democratic and secular republic; they shall not aim to protect or establish class or group dictatorship or dictatorship of any kind, nor shall they incite citizens to crime.

Subsequently, the second Harmonization Package amended the Law on Political Parties in line with the aforementioned constitutional amendments. The amendments to Articles 101 and 102 introduced "deprival of the political parties concerned from state aid, in part or in full" as an alternative to permanent closure of the political parties. In addition, the criteria of being the "center of execution" have been introduced to Article 103 regarding the closure of the political parties. While, the grounds for sanctioning political parties unchanged as in the Constitution, the amendments made it more difficult to dissolve a political party.

The fourth Harmonization Package introduced a more comprehensive set of reforms on the Law on Political Parties. The amendment to the first paragraph of Article 8 aligns the conditions for being eligible to being a founding member of a party with the conditions for being eligible to become members of political parties. The phrase "persons convicted of publicly inciting hatred and hostility among people with respect to class, race, region, sect or regional disparities" has been replaced with the phrase "persons convicted of terrorist acts" to subparagraphs b/5 of the second paragraph of Article 11 of the Law on Political Parties and subparagraph f/3 of Article 11 of the Law on the Election of Members of Parliament. Furthermore, the lower limit referred to in subparagraph b/3 of the second paragraph of Article 11 has been changed from "three years" to "five years" for criminal offenses other than those committed without criminal intent. The amendment to Article 66 prohibits certain natural persons and legal entities from allowing political parties to "use their media."

In alignment with the amendment to Article 149 of the Constitution, Article 98 of the Law on Political Parties is amended to require a "three fifths majority" in the Constitutional Court to take a decision for dissolving a political party. The amendment to Article 100 provides that a case for the closure of a political party to be filed only for "reasons stipulated in the Constitution." Furthermore, "the closure of parties" has been removed from the scope of the Article 102 and the political party has been given the right to appeal against the request of the public prosecutor of the Court of Appeals. With the amendment to Article 104, the manner in which political parties may be closed has been revised and the sanction "depriving political parties partially or fully of State assistance" has been introduced to replace the closure of the political party. This amendment brought Article 104 in line with the amendment to Article 69 of the Constitution. In parallel to this, the amendment to Article 111 introduced prison sentences for persons who are responsible for having deprived the political party partially or fully of state assistance by not complying with the requirements of the warning, as well as for responsible persons in parties that do not receive state assistance.

Despite the various amendments to the Law on Political Parties, which made it more difficult to dissolve political parties, the parties have continued to be subject to legal action with a view to their closure. In March 2003, the Constitutional Court unanimously ruled for the permanent dissolution of the People's Democratic Party (*Halkın Demokrasi Partisi* – HADEP) on the basis of Article 169 of the Penal Code, while forty-six members of HADEP were banned from politics for five years. As HADEP had not reached the ten percent electoral threshold necessary to benefit from state funding, it was not possible to apply the new measures concerning the deprivation of state assistance. Several similar cases against political parties were

filed at the Constitutional Court during the coming years, including Democratic People's Party (*Demokratik Halk Partisi* – DEHAP), the Rights and Freedoms Party (*Hak ve Özgürlükler Partisi* – HAK-PAR), the Socialist Workers' Party of Turkey and Turkish Communist Party (*Türkiye Komünist Partisi* – TKP), which have lasted for several years, but not resulted in a decision of permanent closure. Meanwhile, in November 2003, the ECtHR found that Turkey had violated Article 11 of the ECHR with the decision on the permanent closure of the Socialist Party of Turkey in November 1998.

Recently, the results of the two controversial closure cases, filed at the Constitutional Court have been announced. The closure case against the Democratic Society Party (*Demokratik Toplum Partisi* – DTP) had been opened in November 2007, with the accusation of engaging in activities against the unity and integrity of the country. In December 2009, the Constitutional Court ruled for the permanent dissolution of DTP, while thirty-seven of its members are prevented from engaging in political activities for a period of five years and two leading members of the party are removed from their seats in the parliament. The second closure case was against the ruling Justice and Development Party (*Adalet ve Kalkınma Partisi* – AKP, opened in March 2008 on charges of anti-secular activities. Only six members of the Constitutional Court voted in favour of permanent dissolution of AKP, thereby falling short of the required qualified majority by one vote. However, the Court found AKP guilty of becoming the focal point of anti-secularist activities and thus, decided to half its funding from the Central Bank as a penalty.

Despite long-lasting, persistent demands of the European Commission for aligning the legislation on political parties with that of the European practice, the issue was included in the Accession Partnership Document only in 2005 (Council of

the European Communities, 2006) version as a short term priority. Following the re-statement of the same demands as a short term priority in the 2007 Accession Partnership Document (Council of the European Communities, 2008), Turkey confirmed in its 2008 National Programme for the Adoption of the Acquis 2008 that "the works on harmonizing legislation regarding political parties with European Convention on Human Rights will continue" (Title 6).

These recent closure cases against AKP and DTP highlighted once again that the current legal provisions on the political parties do not provide the political actors with an adequate level of protection in their freedom of association. During his announcement of the judgment on AKP on 30 July 2008, the President of the Constitutional Court also underlined that this case demonstrated the need for a constitutional amendment in a way so as to make it more difficult to bring party closure cases before the Court.

This issue was also raised by the Venice Commission of the Council of Europe, which published an opinion on the Turkish legal framework on the closure of political parties on 14 March 2009. The opinion of the Venice Commission, first draws the attention based on their previous studies that a large number of European states have no regulation of party prohibition at all (Venice Commission, 2009, §21) and those which have specific provisions on party closure, these are hardly ever invoked (ibid, §22). On the other hand, the Venice Commission notes that the constitutional rules on party closure in Turkey have a different tradition, including the wording of the law being stricter as well as its actual application functioning "as an ordinary and operative part of the constitution" (ibid, §65). The Venice Commission finds that even the current status of the reformed rules in Turkey still leave room for an excessive intervention in the political parties' freedom of

association. It is therefore concluded in the opinion of the Venice Commission that Articles 68 and 69 of the Constitution and the relevant provisions of the Law on Political Parties establish a legal framework which is incompatible with Article 11 of the ECHR on the right to freedom of assembly and association.

Freedom of Association Concerning Trade Unions

The EU has been one of the leading elements of Turkish unionism as early as from the 1980s. The broadest employees' and workers' unions in Turkey, Türk-İş and TİSK, have been a member of the European umbrella organizations, ETUC and the UNICE respectively, since from 1988 and they participate in the European social dialogue. Meanwhile, the attempts to reform the legal framework regarding the right to organize took place in 1986 and 1988 through certain amendments to Law on Trade Unions, and Law on Collective Labour Agreements, Strikes and Lockouts. The constitutional amendment in 1995 repealed Article 52 which introduced restrictions on trade union activities and set out provisions on the state's administrative and financial control over trade unions, followed by relevant changes to the legislation. Furthermore, the framework for the organization of public employees was aligned with ILO Convention No: 151 within the scope of the constitutional amendments in 1995, though the relevant law remained to be adopted. However, the organizational convergence of the two major confederations in Turkey with their European counterparts has failed to initiate a genuine reform process during the 1990s, to bring the level of the related legal and institutional framework to the European standards. At the time when Turkey was announced as a candidate country to the EU, the restrictions with respect to trade union activity remained along

the widespread harassment of union activists both by their employers and by the authorities.

In this respect, the first step has been the founding of the Economic and Social Council in 11 April 2001 (T.C. Resmi Gazete, 2001a) in accordance with the commitment in the 2001 National Programme for the Adoption of the Acquis. Although this may be regarded as a positive step for establishing more dialogue between the related actors in government, bureaucracy and civil society on economic and social matters, the overwhelming majority of the representative of the government and bureaucracy cast a shadow on the decisions of this Council and how much the actors of civil society are incorporated into the economic and social policy making.

Furthermore, realizing its short-term objective in the National Programme for the Adoption of the Acquis in 2001, a new law was adopted in June 2001, regulating the trade union activities of the public employees. However, the Law on Public Employees' Trade Unions (T.C. Resmi Gazete, 2001b) provides only some basic trade union rights and fails to meet the expectations for a comprehensive advancement on the right to organize in the public sector. Notably, the initial version of the law included restrictive provisions on the right to collective agreement and on the right to strike. Furthermore, certain categories of public servants, including police officers, judges and prosecutors are excluded in the law, and thus do not have the right to enjoy trade union rights.

Despite Turkey's commitment in the 2001 National Programme for the Adoption of the Acquis to "review any restrictions there may be on the rights of labour unions and employers' associations, and the relevant articles of the Constitution regarding the right to go on strike on justifiable grounds" (p. 22),

difficulties persisted also outside the public sector, in particular concerning the issues of collective agreements and strikes. With respect to collective agreement, the legislation requires to meet two conditions for allowing a trade union to sign a collective agreement at enterprise level. The union must represent at least ten percent of workers within the relevant sector nationwide and at least fifty percent of workers within the given company. Other problems including the specific restrictions on the trade union activities in certain industries, cumbersome procedures for workers and employees to enroll in trade unions, harassment against trade union activists by the employers and authorities, have continued to be a matter of concerns on the part of the EU.

As the research on "Contemporary World of Labor and Changing Role of Unions in Turkey" by Ayşe Buğra, Fikret Adaman and Ahmet İnsel (2005) indicates, the requirement for the notary approval for workers and employees to enroll in trade unions is a cumbersome and costly procedure. It has frequently been the case that during the time period in which the approval of the notary is obtained, the employer finds out the membership application of his employee and makes him redundant. The same research also indicates that the court cases on dismissal relating to trade union membership take a very long time, and in the meantime either the employee finds a new job or agrees to take his severance pay and resign (pp. 22-23).

Following the repeated demands of the EU from Turkey, in the short term to establish an active and autonomous social dialogue "by ensuring that trade union rights are respected and by abolishing restrictive provisions on trade union activities" (Council of the European Communities, 2001b, point 4.1), the Law on Public Employees' Trade Unions was amended in June 2004. Respectively, some of the administrative procedures including those relating to union membership (Article 14),

resigning from membership (Article 16) and membership fees (Article 25) were simplified. The amendment to Article 30 incorporates trade unions to the process in which the trade unions are authorized for collective bargaining, formerly a monopoly in the hands of the Ministry of Labor and Social Security. However, the amended law fails to meet the expectations for a fully-fledged revision of the law, as there was no amendment regarding the right to strike and to collective agreement as well as on the restriction of certain groups of public employees from joining trade unions. The new amendments were accompanied by a circular issued by the Prime Minister's Office in June 2005 to facilitate the public employee's trade union activities through reducing some of the restrictions. However, this Circular has not addressed the aforementioned expectations.

The new Penal Code (T.C. Resmi Gazete, 2004b), enacted by the Turkish parliament in 2004, includes a new article providing for the imprisonment of those who use force and threaten others regarding membership of, or participation in, trade union activities. The same article also inflicts imprisonment where trade union activities have been hindered illegally (Article 118).

As for the international conventions, although Turkey had signed and ratified the ILO Conventions No. 87 (Freedom of Association and Protection of the Right to Organise), and No. 98 (Right to Organise and Collective Bargaining), it still has not adapted legislation accordingly. Furthermore, despite the fact that Turkey has signed the Revised European Social Charter in October 2004 and ratified it in September 2006, it has kept its reservations on Article 5 ("right to organise") and Article 6 ("right to bargain collectively" including the right to strike).

On the other hand, trade unions in Turkey become subject to legal action, some even with a view to their closure. For instance in June 2003, Teachers' Union

(*Eğitim ve Bilim Emekçileri Sendikası* – Eğitim-Sen) faced charges for the reason that their statue calls for education in mother tongue languages, which is said to contradict the Turkish Constitution. Although, the Ankara Labour Court ruled in favor of Eğitim-Sen, on the grounds that Turkish Constitution should be interpreted in accordance with the ECHR, for which a decision to close down the union would not be in compliance, the Court of Cassation reversed this ruling in May 2005, underlining that freedom of association can be limited for the purpose of protecting national security, integrity of the country and public order and emphasizing that Turkish citizens cannot be provided education in a language other than Turkish. Consequently, Eğitim-Sen has withdrawn the related clause and still waiting for the outcome of an application to the ECtHRs regarding the union's closure. Furthermore, in April 2006, the Ministry of Labour and Social Security initiated legal action against the Union of Food Industry Workers of Turkey (*Türkiye Gıda Sanayii İşçileri Sendikası* – Gıda-İş) on the grounds that some of the elected representatives of the union do not meet the requirement of ten years seniority, as specified in the Law on Trade Unions. In this case, despite the labour court's ruling for the closure of the union, the Court of Cassation overturned this ruling on procedural grounds.

Apart from these, operations against Progressive Union of Land Transport Workers on Turkey (*Türkiye Devrimci Kara Nakliyat İşçileri Sendikası* – Nakliyat-İş) and the arresting its board members; police raid at the Confederation of Public Employees Trade Unions (*Kamu Emekçileri Sendikaları Konfederasyonu* – KESK) head quarters and the detention of its board members; the closure of Trade Union of All Retirees (*Tüm Emekliler Sendikası* – Emekli-Sen), and closure cases against Student Youth Trade Union (*Öğrenci Gençlik Sendikası* – Genç-Sen) and Confederation of Farmers' Union (*Çiftçi Sendikaları Konfederasyonu* – Çiftçi-Sen),

harassment against public employees demanding more trade union rights indicate the repressive mindset against trade unions.

It is within this framework that in all the relevant documents regarding Turkey's accession to the EU, including the Negotiating Framework, Commission Staff Working Document on the Issues Arising from Turkey's Membership Perspective, Screening Report for the chapter on Social Policy and Employment as well as the subsequent Accession Partnership Documents, the EU persistently underlines that Turkey has to improve the legislation and implementation that would ensure full trade union rights in line with the EU standards and the relevant ILO Conventions and also establish conditions for an effective social dialogue in parallel with the EU policies and practices.

In May 2007, the paragraph of Article 14 of the Law on Trade Unions (T.C. Resmi Gazete, 2007) on the requirement to have worked at least ten years in order to be eligible to be elected to the executive management of the trade unions has been removed. However, despite the commitments made in the 2008 National Programme for the Adoption of the Acquis to reform the relevant legal framework and to reinforce the social dialogue, no substantial step has been taken. Not abiding by the time frame given in the National Programme, ILO Conventions No. 87 and No. 98 as well as the relevant articles of European Social Charter, signed and ratified by Turkey, have still not been transferred to the domestic law.

On the other hand, the recent constitutional referendum held on 12 September 2010 approving the Law No 5982 on Amending Certain Provisions of the Constitution (T.C. Resmi Gazete, 2010), introduced a number of improvements regarding the freedom of association concerning trade unions. Accordingly, Article 51, paragraph four introducing the ban on obtaining membership in more than one

labour union at the same time and in the same work branch is repealed. Amendment to Article 53 gives civil servants the right to collective agreement and foresees a new body for conciliation to be established in the event of disagreement. Furthermore, the third paragraph keeping the labour union "liable for any material damage caused in a work-place where the strike is being held, as a result of deliberately negligent behaviour by the workers and the labour union" and the seventh paragraph prohibiting "politically motivated strikes and lockouts, solidarity strikes and lockouts, occupation of work premises, labour go-slows, and other forms of obstruction" in Article 54 have been repealed. Finally, the amendment to Article 166 establishes the Economic and Social Council as a constitutional institution.

In addition to the aforementioned constitutional reforms, the recent reinstatement of 1 May as 'Labour and Solidarity Day' and a public holiday together with the decision to allow limited number of trade unionists to demonstrate on Taksim Square in Istanbul remained to be symbolic steps without the backing of substantial improvements for exercising the right to organise public demonstrations.

Freedom of Association Concerning Non-Muslim Communities

The problems relating to non-Muslim communities in their freedom of association could have been approached under the first section, as the majority of the non-Muslim communities have been organized under foundations. However, this would not be the most conformable treatment of this matter as the reforms carried out for the more recent, private cash foundations do not always meet the reforms required by the foundations of the non-Muslim communities. Furthermore, freedom of association with respect to non-Muslim communities does not only cover the

institutionalized structures, in other words, the foundations. Non-institutionalized forms of associations constitute a notable element in the organization of these communities. Although these non-institutionalized forms of associations are not within the scope of this thesis, this section will nonetheless refer to this issue, as it would otherwise lack a full understanding of non-Muslim communities in their freedom of association.

The first step to improve the respective rights of the non-Muslim communities was introduced as an amendment to the Law on Foundations within the scope of the third Harmonization Package. Accordingly, with the amendment to Article 1 of the Law on Foundations, non-Muslim community foundations were allowed to acquire and dispose of property, regardless of whether or not they possess the deed of trust of a pious foundation. Furthermore, so long as they can prove ownership, the non-Muslim community foundations are able to register the property.

This amendments aims to fulfill the medium term criteria set in the 2001 Accession Partnership to "guarantee full enjoyment by all individuals without any discrimination and irrespective of their language, race, color, sex, political opinion, philosophical belief or religion of all human rights and fundamental freedoms" (p. 7). The amendment also meets the objectives stated in National Programme for the Adoption of the Acquis in 2001 to "take further practical measures, within the framework of the legislation on the protection of the public order, to facilitate religious practice for non-Muslim foreign nationals residing in Turkey and practices in other areas pertaining to these persons" (p. 26). This amendment aims to bring an alignment with the "prohibition on discrimination" provision of the Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and with the "right to property" provision ensured by Article 1 of the

Protocol No. 1 of the Convention. However, renting or lending of property were not covered by the third Harmonization Package and were still prohibited by the Law on Foundations.

Furthermore, certain conditions are to be met in the implementation of this amendment. First of all, the acquisition and disposal of new, immovable property requires a prior permission to be obtained from the Council of Ministers, with no explicit appeal procedure foreseen. Furthermore, there is a deadline of six months to complete the applications for registering the property in use. Yet, it is not clear which administrative bodies are responsible from receiving these applications. The problem with respect to the short time limit has been addressed in the sixth Harmonization Package and the deadline for the registration of the properties is extended to eighteen months.

With the amendment to Article 1 in the fourth Harmonization Package and the related Regulation issued in January 2003 (T.C. Resmi Gazete, 2003d), the requirement for the permission of the Council of Ministers for the acquisition and disposal of immovable properties has been replaced by the requirement to obtain permission from the Directorate General for Foundation, although consultation with relevant Ministries and public institutions "when it is deemed necessary" is provided by the Regulation. However, the Regulation only refers to those 160 non-Muslim foundations enlisted in the annex. Other non-Muslim foundations, and not least, the other religious communities which were not able to establish foundations were excluded from the Regulation.

Directorate General for Foundations issued a circular in May 2004, introducing a requirement for all foundations, including the non-Muslim community

foundations, to seek prior permission to submitting applications for the projects funded by international organisations, including the European Commission.

Soon after, in June 2004, a Regulation on the Methods and Principles of the Boards of Non-Muslim Religious Foundations was adopted, which address the problems with respect to elections to the boards of foundations. The problem was that the boards of these foundations required an electorate in the catchment area surrounding the foundation. As the electors may have moved out of these areas over the years, it would not always be possible to hold the elections in due time, in which case property confiscation may have been the result. In this respect, the new Regulation provides for the enlargement of the geographical area within which elections may be held. But this enlargement of geographical area is limited with only the adjacent province.

European Commission as well as the individual member states has shown great sensitivity with respect to the conditions for the functioning of the non-Muslim communities. The concerns over the need to improve the legal and judicial protection of these communities, their members and their assets within a framework in line with relevant European standards, address the specific problems of non-Muslim communities and ensure that these communities can acquire legal personality have been raised in various documents including the Accession Partnership Documents and Recommendation of the European Commission on Turkey's Progress towards Accession. Despite Turkey's commitment to strictly safeguard the freedoms of thought, conscience, religion and belief in accordance with Article 9 of the ECHR and to improve the legislation concerning freedom of worship in light of the Protocol No 1 to the ECHR, in the revised National Programme for the Adoption of the Acquis in 2003, hardly no progress was could be observed in terms of legislation and

practice. The main concerns raised repeatedly by the European Commission, most notably in the successive Progress Reports, over the years have been the lack of legal personality, interference in the management of the foundations and restricted property rights, to none of which the new Law on Foundations is able to address convincingly.

Freedom of Assembly

Since from the early days of Turkey's candidacy to the EU, the European Commission has repeatedly voiced its concerns about problems relating to freedom of assembly. The problems, becoming all too evident in the mass celebrations including Worker's Day, Newroz and Women's Day have mainly been related to the restrictive nature of the Law on Public Meetings and Demonstration Marches. The wide spectrum of restrictions, coupled with the arbitrary interpretation of the legislation has been impeding the various activities of the civil society organizations.

Article 34 of the Constitution on the "right to hold meetings and demonstration marches" was amended in October 2001, following Turkey's commitment in the National Programme for the Adoption of the Acquis in 2001 to review the relevant legislation (p. 22) and in parallel with the amendment to Article 33 of the Constitution on the freedom of association. Accordingly, the second paragraph of Article 34 which reads "The competent administrative authority may determine a site and route for the demonstration march in order to prevent disruption of order in urban life"[20] and the last paragraph which reads "Associations, foundations, labour unions and public professional organizations shall not hold

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[20] "Şehir düzeninin bozulmasını önlemek amacıyla yetkili idarî merci, gösteri yürüyüşünün yapılacağı yer ve güzergâhı tespit edebilir"

meetings or demonstration marches exceeding their own scope and aims"[21] are

deleted from the text. On the other hand, the paragraph on the specific grounds for

the restriction of meetings and demonstration marches was re-written. While the

detailed description on the prohibition and postponing of this right was removed, the

provision, "national security, public order, for the prevention of crime, public morals,

public health, or for the protection of the rights and freedoms of others and by law"

was added to the article. The amended Article 34 now reads:

> Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission.
>
> The right to hold meetings and demonstration marches shall only be restricted on grounds of national security, public order, for the prevention of crime, public morals, public health, or for the protection of the rights and freedoms of others, and by law.
>
> The formalities, conditions, and procedures governing the exercise of the right to hold meetings and demonstration marches shall be prescribed by law.[22]

In accordance with the aforementioned constitutional amendment, the second

Harmonization Package expanded the freedom of holding meetings and

demonstration marches. In this respect, the amendment to Article 9 of the Law on

Public Meetings and Demonstration Marches reduced both the age limit from

twenty-one to eighteen as well as the requirements for membership in the organizing

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[21] "Dernekler, vakıflar, sendikalar ve kamu kurumu niteliğindeki meslek kuruluşları kendi konu ve amaçları dışında toplantı ve gösteri yürüyüşü düzenleyemezler"

[22] "Herkes, önceden izin almadan, silahsız ve saldırısız toplantı ve gösteri yürüyüşü düzenleme hakkına sahiptir.

Toplantı ve gösteri yürüyüşü hakkı ancak, millî güvenlik, kamu düzeni, suç işlenmesinin önlenmesi, genel sağlığın ve genel ahlâkın veya başkalarının hak ve özgürlüklerinin korunması amacıyla ve kanunla sınırlanabilir.

Toplantı ve gösteri yürüyüşü düzenleme hakkının kullanılmasında uygulanacak şekil, şart ve usuller kanunda gösterilir."

committee of meetings and demonstrations. The same amendment allows the legal persons to organise meetings and demonstration marches with the consent of their competent bodies. While the amendment to Article 17 reduces the reasons allowing the local authorities to prohibit or postpone the meetings and demonstration marches, amendment to Article 19 provides that under certain circumstances meetings may be "postponed" rather than "prohibited" and the reasons for postponement also are reduced. Furthermore, Article 21 has been repealed, thus extending the right to hold meetings and demonstrations to public organizations.

The third Harmonization Package has further extended the right to peaceful assembly and demonstrations with an attempt to meet the objective to "Strengthen legal and constitutional guarantees of the right to freedom of association and peaceful assembly" (p. 4) as set out in the Accession Partnership in 2001 and realize the commitment to "review the legislation on the freedom of association and holding meetings and demonstration marches" (p. 22) as stated in Turkey's National Programme for the Adoption of the Acquis in 2001. The amendment to Article 3 eases the participation by foreigners in the meetings. While the amended article still maintains the existing prior permission procedure for foreigners to participate in meetings, demonstration marches and activities in Turkey, the requirement for authorization for foreigners addressing meetings and crowds taking part in demonstration marches or carrying posters, placards, pictures, flags, inscriptions and equipment, is replaced by a forty-eight hours notification procedure. Furthermore, amendment to Article 10 reduced the time-limit for advance notification for the organization of a meeting by Turkish citizens from seventy-two hours to forty-eight hours.

In accordance with the amendments introduced within the framework of the third Harmonization Package, a Regulation was published in October 2002 on the implementation of the Law on Public Meetings and Demonstration Marches. The Regulation, also confirmed the new amendments for reducing the age limit for organizing a demonstration from twenty-one to eighteen; reducing the minimum amount of time required to request permission to hold a demonstration from seventy-two to forty-eight hours.

The Seventh Harmonization Package has introduced additional reforms to the Law on Public Meetings and Demonstration Marches. In this respect, the amendments to the Articles 15 and 16 of the Law on Public Meetings and Demonstration Marches provides that if there is more than one meeting to be held within the boundaries of a province or in the provinces under the jurisdiction of a regional governorate, the maximum period of time required for the postponing of some of these meetings has been reduced from "thirty" to "ten" days. On the other hand, the amendment to Article 17 makes the prohibition of the meetings more difficult by introducing the condition that the meetings may only be banned where there is a "clear and present danger that a criminal offence will be committed". In addition, the maximum period of time for which a meeting may be postponed or banned has been reduced from "two months" to "one month". Finally, the amendment to Article 19 limits the competence of the governor to ban the meetings. Accordingly, the reasons for banning the meetings at provinces and townships have been restricted to cases where "there is a clear and present danger that a criminal offence will be committed". Furthermore, the amendment reduces the maximum period for postponement and banning from "three months" to "one month."

Despite the substantial legislative and administrative reforms Turkey enjoyed, there have been practical restrictions in the implementation of the new legislation. For instance, there have been several cases in which local authorities used excessive force against protestors. In the case of those gathered to demonstrate following the Bingöl Earthquake of May 2003, the police have fired into the air and injured people by driving a police car into a crowd.

Subsequently, the Ministry of the Interior issued a circular in June 2004 addressing the local authorities to deal with demonstrations, marches and press conferences in a way that does not impinge on the freedom of peaceful assembly. The circular also underlines that the activities of the civil society organizations should not be subject to video recording unless there is a request from the authorities. Moreover, the circular provides that if the public press statements of the civil society organisations fulfill a number of conditions – being less than one hour long and not obstructing traffic or daily life – they will no longer fall under this law. In August 2004, the Ministry of the Interior issued a further circular aiming at the preventing the use of disproportionate force by members of the security forces and ensuring the appropriate sanctions, if need be. The circular is important for encouraging the Governors to treat this matter as a priority and for ensuring that the necessary disciplinary action is taken.

Both the reforms carried out within the framework of Harmonization Packages and the implementing measures taken afterwards, generally meets the expectation of the EU's Accession Partnership in 2003 to "pursue and implement reforms concerning freedom of association and peaceful assembly" as well as with the commitments in Turkey's National Programme for the Adoption of the Acquis in 2003 to review the legislation and implement the legislative and administrative

reforms concerning meetings, and demonstration marches. It is for this reason that the European Commission, in its Recommendation on Turkey's Progress towards Accession, acknowledges the substantial growth in the scope of fundamental freedoms enjoyed in Turkey regarding freedom of assembly, despite some practical restrictions.

On the other hand, we witness ongoing interventions of police, some with disproportionate force, using tear gas and truncheons and injuring a number of participants, as it was the case during a demonstration on the Women's Day in Istanbul on 6 March 2005. In the aftermath of this incident, the Ministry of Interior issued another circular in April 2005, underlining the importance of the August 2004 circular and emphasizing the need for a new body within the Ministry of Interior for inspecting the implementation. Meanwhile, the administrative investigations into this incident have been resulted with the punishment of three members of the Istanbul Directorate of Security with a reprimand due to "failure in undertaking the duty of training and supervising members under their command" and a salary deduction to six staff members for the "disproportionate use of force when dispersing the demonstrators and speaking to or treating the public in a degrading manner" (Commission of the European communities, 2006, p. 16).

Since the first years following the announcement of Turkey's candidacy to the EU, the government carried out substantial reforms on the right to peaceful assembly. However, by 2005, they were unable to secure the effective and consistent implementation of the revised legal framework regarding the meetings and the demonstration marches. The concerns in particularly relating to the use of excessive force by security forces in the demonstrations and video-taping of civil society organizations' activities by security forces, especially in the East and South-East of

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Turkey have been voiced by the EU in the successive Progress Reports. Implementation of all reforms concerning freedom of peaceful assembly in accordance with the ECHR and its related case law and of the measures to prevent the excessive use of force by security forces have been marked as a short term priority in the Accession Partnership Documents in 2005 (Council of the European Communities, 2006) and 2007 (Council of the European Communities, 2008). Despite the numerous circulars issued by the Ministry of Interior and the more recent commitment of Turkey in the 2008 National Programme for the Adoption of the Acquis for ensuring to meet the aforementioned objectives as set out in the Accession Partnership Documents, arbitrary limitations have continued to be applied in the practice of the right to peaceful assembly.

Few violent incidents were reported during the celebrations of Newroz in 2007, followed by the use of excessive force by the police at during the 1 May demonstrations in Istanbul. The following year, the use of disproportionate force by the security forces during the Newroz celebrations have entailed in violence against the demonstrators in a number of cities, as a result of which three demonstrators died in Van. Likewise, excessive force was used by the security forces against those who ignored the ban on 1 May demonstrations in Taksim Square in Istanbul. Ministry of the Interior issued another circular in November 2008, stressing the need for correct implementation and detention procedures, as well as preventing the disproportionate use of force by security forces. During the demonstrations, the police officers on duty are now obliged to wear helmet with visible numbers so as to facilitate their identification. In the aftermath of this final circular, the Newroz and 1 May demonstrations in 2009 have taken place more peacefully, with the exception of few demonstrations in the South-East in which the disproportionate use of force by the

security forces were reported. Yet, we continue to see the excessive use of force by security forces against the students during various demonstrations throughout the late 2010.

On the other hand, disciplinary investigations are not always the most efficient tool for the effective implementation of the legislation. As the opening of a criminal case depends on the authorization of the Governor, the authorization may be refused on the basis of lack of conclusive evidence. Furthermore, the investigation cases are not always comprehensive as it was in the case of 1 May 2007 demonstrations, which have resulted in charges against two police officers only.

CHAPTER VI

THEMATIC FIELD ANALYSES OF THE IN-DEPTH INTERVIEWS

This chapter is designed to address how the civil society organizations in Turkey respond to and how the Turkish context mediates the method and instruments employed by the EU as well as major predicaments confronted in this respect. Accordingly, this chapter includes the thematic field analyses of the structured in-depth interviews conducted with thirty seven civil society organizations in Turkey. The interviews cover a number of themes, focusing on the interaction of the interviewed organizations with other civil society organizations as well as with the EU institutions. Other themes probed by the interviews include the use and impact of EU funds and support for EU membership.

Since the Eastern Enlargement, the EU has been seeking the ways for civil society organizations to assume a more active role during the accession process. One purpose of these interviews is to reveal the pattern behind the participation of civil society organizations in matters relating to Turkey's accession. This will help us to understand the way the civil society organizations respond to the EU policies to provide their Europeanization.

The interviews give us a map of civil society organizations regarding the use of EU funds, also in relation to their attitude towards Turkey's accession to the EU. Furthermore, the interviews focus on the existence and sustainability of cooperation both among the civil society organizations within Turkey and also with those civil society organizations in the EU, with an aim to understand the reasons leading to the

establishment and sustainability of relations. Finally, the interviews concentrate upon the probable impact of the EU accession process, the related EU policies as well as other factors over the civil society organizations in last ten to fifteen years.

This field work is also valuable as it gave me the opportunity to observe closely the current circumstances surrounding the civil society organizations in Turkey. In this respect, I observed that the immediate environment within which the civil society organizations operate plays a crucial role not only with respect to their participation and contribution in Turkey's social transformation during the EU accession process, but also over their activism and activities in general. This is most evident in Hakkari where almost everyone is politicized and thus political symbolism has become a common feature of everyday life. I was told that the brides in Hakkari traditionally wear a veil having yellow, red and green colors instead of the more common red veil. It was even more striking to see a seven years old guest, visiting my host family, to play around the house by shouting anti-statist slogans both in Turkish and Kurdish and asking me which side I belong by making her hands the symbol used by the Nationalist Party (symbol of wolves) and the one used by Kurds (the 'v' symbol known also as the symbol of peace).

One should also keep in mind the different social and political settings in which civil society organizations operate. In this respect, one should remember the state of emergency and the curfew prevailing in the South Eastern region for long years. It is only during the last decade that the state of emergency in the region was gradually terminated. While a decade is not enough to overcome the traumas and other possible adverse effects of the period, tension in the region is still high and palpable. At the time when I arrived Hakkari, the local shops were just opening up their shutters following a conflict between the locals and the police. During the two

days I stayed in Hakkari, I have witnessed several street demonstrations, some of which ended with the blast or gas bombs of the police. On the other hand, what is confessed in a rather low voice is the pressure of Kurdish Workers' Party (PKK) over the locals and its intolerance to any protest and challenge that may come from these people. While such high tension may not be present in the whole region, it is certainly one of the key factors for the underdevelopment of civil society in the region.

The in-depth interviews were conducted in a structured but open-ended manner, which allowed the interviewees to 'tell their stories'. The interviews were carried out face-to-face and at the organizations' office. In cases where the organization had no office of its own[23] or the interviewee rarely visited the organization's office, the interviews took place either in office in which the interviewee worked or in a café.

Difficulties Encountered Regarding the Interviews

The difficulties encountered regarding the interviews can be grouped under four main headings. While three of them relate to the pre-interview stage, the final difficulty is concerned with the conducting of the interview. Accordingly, the first difficulty I encountered was about finding some of the civil society organizations. Despite the popular wisdom about the widespread use of internet both individually and organizationally, there still exists many civil society organizations with no web site or an email address. On the other hand, obtaining the contact details of a civil society organization from the Department of Associations requires going through the

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[23] In some cases, civil society organizations use the office of a board member or share the office with another organization to cut the expenditures.

time consuming, bureaucratic structure. Once obtained, a telephone number is not always enough to reach a civil society organization, considering that many of the civil society organizations cannot afford to keep their office open regularly. All in all, apart from the large-scale and / or better known ones, civil society organizations are not always easily accessible.

I also faced difficulty in getting an appointment from some of the civil society organizations. While some organizations, e.g. the organizations of the Armenian community, directly rejected my request for appointment, other organizations including Young Businessmen Association of Turkey and Human Rights Association, stalled my request by making me call once a week, but never setting up an appointment.

Setting up an appointment is no guarantee for having an interview, as I have run into difficulty several times due to last minute developments. For instance, both CSO 9 and CSO 23 have forgotten their appointments and were unavailable for an interview at the time when I arrived. While I was able to set up another interview with CSO 9, I had to agree to interview another official in the case of CSO 23 as it was in İzmir. In a similar vein, I was informed that the interviewee of CSO 22 has left the town the day I arrived İzmir and therefore I had to interview her colleague. CSO 13 has called me only fifteen minutes before the interview to inform me of the last minute cancellation and I was directed to meet a medium-level official instead of the General Secretary. Finally, seven out of thirty-seven interviews were delayed from fifteen to seventy-five minutes due to reasons relating to the interviewees.

On the other hand, most of the interviewees have been remarkably cooperative in sharing data, information and outputs of their projects. However, there was an apparent tendency among many of the interviewees to represent their

organization as distinct from other civil society organizations and underline their 'uniqueness' with respect to their organizational structure, activities and even membership profile. What have been obstructive here are the attempts to explain the questions away by giving misleading and oblique answers regarding what the interviewees may perceive as their shortfalls. These shortfalls may relate to their failure in receiving an EU fund or in establishing and sustaining relations with other civil society organizations.

Thematic Field Analyses

Theme 1: The Use of EU Funds

One of the first issues to be considered regarding the role assumed by civil society organizations in matters relating to Turkey's accession process, is the use of the EU funds by these organizations. The issue of the EU funds provided to civil society organizations has gained increasingly more attention both in Turkey and in the EU, since the announcement of Turkey's candidacy in 1999. In various documents, the EU has acknowledged the provided funds to be one of the main tools for engaging these organizations in the accession process. Accordingly, the answer given to the seemingly simple question regarding the use of the EU funds may have far reaching explanatory power with respect to the involvement of civil society organizations in the accession process. Yet, this requires one to look beyond a straight 'yes' or 'no' and to account for the reasons behind.

Project based grants are the most common funding that the civil society organizations in Turkey use. Accordingly, the measurement value used here is the

projects that are found successful to be funded by the EU grants. Accordingly, the

projects may be completed or still be in the implementation phase. Table 8 presents a

breakdown of those civil society organizations regarding the number of projects

completed or currently being implemented as a leading organization.

Table 8 Civil Society Organizations that Benefited from the EU Funds

Number of Projects as a Leading Organization	Note on Past / Future Applications	Reference Code of the Interview[24]
1	will not apply again	21
1	has applied and / or may apply again	1, 7, 8, 9, 11, 12, 16, 17, 18, 23, 25, 34, 36
2-4	has applied and / or may apply again	5, 20, 22, 29, 31, 33, 35
5-7	has applied and / or may apply again	4, 10, 13, 19,
8-10	has applied and / or may apply again	15

There are two important points that emerged in the interviews regarding this group of

civil society organizations. The first one is the case of MAZLUMDER. One of the

branches of MAZLUMDER had been awarded a grant for a project in 2001.

However, the use of the EU funds had various reactions from their members,

obliging the Executive Board of the main office to consider the issue of using funds

not only from the EU, but also from other international organizations or states. In

consequence, the Executive Board came to a bounding decision for all branches that

forbid the use of funds of foreign origin. The major reason for opposing the funds of

foreign origin, in particular the EU funds by the members is the conviction that "a

project implemented with money taken from Europe has to be implemented in such a

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[24] In the case of CSO 32, it was not possible to obtain the exact facts and figures regarding the projects carried out despite the request made during and after the interview. While there was no specific information in the web site, the interviewee suggested that "various" projects have been carried out using the EU funds.

manner required by Europe"[25] (CSO 21). There is a strong belief in MAZLUMDER

that financial relations will have an impact over the ideas of the people, particularly

in the area of human rights, which they deem to be political.

However, what is more interesting is another reason, well accepted among the

executives of the organization that "if you fund your projects from outside, lose your

dependency upon the membership fees and the contribution of your members, then

you break off the relation with your members. Why? Because you don't visit your

members personally"[26] (CSO 21). The interviewee claims that such personal visits

enable the organization to learn the reactions of the members and "establish yourself

a sort of auto control system"[27] (CSO 21). This is interesting as it indicates a rather

unique network of relations, not so common among those other civil society

organizations that I have interviewed. I have observed such tight bonds of relations

not only among the members, but also between the members and the executives of

the organization also in Association for Free Thought and Educational Rights and to

a certain extent in Women's Rights Association Against Discrimination. What all

three organizations have in common is the conservative community they are based

on.

The second point emerging from the interviews on the use of the EU funds is

the widespread complaint of bureaucratic tangles that proved difficult to penetrate.

Most civil society organizations that have benefited from the EU funds underline the

existence of the various bureaucratic hurdles they had to go through during

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[25] "Avrupa'dan para alıp yaptığınızda bir projeyi, mutlaka Avrupa'nın talep ettiği noktada yapmak zorundasınız."

[26] "Siz eğer yaptığınız projelerin fonlanmasını dışarıdan başka fonlardan alır, üyelerinizin aidatına ve bağışlarınıza olan bağımlılığınız azalırsa üyelerle ilişkiyi koparırsınız. Niye, üyelerin ayağına gitmezsiniz."

[27] "Bir nevi üyelerinizden kendinize otokontrol sistemi oluşturuyorsunuz."

submission, implementation and completion phases of their project. Indeed, one interviewee, having completed a project with the EU funds claimed that "I am afraid of taking a second one. Its formality is so repressive. […] We were ruined, I mean its formality is incredibly too much"[28] (CSO 16). The interviewee went even further and claimed that "It is better to go and commit suicide than [be part of an] European Union project"[29] (CSO 16).

This situation seems to raise difficulties in particular for small-scale civil society organizations without adequate resources and personnel. The chairman of a rather small-scale organization complained about a recently completed project that "it was an exhausting project, bureaucracy was too much in this project"[30] (CSO 33)". Although some of these organizations question the feasibility of running the EU-funded projects, all organizations except for the aforementioned case of MAZLUMDER, continue to submit project proposals for the EU funds.

Table 9 is a categorization of civil society organizations that have not benefited from the EU funds so far, also summarizing the reasons behind. Accordingly, two of the civil society organizations are not interested in the EU funds and thus have never applied. Of these two organizations one is Özgür-Der, which is based on a conservative community. In a similar vein as MAZLUMDER's executives have decided, Özgür-Der rejects the use of the EU funds in principal. They have a similar conviction that "those giving the money, also give you the requirement, the expectation. […] The affair never takes place only a relation of fund, only a relation of giving money. They require certain activities specifically; the

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[28] "İkincisini almaya gözüm korkuyor. O kadar formalitesi ağır ki […] mahvolduk yani, formalitesi inanılmaz fazla."

[29] "Avrupa Birliği projesindense git intihar et daha iyi"

[30] "Çok yorucu bir projeydi, bürokrasi çoktu bu projede"

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resources are transferred in particular for certain approaches to become widespread in the society"[31] (CSO 26). The other civil society organization is Kurdî-Der, which works on issues relating to Kurdish language and identity. Kurdî-Der also rejects the use of the EU funds as they "think Europe's political vision not to be very healthy, very responsive"[32] (CSO 37).

Table 9 Civil Society Organizations that Did Not Benefit from the EU Funds

Reasons for Not Benefiting from the EU Funds	Reference Code of the Interview
Not applied, against the use of the EU funds	26, 37
Not applied so far, but may apply in the future	3, 6, 14, 24,
Applied, but was not successful	2, 27, 28, 30,

Another point to be highlighted with respect to those civil society organizations that have not benefited from the EU funds so far is that two of the organizations that have submitted a project proposal, but were not successful are based on a conservative community (CSO 27 and CSO 28). This is interesting as it provides evidence indicating that the conservative groups are not necessarily against the use of the EU funds, contradicting the popular wisdom regarding this issue.

On the other hand, some organizations have simply not paid attention to the EU funds and "when focusing on our subjects […] we really missed that part of the matter" (CSO 6).[33] Others, in particular those that operate in big towns, have refrained from applying for they considered themselves disadvantages, because they claimed that "to my knowledge, they are more directed to the Anatolian towns. […]

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[31] "Parayı da veren aynı zamanda talebi de veriyor, beklentiyi de veriyor. [...] Asla sadece bir fon ilişkisi, asla sadece bir para verme ilişkisi yönünde hadise cereyan etmiyor. Özellikle bazı çalışmalar isteniyor, özellikle bazı yaklaşımların toplumda yaygınlaşması için kaynaklar aktarılıyor."

[32] "Avrupa'nın siyasal bakışının da çok sağlıklı olmadığını düşünüyoruz."

[33] "kendi konularımıza odaklanırken […] işin o tarafını hakikatten kaçırdık."

For this purpose, we do not generally have the tendency to apply since for a long time"[34] (CSO 1).

<div align="center">Theme 2: The Impact of the EU Funded Projects</div>

The use of the EU funds by the civil society organizations gives important clues for having an opinion regarding the participation of these organizations in matters relating Turkey's accession to the EU. However, it is not possible to understand the level of their participation by simply looking at their attitudes on whether or not to use the EU funds. For this purpose, it is also necessary to examine the impact of their projects financed by the EU funds over the society at large. Yet, it is not within the scope of this dissertation to carry out fully-fledged impact analyses of the EU funds. What we aim to do here is rather an analysis of the civil society organizations' perceptions based on their individual experience. Table 10 is prepared on the basis of the interviews held with those twenty-six civil society organizations that have implemented or implementing at least one project funded by the EU (as given in Table 8). As the questions were open ended, the interviewees may have emphasized more than one impact and all the impacts mentioned by the civil society organizations have been included.

Table 10 Perceived Impact of Their EU Funded Project(s) by the Civil Society Organizations over the Society

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[34] "Daha çok benim bildiğim Anadolu şehirlerine yönelmiş durumdalar. […] Uzun zamandır genelde başvurmaya eğilimimizde olmuyor bu nedenden dolayı."

	Reference Code of the Interview
Making/enhancement of negative image in the public opinion or members	7, 19, 21, 25
Increase/improvement in their visibility	5, 8, 10, 12, 13, 18, 20, 22, 34, 35, 36
Reaching out a wider public	8, 23, 31, 35
Increase in the public opinion on their issue area	8, 33
Increase in the knowledge about the EU	17
No particular impact	1, 4, 9, 11, 15, 16, 29

Looking into the impact of the EU funded project(s) based on the civil society organizations' perception as given in Figure 7, we see that "increase / improvement in their visibility" emerges as by far the most emphasized impact that these organizations have experienced. One interviewee explained the reflection of this impact over their organization by claiming that their organization "As an organization, it has a public image a lot more different that what it really is. […] I mean, [it is assumed that] we are very large"[35] (CSO 20). Considering in particular the smaller towns, it is comprehendible that the visibility of the civil society organization would be increased with the opportunities provided by the EU funds. As one interviewee emphasized that the project "was reflected in local press, not in national press, but they got to learn about us in local press, they heard of us"[36] (CSO 34). Indeed, it should be underlined that most EU funds require activities promoting visibility to be included in the project proposal.

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[35] "Kurum olarak olduğundan çok daha farklı bir imaja sahip. […]Yani çok büyük[zannediliyoruz]."

[36] "Yerel basına yansıdı, ulusal basına yansımadı ama yerel basında bizi tanıdılar, bizi bildiler."
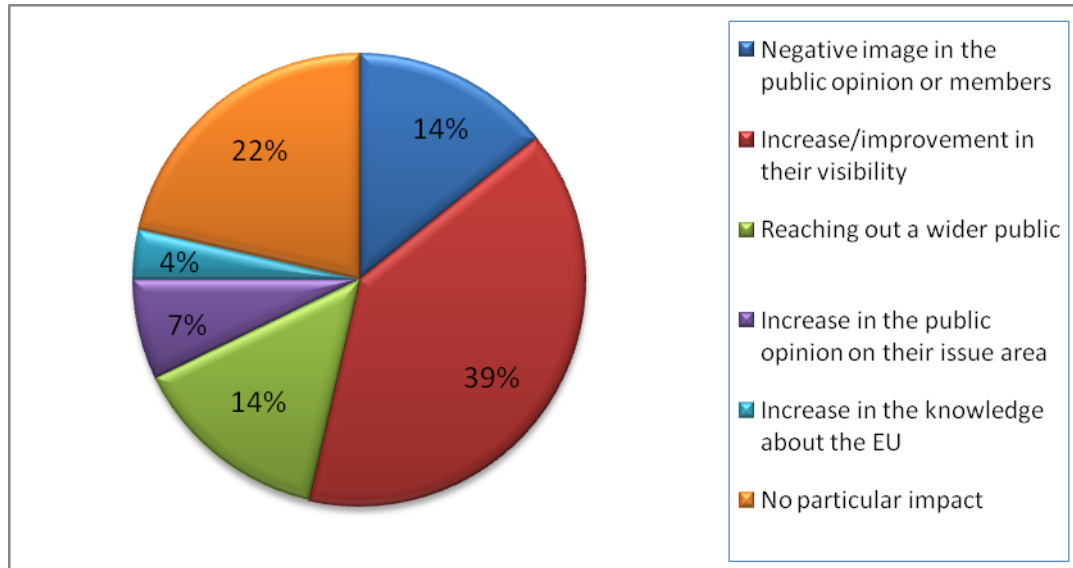
Figure 7 Perceived impact of their EU funded project(s) by the civil society organizations over the society

Those civil society organizations which perceive to have reached out a wider public with these projects apart from their own target group remains at a low level of fourteen percent. This is observed in particular with those civil society organizations that work on issues relating to large masses. For instance, an executive of an association working on consumer rights states that "The impact of our work at the time when we were running the EU fund assisted us to reach more, much more, a lot of consumers, raise awareness, increase visibility, enhance accountability"[37] (CSO 8). This indicates the limits of the EU funds in engaging the civil society organizations in Turkey's social transformation relating to the accession process. Ultimately, the civil society organizations have only a limited impact beyond their target group.

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[37] "AB fonunu yürüttüğümüz süreçteki çalışmamızın etkisi, daha fazla, çok daha fazla, çok fazla tüketiciye ulaşması, farkındalık yaratma, görünürlüğü artırma, izlenebilirliği artırmada [yardımcı oldu]."

In a similar vein, the fact that only a very small group of civil society organizations, corresponding to four percent, emphasize the "increase in the knowledge about the EU", claiming that "The perspective of our people changes. […] Those poor people think like that, that there is a Europe that cares for us"[38] (CSO 17). This indicates that the projects funded by the EU do not lead to an increase in the visibility of the EU itself.

One other important point that could be inferred from Figure 7 is that these funds do not necessarily and do not always bring about a positive impact. While the twenty-two percent of the interviewees have perceived "no particular impact" of the project they had carried out with the EU funds, another fourteen percent claimed that the use of these funds caused the development of or the enhancement of the already existing negative image with respect to their organization as well as to the EU funds. For instance, one interviewee summarizes this negative image as the belief that "our campaign does not result from the general [circumstances], but from external forces"[39] (CSO 7). Along similar lines, another interviewee complains that "it is suggested as if we work against Turkey in collaboration with and by taking money from Europeans"[40] (CSO 19). These negative sentiments also arise from within the civil society organization itself. One interviewee underlined the accusations of some of their executives blaming them that they "serve the Europeans" "carry the

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[38] "İnsanlarımızın bakış açısı değişiyor. […] O garipler öyle düşünüyor, bizi düşünen Avrupa var diyorlar."

[39] "Bizim mücadelemiz genelden kaynaklanmadığı dış kaynaklı güçlerden kaynaklandığı…"

[40] "Biz Avrupalılarla birlikte onlardan para alarak Türkiye'nin aleyhine işler yapıyormuşuz gibi gösteriliyor."

European capital here", "carry out the services of the imperialist forces in Europe"[41] (CSO 25).

The sum of those civil society organizations which perceive "no particular impact" and those that perceive a rather negative impact of the project they had carried out with the EU funds add to thirty-six percent, corresponding to over one third of all those that benefited from the EU funds. It should be concluded from this data that the EU funds should not be taken as a source that strengthen the civil society organizations and enable them to be acknowledged by a wider public.

Rana Birden, who has been working with and for civil society organizations for several years, suggests that some civil society organizations do not understand the real meaning of these funds and why they exist, nonetheless apply to these funds to sustain themselves. In that sense, the EU funds cannot be conceived as a major determinant for the engagement of civil society organizations and thus provide their active involvement in Turkey's accession process.

<u>Theme 3: Support for Turkey's Accession to the EU</u>

Another issue to be considered in this regard is the position of civil society organizations with respect to Turkey's accession to the EU. As Table 11 indicates, none of the civil society organizations interviewed showed an opposing stance in this regard. However, this does not come to mean a clear support for this process by these organizations. Indeed, almost one quarter of the interviewees claims to have no specific position in general, meaning that they never bring this issue in the agenda of their organization. The remark of one interviewee that they do not "speak about

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[41] "Avrupa'ya uşaklık yapıyorsunuz", "Avrupa sermayesini buraya taşıyorsunuz", "Avrupa'daki emperyalist güçlerin burada uşaklığını yapıyorsunuz".

money, religion and politics in the association"[42] (CSO 6). may actually be
considered to be in effect for many other civil society organizations.

Table 11 Support Given for Turkey's Accession to the EU

	Reference Code of the Interview
Generally speaking yes	1, 2, 3, 5, 10, 11, 13, 17, 19, 20, 22, 23, 24, 25, 30, 31, 32, 34, 35, 36
Supports the democratization entailed by the accession process, but has no specific position on accession itself	7, 9, 18, 21, 26, 28, 29, 37
No	-
No specific position at all	4, 6, 8, 12, 14, 15, 16, 27, 33

According to Table 11, another quarter of the interviewees supports the
democratization process implied by the accession and expresses their sympathy
towards the new regulations on democracy and human rights, while remaining
neutral with respect to EU membership. As one interviewee has put it "We think that
the EU accession […] brings certain standards, for instance in the legal level, in the
understanding of citizenship, bringing certain standards in the living of
citizenship."[43] Yet, she continues that "for us, it is not important whether or not we
enter the EU. There are certain criteria and these are universal certain criteria. We
have a working style in which we say, if the European Union process paves the way
for these criteria, OK then, this is a good instrument"[44] (CSO 29).

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[42] "Dernekte para, din ve politika konuşmuyoruz."

[43] AB'ye katılımın […] hukuksal düzlemde mesela, birtakım standartlar getirdiğini, yurttaşlık anlayışında, yurttaşlığı yaşama için birtakım standartlar getirdiğini düşünüyoruz."

[44] "Bizim için AB'ye girip girmemek önemli değil. Birtakım kriterler var ve bunlar evrensel birtakım kriterler. Bu kriterler de eğer Avrupa Birliği sürecinde açılıyorsa önü, peki o zaman, bu iyi bir araçtır, dediğimiz bir çalışma biçimimiz var."

What should be brought to attention here is that the three civil society organizations explicitly based on a conservative community (CSO 21, CSO 26 and CSO 28) fall into the latter category. These organizations acknowledge that the accession process may have a positive side and that "the West may still have things to tell our society regarding Western values"[45] (CSO 21). Indeed, they regard the accession process from a "cost-benefit perspective", highlighting not only that their voices, as civil society organizations began to be heard along with this process (CSO 28), but also that this process "may give the opportunity to weaken the secular and Kemalist structure, weaken this militarist structure, weaken the repression of militarism over the state an over the society; and allowing for the establishment of a relatively legal, relatively transparent political order"[46] (CSO 26).

Table 11 indicates also the difficulty of understanding the support given by the civil society organizations for Turkey's accession to the EU through categorizing these organizations according to their working areas. It is striking to see that civil society organizations working on issues deemed important by the EU, including gender, environment, disabled people as well as consumer rights and culture do not necessarily support Turkey's accession to the EU. The reason behind this may vary according to different organizations. One interviewee justified his position with his belief that "European people are not very sincere about Turkey's integration"[47] (CSO 16). Another interviewee explained this by claiming that "we support everything that

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[45] "Batılı değerler anlamında, batının bizim toplumumuza hala söyleyebileceği şeyler olduğunu [düşünüyoruz]".

[46] "Laik Kemalist yapıyı zayıflatmak, bu militarist yapıyı zayıflatmada militarizmin devlet üzerinde ve toplum üzerindeki baskısını zayıflatmada ve nispeten hukuki nispeten şeffaf bir siyasi düzeni oluşturma imkanı vereceğinden…"

[47] "Avrupa'daki insanların Türkiye'nin entegrasyonu konusunda çok samimi olmadıklarına [inanıyorum]."

is correct within the framework of universal consumer rights. Those points which are not correct, we surely criticize on those points that pass through that synthesis and are not correct"[48] (CSO 8).

It is further interesting that the Lambda İstanbul Solidarity Association gives no direct support for Turkey's accession process and all the support that it may give is "context-based". This is remarkable considering the substantial backing it received from the European Commission during its closure case (CSO 7).

What should be brought to attention here is the points of intersection between the first and the third themes that is the relationship between the support for Turkey's accession to the EU and the use of the EU funds. Interestingly enough, there seems to be no direct relation between the use of the EU funds by the civil society organizations and their support to Turkey's accession to the EU. As Figure 8 indicates, civil society organizations that have benefited from the EU funds or consider applying are also among those that have no specific position regarding the accession process. To be more specific, six of those organizations that have benefited from the EU funds as well as three of those that have not benefited so far, but have applied or will apply to these funds, do not have any specific position regarding the accession process. On the other hand, the three civil society organizations that reject the use of the EU funds in principal support the accession process to a certain extent.

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[48] "Evrensel tüketici hakları çerçevesinde doğru olan her şeyini destekliyoruz. Doğru olmayan noktalarda, o sentezden geçirdiğimiz doğru olmayan noktalarda elbette ki eleştiriyoruz."
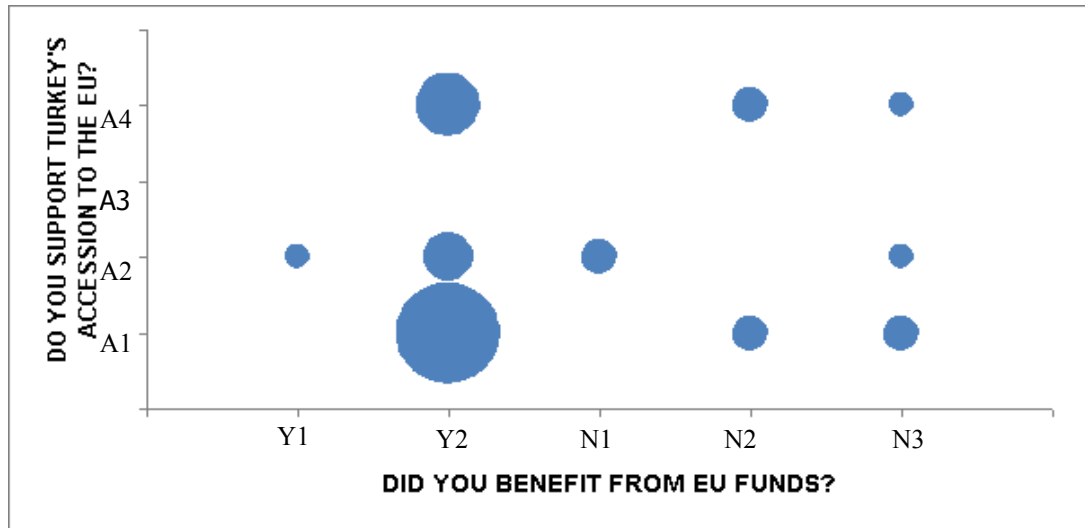
Figure 8 Clusters of intersection of use of funds and support for accession

Note:
A1 - Generally speaking yes
A2 - Supports the democratization entailed by the accession process, but has no specific position on accession itself
A3 – No
A4 – No specific position at all
Y1 – Yes, but will not apply again
Y2 – Yes, has applied and / or may apply again
N1 – Not applied, against the use of the EU funds
N2 – Not applied so far, but may apply in the future
N3 – Applied, but was not successful

Theme 4: Interaction with the EU Institutions

The various financial incentive mechanisms are not the only tools in the hands of the EU to secure the engagement of civil society organizations in the accession process. The EU institutions, most notably the European Commission interacts with certain groups of civil society organizations in a variety of ways. These interactions may be in the form of face-to-face meetings, in which case the representatives of the respective civil society organization are invited to Brussels, to Ankara or they meet during a field visit by the EU officials. The EU may also suggest the civil society

organization to submit a report on a specific issue relating to the organization's

working area.

On the other hand, the interaction may also be an initiative of the civil society

organization. Accordingly, these interactions include the visits made to the EU

officials, the letters, reports or other similar documents sent for informative or

reactive reasons, invitations of the EU officials to the activities of the organization

and finally the accreditation sought by the civil society organizations to the relevant

EU institutions. While there may be other forms of interaction between the EU

institutions and civil society organizations in Turkey, the aforementioned forms

constitute an exclusive list of the only ones that came up during the interviews.

Table 12 Level of Interaction with the EU Institutions

		Reference Code of the Interview
	No interaction	2, 3, 4, 6, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 23, 24, 25, 26, 30, 31, 33, 34, 35, 36
EU initiative	Invited to Brussels	1[49], 5, 7, 28, 32
	Invited to Ankara	9, 29
	Field visit	29, 37
	Asked to submit a report	21,
CSO initiative	Visits to the EU officials on their own initiative	16
	Sending letters, reports etc. on their own initiative	5
	Inviting the EU officials to their activities	22
	Seeks accreditation	27

Table 12 demonstrates in detail with which civil society organizations and in what

ways the EU institutions interact. What initially should be brought to attention is the

existence of limited interaction between the EU institutions and civil society

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[49] In the form of attending receptions through their office in Brussels.

organizations in Turkey. While those that have interacted with the EU institutions may add up to one third of the total number of civil society organizations, most interactions have somewhat been neither frequent nor regular. Only CSO 1, CSO 16, CSO 29 and CSO 32 stated that their interactions take place recurrently. On the other hand, while CSO 5, CSO 7, CSO 9, CSO 28 and CSO 37 have interacted a few times, the rest of the civil society organizations listed in Table 12 has interacted only once with the EU institutions.

Accounting for the rationale behind the aforelisted interactions requires examining the initiatives of the EU and those of the civil society organizations separately. What grabs the attention with respect to the interactions based on the initiative of the civil society organizations is that the related organizations are all rather large-scale, with English speaking members and / or staff, some even have prior contacts in the EU institutions. For instance, a member of the Board of Trustees in CSO 16 is a Member of Parliament, who brings along the General Manager of his organizations to the meetings that he frequently attends at the European level.

On the other hand, when accounting for the interactions based on the initiative of the EU institutions, it could be misleading to consider and make generalizations based on those interactions that have occurred only once. It is in this respect that I focus only on those civil society organizations with frequent or at least a few interactions with the EU institutions. What seems to be common for the civil society organizations having such interactions is that they all have a pressure group abroad to lobby for their rights (e.g. Lambda İstanbul Solidarity Association, Foundation of Women Centers, Kurdish Language Research and Development Association) or part of a network with strong connections throughout Europe (e.g. European Students' Forum (AEGEE) – Ankara, Third Sector Foundation of Turkey,

Helsinki Citizens' Association, Women's Rights Association Against

Discrimination). In conformity with this, the executive of an association working on

Alevi culture accounted for the limited interaction with the EU institutions by stating

that "The delegations coming from Europe did not give the support to Alevis that

they gave it to Kurds. […] It means that they are a lobby. Kurds have established that

lobby in Europe more easily"[50] (CSO 25).

It also seems as if the EU institutions have no systematic way of interacting

with the civil society organizations in Turkey and the interactions take place on *ad*

hoc basis depending on the political environment as well as relevant developments in

the country that may relate to the accession process. Even the most frequently visited

civil society organizations underline that "there is no regular, routine meetings"

(CSO 29).

Theme 5: Establishing Relations with the Civil Society Organizations

in the EU Countries

One of the ways in which the civil society organizations in Turkey can participate in

matters relating to Turkey's accession to the EU is through the implementation of a

civil society dialogue, meaning the establishment of a sustainable relationship among

the civil society organizations in Turkey and in the EU countries. This dialogue may

address the lack of mutual knowledge and improve the respective public opinions as

foreseen by the Civil Society Dialogue announced by the European Commission in

June 2005. However, it is also likely that such interaction will enable the

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[50] "Avrupa'dan gelen heyetler Kürtlere verdikleri desteği Alevilere vermediler. […] O bir lobi
hareketi demek ki. Avrupa'da Kürtler o lobiyi daha kolay kurdular."

participating civil society organizations to assist the diffusion of norms and transfer

of standards from the EU to Turkey.

As can be clearly seen by Figure 9, over three quarters of the interviewed

civil society organizations have interacted at least once with a civil society

organization from an EU country. While eight percent of the interviewed

organizations plan to interact with civil society organizations in the EU countries, the

remaining sixteen percent have no intention of establishing this kind of interaction.
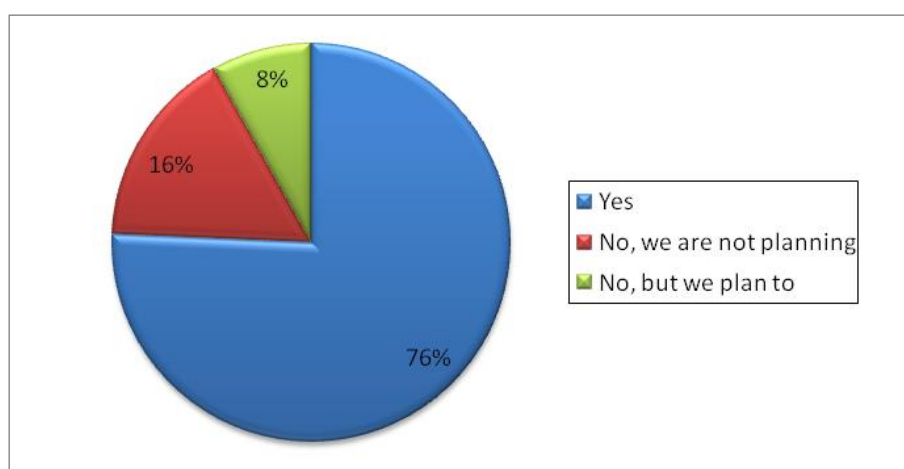
Figure 9 Have you established relations with a civil society organization in the EU
countries?

When examining in detail those civil society organizations which have not interacted

and are not planning to interact with civil society organizations in the EU countries,

the unique rather than common circumstances come to forefront to account for their

attitude. For instance, while Hakkari Education and Development Association and

Çatak Education, Culture and Social Solidarity Association prefer to "do something

on their own steam" on the grounds that they work on rather local issues, Search and

Rescue Association underlines the difference between the situation in Turkey and in

the EU countries, in the sense that "there is not as much a risk of earthquake in

Europe as there is here"[51] and also that "the measures they have are healthier" (CSO 6). As a relatively newly established association Hakkari Businessmen Association plans to launch their first international cooperation with the US and Iraq, while the Chairman of underlined that "The shopkeepers in Hakkari do not go out very often. We are disconnected with outside. We have one entrance and one exit"[52] (CSO 30). On the other hand, Aegean Association of Industrialists and Businessmen depend upon the national umbrella organizations (e.g. The Turkish Confederation of Businessmen and Industrialists, Federation of West Anatolian Industrialists and Businessmen's Associations) regarding international relations. However they claimed to "follow them closely indeed, while not contacting them directly"[53] (CSO 22). Finally, having carried out various EU-related projects, Turkish European Foundation prefers to work in cooperation with public authorities in the EU countries. What is further interesting is the suggestion of Turkish European Foundation for having a central administration in establishing relations with the civil society organizations in the EU countries. It is proposed that "European Union General Secretariat should gather information regarding all organizations, if need be, share these information with the civil society organizations in Turkey"[54] (CSO 11).

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[51] "Avrupa'nın bizim kadar deprem riski yok."

[52] "Hakkarili esnaf çok fazla dışarı çıkamıyor. Dışarıda bağlantılarımız kopuk. Bir girişimiz bir çıkışımız var."

[53] "doğrudan ilişki kurmamakla birlikte esasında onları yakından takip ettiğimiz söylenebilir."

[54] "Avrupa Birliği Genel Sekreterliği bütün kuruluşlar hakkında bilgi toplaması, gerekirse bu bilgileri Türkiye'nin sivil toplum kuruluşlarına vermesi gerekir."

Table 13 Have You Established Relations with a Civil Society Organization in the

EU Countries?

	Reference Code of the Interview
Yes	1, 2, 3, 4, 5, 7, 8, 9, 10, 13, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35
No, we are not planning	6, 11, 22, 30, 31, 36
No, but we plan to	12, 14, 37

The civil society organizations in Turkey establish relations with their counter parts

in the EU countries for a number of reasons. While five main reasons emerge from

the interviews, none of the reasons come to forefront by a landslide majority, each of

which ranging between seventeen and twenty-five percent.
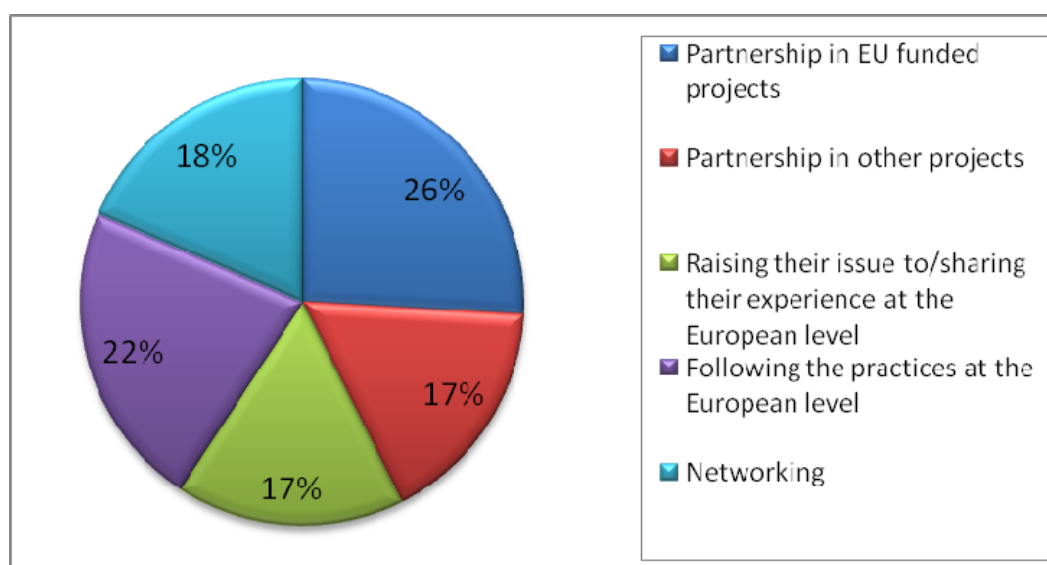
Figure 10 Reasons for establishing relations with a civil society organization in the

EU countries

Table 14 Reasons for Establishing Relations with a Civil Society Organization in the EU Countries

	Reference Code of the Interview
Partnership in the EU funded projects	1, 2, 4, 5, 8, 10, 13, 15, 19, 20, 23, 33, 34, 35
Partnership in other projects	4, 5, 7, 9, 16, 17, 19, 20, 27
Raising their issue to/sharing their experience at the European level	3, 5, 7, 13, 18, 21, 26, 28, 32
Following the practices at the European level	3, 7, 9, 13, 15, 18, 21, 23, 25, 27, 29, 32
Networking	1, 3, 8, 9, 17, 18, 20, 24, 25, 29

Going back to Table 8 and comparing it with the figures in Table 13, we see that only one half (thirteen out of twenty six) of the civil society organizations that have benefited from the EU funds have established relations with civil society organizations in the EU countries, while the rest have submitted and implemented their projects either on their own or in cooperation with a local / national partner. On the other hand, one of the civil society organizations (CSO 2) have established relations with a civil society organization from an EU country to submit a project proposal, but have failed to win the grant. This comparison allows us to see that the use of the EU funds is not the major determinant over the establishment of relations with civil society organizations in the EU countries.

There are several ways in which the civil society organizations in Turkey can find civil society organizations in the EU countries to establish relations with. Figure 11 indicates that "personal contacts" play the most prominent role, particularly among those organizations with members who have established relations apart from the civil society organization to which they belong (CSO 13, CSO 15, CSO 20, CSO 29) and with executives who have lived abroad (CSO 17, CSO 19). For instance, one interviewee underlined that "some of our members – their number is increased

particularly during the recent years – are international organizations"[55] (CSO 13).

Another interviewee clarified this as

> companionship, friendship, acquaintance or knowing the institutions, working in a common area, sometimes being in the same place etc. All these are things that improve the relations. They are found in this way. […] Our members are predominantly an academic team. Now, this academic team is already, constantly in meetings, I mean they participate in lots of such international platforms, go and come to give speeches. Of course, there is acquaintanceship that they entail[56] (CSO 29).

On the other hand, those smaller civil society organizations with no prior international contact prefer to use the web-based portals to seek partners for the EU funded projects.
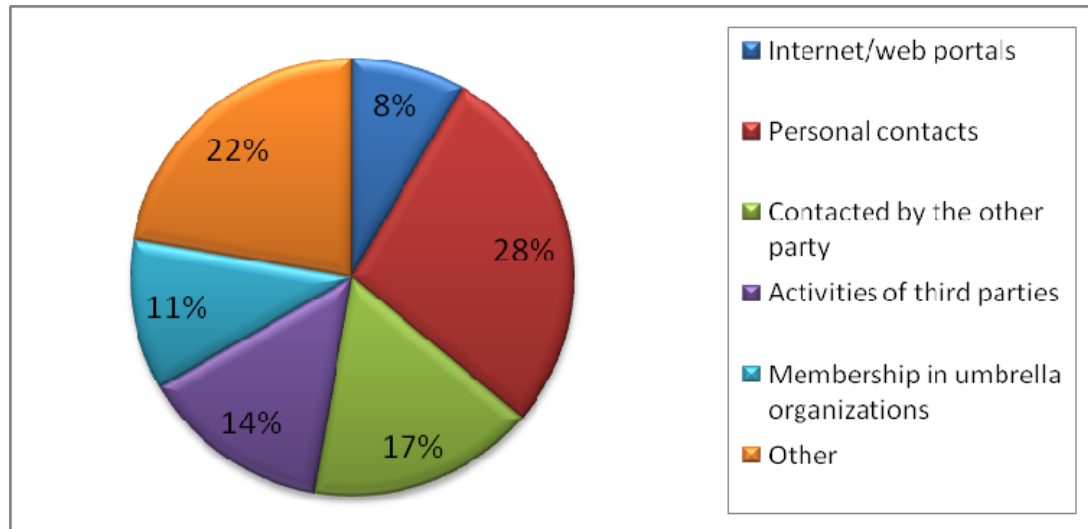
Figure 11 Sources for finding civil society organizations in the EU countries

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[55] "üyelerimizin bir kısmı – özellikle son dönemde bu sayı arttı – uluslararası kuruluşlar."

[56] "eşlik, dostluk, tanışıklık ya da hani kurumları bilme, ortak alanda çalışma, bazen aynı yerde bulunma falan gibi. Bunların hepsi bir tür ilişki geliştiren şeyler. Böylelikle bulunuyor. […] Bizim üyelerimiz ağırlıklı olarak akademisyen ekip. Şimdi bu akademisyen ekip zaten sürekli bir toplantı içinde, yani bir sürü böyle uluslararası platformlarda da bulunuyorlar, konuşmalara gidiyorlar geliyorlar. Onların getirdiği tanışıklıklar da oluyor tabii ki."

Table 15 Sources for Finding Civil Society Organizations in the EU Countries

	Reference Code of the Interview
Internet/web portals	10, 33, 35
Personal contacts	7, 8, 13, 15, 17, 19, 20, 21, 26, 29
Contacted by the other party	2, 16, 17, 20, 28, 32
Activities of third parties[57]	3, 16, 23, 33, 35
Membership in umbrella organizations	1, 7, 18, 23
Other[58]	4, 5, 9, 21, 24, 25, 27, 32

Figure 11 also demonstrates that the civil society organizations in Turkey are sometimes approached by civil society organizations in the EU countries. Although the related figure is seventeen percent, there are good reasons to believe that this could be higher given certain structural problems are eliminated. For instance, six of the interviewed civil society organizations (CSO 30, CSO 31, CSO 33, CSO 34, CSO 35, CSO 36) had no web page at the time of interview. What grabs the attention here is that three of these organizations have already benefited from an EU fund and one of them is a businessmen association with particular interest in establishing overseas operations. Considering the importance of web pages in finding and accessing the right people, I expect more civil society organizations in Turkey to be "contacted by the other party" with a more extensive usage of a web page.

Two of the interviewed civil society organizations (CSO 11, CSO 19) have extensive relations with the public institutions in the EU countries. This is interesting because on the one hand, CSO 19 expresses clearly their preference to work with partners from decision making bodies as they believe "to be closer to having a result through influencing the decision making bodies"[59]. On the other hand, CSO 11 has

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[57] Includes conferences, workshops, meetings

[58] Proverbial civil society organizations regarding their issue area or long standing acquaintance that they do not remember the initial contact

[59] "karar organlarını etkileyerek sonuçlara daha yakın olabileceğimizi [düşünüyoruz]".

not so far established any relation with a civil society organization from an EU country, despite their extensive network of relations with different public bodies.

<div align="center">Theme 6: Sustainability of the Established Relations</div>

What is as important for the EU – if not more – as the establishment of relations among the civil society organizations in Turkey and in the EU, is to guarantee their sustainability. In this respect, it is necessary to examine the sustainability of these relations. One way of examining this is to compare the relations established "for the EU funded projects" with those that are established "for other projects and activities" in terms of their sustainability. The separation is made on the basis of relations targeting the use of the EU funds as the financial incentives have been one of the main instruments of the EU to guarantee the sustainability of the relations among the civil society organizations in Turkey and in the EU. Accordingly, I looked into whether and how frequently the respective organizations have communicated following the end of the project or the activity. In those cases where a civil society organization has established relations both "for the EU funded projects" and "for other projects and activities", each case has been included and examined separately. It is for this reason that Table 16 includes certain civil society organizations twice. The civil society organizations that have claimed not to have established any relations with a civil society organization from an EU country have been omitted.

Figure 12 reveals this comparison based on the detailed analysis given in Table 16. Accordingly, one half of those relations established "for the EU funded projects" have ceased, while around twenty percent of those continue with frequent and / or regular communication. On the other hand, only nine percent of the relations

established "for other projects and activities" have ceased, while more than one third

of the established relations continue with frequent and / or regular communication.

All in all, excluding the answer "depends" as it exhibits a case of indefiniteness, the

relations that continue with communication *at least* a few times a year remains

approximately around thirty eight percent regarding those relations established "for

the EU funded projects" and reaches around seventy eight percent for those relations

established "for other projects and activities".
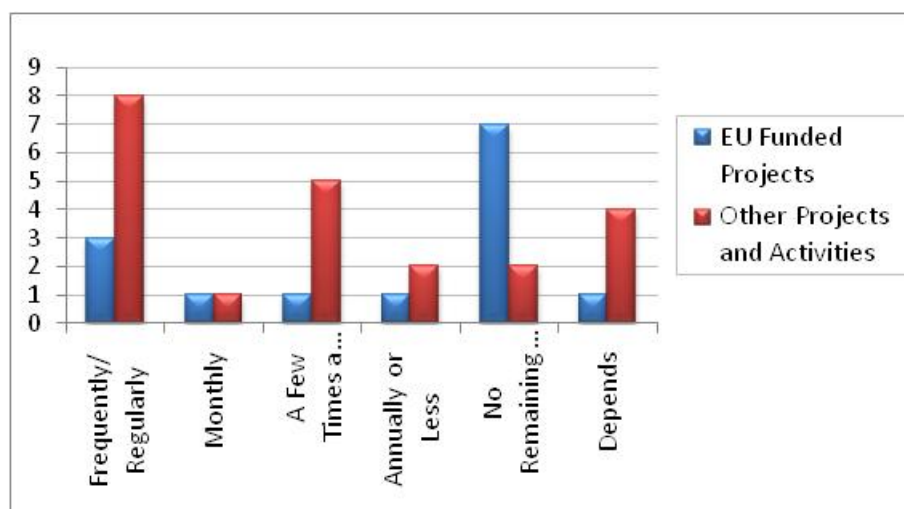
Figure 12 Sustainability of relations

Table 16 Sustainability of Relations

Reference code of the interview	Why Have You Established Relations with a CSO from an EU Country?		How Often Do You Communicate Since the End of the Project?[60]					
	For the EU funded projects	For other projects and activities	Frequently / regularly	Monthly	A few times a year	Annually or less	No remaining relation[61]	Depends
1		√	√					
2	√						√	
3		√			√			
4	√						√	
4		√			√			
5	√						√	
5		√						√
6	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
7		√						√
8	√						√	
8		√	√					
9		√	√					
10	√							√
11	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Table 16 continued

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[60] Communication may be in the form of mutual visits, telephone conversation and / or emailing. The answers exclude the communication for the purpose of an upcoming project submission and / or implementation

[61] In certain cases, the relations have been revitalized for another project proposal.

Reference code of the interview	Why Have You Established Relations with a CSO from an EU Country?		How Often Do You Communicate Since the End of the Project?[62]					
	For the EU funded projects	For other projects and activities	Frequently / regularly	Monthly	A few times a year	Annually or less	No remaining relation[63]	Depends
12	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
13	√		√					
13	√		√					
13		√	√					
14	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
15	√					√		
15		√						√
16		√					√	
17		√			√			
18		√				√		
19		√				√		
20	√		√					
20		√	√					
21		√	√					
22	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
23	√		√					

Table 16 continued

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[62] Communication may be in the form of mutual visits, telephone conversation and / or emailing. The answers exclude the communication for the purpose of an upcoming project submission and / or implementation

[63] In certain cases, the relations have been revitalized for another project proposal.

	Why Have You Established Relations with a CSO from an EU Country?		How Often Do You Communicate Since the End of the Project?[64]					
Reference code of the interview	For the EU funded projects	For other projects and activities	Frequently / regularly	Monthly	A few times a year	Annually or less	No remaining relation[65]	Depends
24		√		√				
25		√	√					
26		√			√			
27		√					√	
28		√						√
29	√		√					
29		√	√					
30	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
31	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
32	√				√			
32		√			√			
33	√						√	
34	√						√	
35	√						√	
36	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

[64] Communication may be in the form of mutual visits, telephone conversation and / or emailing. The answers exclude the communication for the purpose of an upcoming project submission and / or implementation

[65] In certain cases, the relations have been revitalized for another project proposal.

The figures in the previous theme had earlier evidenced that the use of the EU funds has only given a limited boost over the establishment of relations with civil society organizations in the EU countries. Following this, the aforementioned table indicates that those relations established for partnering in an EU funded project have not been sustainable to a large extent. There are obvious and indisputable shortcomings that may at least partially account for these figures. One is the fact that those civil society organizations having difficulties to find volunteers to work and cannot afford to employ a staff for coordinating the international relations, find it an extra workload to sustain these established relations. Accordingly, one interviewee acknowledged that they cannot sustain the established relations due to high workload and that "it requires extra human resources to be occupied also with that. We are unable to be occupied with that a lot, one-to-one"[66] (CSO 10).

Another issue is that of language. In particular, the smaller civil society organizations may have no member, volunteer or personnel who speaks English. It is remarkable that CSO 35 has no personnel members who speak English, but nonetheless has implemented four EU funded projects and prepared many more. "We have found interpreters who would regularly translate for us. From now on, whatever there is regarding a foreign language, we bring it to them. But we pay for this"[67] (CSO35).

As a consultant who has worked several years on civil society organizations, Selen Lermioğlu notes that those civil society organizations, which had previously been ready for such a process, were able to enter into sustainable relations with their counterparts in the EU countries. Lermioğlu includes in general the civil society

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[66] "bir de onunla uğraşmak için ayrı insan kaynağı gerekiyor. Çok fazla, bire bir uğraşmıyoruz."

[67] "Sürekli tercümemizi yapan çevirmenler bulduk. Artık yabancı dille ilgili ne olursa onlara söylüyoruz ama bunu ücretli yaptırıyoruz."

organizations working on gender and environmental issues as well as youth

organizations to be the most ready and consequently most successful ones in this

respect. The interviews as well as my own experience provide us with corroborating

evidence of what Lermioğlu suggests. Those civil society organizations which had

previously been a part of an international network (e.g. gender, environment) or

which had already had a lobby abroad (e.g. gay and lesbian organizations) seem to

establish sustainable relations with those organizations in the EU countries more

easily than the others.

<u>Theme 7: Cooperation among Civil Society Organizations in Turkey</u>

Cooperation among the civil society organizations in Turkey is one of the most

important elements of the EU's policy on the Europeanization of Turkish civil

society organizations. The EU expects this cooperation to entail continued and

regular interaction among different segments of the society and gradually ensure the

acknowledgement of those norms that have come to forefront during Turkey's

accession to the EU. In this respect, the basis and durability of cooperation among

the civil society organizations in Turkey have been examined during the interviews.

The results of these examinations have been classified in Table 17 and summarized

in Figure 13.

However, in order to understand the given table and figure correctly, there are

two points that has to be shed light on, within the framework of the interviews. The

first point emerges from the feeling of jealousy fuelling hostility among some of the

civil society organizations. This is more easily observed in smaller towns where

people are better informed about the activities of the others regardless of how small

their organization may be. In a general talk I had with a group of locals in Hakkari, a couple of people accounted the success of one local civil society organization in winning the EU fund by their close relations with Turkish state and members of parliament. On the other hand, when I told one interviewee in Hakkari about the difficulty I had in accessing their contact details, he complained that people in Hakkari try to ignore them due to political reasons and calculations (CSO 33). Similar issues and complaints were also raised in Van and partly in İstanbul.

The second point relates to the current political circumstances in Turkey. The civil society organizations in Turkey should be analyzed taking into consideration the social and political environment in which they operate. It is very difficult for these organizations to stand apart from the social and political polarization prevailing in Turkey. In parallel with this polarization, there is an increasing trend towards a dual structure, in which two civil society organizations with a similar agenda emerge, with one having a liberal-democrat, and the other a conservative base, as the major difference. Accordingly, these civil society organizations find it difficult to establish a common language to work together. While this dual structure was evident only on those civil society organizations working on human rights and sectoral issues, the spreading of this dual structure can be observed with the rest of the civil society organizations as well. For instance, an interviewee from a sectoral civil society organization stated that

> Another structure has slowly come to emerge. […] But this is again related to the political structuring in Turkey. We are an associational structure bringing together the modern, democratic, those with social democratic political view members of the profession. In addition, this […] let's say religious conservative, another group composed of the members of the profession that find that sort of political view more close to himself[68] (CSO 14).

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[68] "Başka bir çatı yavaş yavaş çıkmaya başladı. […] Ama bu da yine Türkiye'deki siyasi yapılanmayla ilintili. Biz adı üstünde çağdaş demokrat, sosyal demokrat siyasi görüşlü kişilerin bir araya geldiği

The deep fragmentation of Turkish civil society organizations with respect to political or ideological preferences can best be illustrated with the business associations, where there are associations from the whole political spectrum. On the left side of the spectrum there is The Association of Republican Industrialists and Businessmen (*Cumhuriyetçi Sanayici ve İşadamları Derneği* – CUSİAD) established by the universalistic Alevis, as well as The Association of National Industrialists and Businessmen (*Ulusal Sanayici ve İşadamları Derneği* – USİAD), representing the interests of the left wing Kemalists. On the other side of the spectrum there is The Association of Democratic Industrialists and Businessmen (*Demokrat Sanayici ve İşadamları Derneği* – DEMSİAD) established by the center-right Alevis, The Association of Nationalist Industrialists and Businessmen (*Milliyetçi Sanayici ve İş Adamları Derneği* – MİSİAD) known to be ideologically in tandem with the Nationalist Action Party (*Milliyetçi Hareket Partisi* – MHP), and The Association of Autonomous Industrialists and Businessmen (*Müstakil Sanayici ve İşadamları Derneği* – MÜSİAD) representing the conservative entrepreneurs. There is even a tendency among the non-conservative media to read MÜSİAD as the Association of Muslim Industrialists and Businessmen as its members are predominantly Muslims. Finally, there is a loose coordinating body of The Presidential Council of Turkish Industrialists and Businessmen (*Türk Sanayici ve İşadamları Başkanlık Konseyi*– TUBİSAK) at the very center (Vorhoff, 2000, pp. 105-145). The observations of Karin Vorhoff regarding cultural and ideological lines dividing the economic sector, and thereby impeding the businessmen to be a strong and united pressure (ibid, p. 59) is also the case with other professional organizations.

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meslek mensubu dernek yapılanması. Bir de bu […] dinci muhafazakar diyelim, o tarz siyasi görüşü kendine yakın gören meslek mensuplarımızın oluşturduğu başka bir grup daha var."

The aforementioned political polarization is also expressed by the civil society organizations, in particular the liberal-democratic ones. In the off-the record parts of the interviews, the interviewees underline the partisan behaviors of the public officials and complain that these officials favor the religious based organization in their fields of activity. This problem is mentioned most frequently for the meetings organized by the local or central public institutions that include a limited number of civil society organizations. The interviewees find it difficult to understand the selection process and criteria, though there is an apparent concern that the religious communities have increasingly more impact over the public institution. One interviewee, while complaining that they are not taken seriously by the public institutions even claimed that "for instance there certain CSOs that are partisans of institutions wih serious power. They are liked. I went beyond the limits a little bit, but I'm telling what I see"[69] (CSO 35). While the interviewees cannot lay bare the injustice they claim to experience, it seems to discourage them with a feeling of helplessness leading to nonchalance for further activism.

Looking at the areas of cooperation among the civil society organizations in Figure 13, we see that "joint activities and projects" emerge as the leading area with forty percent. However, examining in more detail, it becomes evident that four out of the sixteen joint activities and projects carried out were for an EU funded project only, which did not sustain following the completion of the project. Another two choose to cooperate exclusively with those organizations with a base similar to their own, therefore disabling any chance of interaction with a different segment in the society. On the other hand, CSO 9 is founded by foundations and any joint activity and project it carries out is actually a cooperation of CSO 9 with its members. Finally

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[69] "mesela kimi STKlar vardır,ciddi gücü olan kurumların yandaşıdır. Onlar seviliyor. Biraz haddimi aştım, ama gördüklerimi söylüyorum."

CSO 17 cooperates with another civil society organization, the chairman of which is the same person as that of CSO 17. What actually remain are eight civil society organizations, corresponding to twenty percent, that establish sustainable cooperation to carry out joint activities and projects with other civil society organizations in Turkey. In accounting for this lack of cooperation among the civil society organizations in Turkey, one interviewee claimed that "there is no trust. Nobody trusts anybody"[70] (CSO 19).
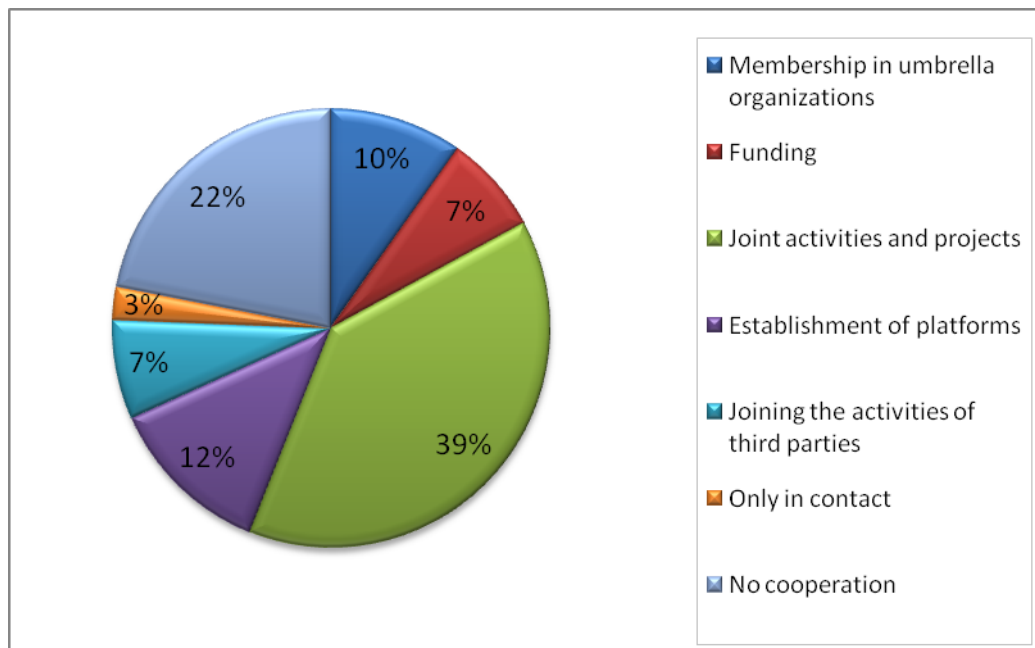
Figure 13 Areas of cooperation with other civil society organizations in Turkey

Table 17 Areas of Cooperation with Other Civil Society Organizations in Turkey

	Reference Code of the Interview
Membership in umbrella organizations	8, 13, 22, 33
Funding	4, 24, 32
Joint activities and projects	1, 5, 7, 8, 9, 13, 17, 19, 20, 21, 25, 26, 29, 35, 36, 37
Establishment of platforms	2, 12, 21, 28, 29
Joining the activities of third parties	4, 10, 11
Only in contact	14
No cooperation	3, 6, 15, 16, 18, 27, 30, 31, 34

[70] "güven yok. Kimsenin kimseye güveni yok."

In a similar vein, if we are to examine the platforms established among the civil society organizations, we discover that those platforms in which five out of the six civil society organizations have been a part of, have dissolved for reasons including discord between the liberal-democrat civil society organizations and those conservative ones as well as financial drawbacks. On the other hand, while the platform in which sixth civil society organization is a member continues to exist, the platform is "rather the coming together of women associations with Islamic sensitivity"[71] (CSO 28).

Membership in an umbrella organization may bring together the relevant civil society organizations through various activities it organizes and also pave the wave for further cooperation among these organizations. However, the umbrella organizations do not necessarily bring an active cooperation among its members as it is evident with CSO 22 and CSO 33, showing no sign of interaction with the rest of the members of the umbrella organization of which they are a member.

Conclusion

The thematic field analyses aimed at examining the participation of civil society organizations in matters relating to Turkey's accession to the EU. This is instrumental in accounting for how the civil society organizations in Turkey respond to and how the Turkish context mediates the method and instruments employed by the EU to Europeanize Turkish civil society organizations. Accordingly, the themes focused on the use and the impact of financial instruments provided by the EU as

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[71] "Daha çok İslami duyarlılığa sahip kadın derneklerinin bir araya gelip…"

well the existence and sustainability of cooperation established with other civil society organizations in Turkey, in the EU and with the EU institutions. The analyses are remarkable as they present us a projection of the civil society organizations' different levels of engagement also in relation to their attitude towards Turkey's accession to the EU and that they are instrumental for overcoming the wrong convictions and popular wisdom regarding the civil society organizations opinions about the EU accession process.

The first important conclusion to be drawn in this respect requires going beyond the ordinary about the EU funds. The analyses in themes one and three reveal that there is no direct relation between the use of the EU funds and the support for Turkey's accession to the EU by the civil society organizations. The civil society organizations cannot be expected to be actively involved in and contribute to the social transformation relating to the accession process unless they support the EU accession process itself. Therefore, the financial instruments employed by the EU may not be conceived as a major determinant for the engagement of civil society organizations in this process.

What is further important is the impact that is experienced by the civil society organizations following the use of the EU funds. Indeed, as the figures in theme two indicate, the impact that is experienced with their target group as well as with the society at large is not necessarily a positive one. Consequently, the EU funds should not be taken granted as a source strengthening the civil society organizations and enabling them to be acknowledged by a wider public.

The EU has instrumentalized the financial incentives also for the civil society organizations in Turkey to establish sustainable relations with their counter parts in the EU countries. However, not only that the use of the EU funds appears not to be a

determinant factor over the establishment of relations with civil society organizations in the EU countries, but also those relations established for the preparation and implementation of a project funded by the EU turn out not to be sustainable. The interviews as well as my own experience while trying to reach the civil society organizations indicate that having a web page is not common among the small scale civil society organizations. This constitutes a barrier for these organizations to be found by their counterparts in the EU countries. A further important issue to be considered with respect to establishing and even more so for sustaining relations with civil society organizations in the EU countries relates to communication. It seems from the interviews that English speaking members or personnel are not common among the small scale civil society organizations. Some of these organizations have implemented the EU funded projects with foreign partners through the assistance of paid translators. However, the relations established in this respect were not sustainable.

Consequently, the EU funds do not appear to be a powerful and effective instrument in providing the participation of the civil society organizations in matters relating to Turkey's accession to the EU.

On the other hand, the EU institutions do not appear to operationalize a systematic way to interact with the civil society organizations that would draw them to the accession process. The EU institutions certainly keep their door open for those civil society organizations that are interested in contacting them. However, they are not occupied with the problem of reaching and demanding the contribution of a wider range of civil society organizations. Accordingly, theme four indicates that those civil society organizations that interact with the EU institutions frequently

either have a pressure group or they are a part of a network with strong connections throughout Europe, holding financial and other necessary capacities.

It is also interesting to note that the support given by the EU to the civil society organizations have no direct impact upon their support of or involvement to the process. Those civil society organizations that received the direct support of the EU (e.g. Lambda İstanbul Solidarity Association) or those groups that have clearly benefited from the accession process (e.g. Kurdish groups) mention their hesitations with respect to the EU and the accession process and have not expressed their open support.

On the other hand, the conservative groups are known traditionally to be against the West. However, those civil society organizations based on a conservative community are not necessarily against the EU accession, as they are aware of the benefits of the process for themselves and that some support Turkey's accession to the EU. Indeed, they claim to be pro-non-Muslim ideas intellectually and that they support the EU along with the forthcoming standards. However, as the interviews indicate there is an undeniable concern among the conservative community that the EU funds may entail impact at the ideational level and this is unacceptable for certain civil society organizations, particularly those working on human rights issues.

In this respect, the current political environment should also be taken into consideration. Some of the civil society organizations that support the democratization reforms worry whether or not these reforms would entail more conservatism. They are indecisive in how much and how to support the democratization and the accession. Therefore, it would be misleading to evaluate the involvement of the civil society organizations by looking at the support and benefit they receive from the process.

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A critical issue that is raised from the interviews is the lack of cooperation among the civil society organizations in Turkey. One thing that seems to lead to this is the desire for leadership. In general, leadership seems to be an important issue within the civil society organizations themselves. While most of the interviewed civil society organizations have no circulating management structure, in fourteen of them the founding chairman retains his / her seat. Such desire for leadership may as well be reflected in their relation with the other organizations and may lead to conflict as each organization would prefer to assume a leadership role.

Another important thing impeding the cooperation among the civil society organizations in Turkey is the increasing polarization of the social and political environment in which these organizations operate. This environment results in the establishment of a dual structure, split according to their base as liberal-democrat or conservative. While these organizations turn in upon themselves, they increasingly find it difficult to establish a common language to work together. As underlined by one public servant, what makes this situation even more complicated is the proximity of certain civil society organizations to the political parties and keeping their relations too tight.

Lack of cooperation seems to be common among all groups of the civil society organizations, though they differ with respect to interaction with their members and target groups. Based on my observations during the interviews, the executives fail to incorporate the members or volunteers of the respective civil society organization. It appears that the integration of the ideas of the members into decisions taken by the executives of civil society organizations remains limited in general. However, the different state of affairs with respect to civil society organizations with a conservative base should be emphasized. I have observed a

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tighter network of relations among the members and between the members and

executives of these organizations during my interviews. Indeed, these organizations

are in active search for incorporating their members to the policy making and

decision making procedures and they also build their activities around the members.

This is significant in providing more influential means for accessing the community

as desired by the EU.

Table 18 Coding of the Interviews

Reference Code	Name of the Institution	Position of the Interviewee
CSO 1	European Students' Forum (AEGEE) – Ankara	1. President 2. Treasurer
CSO 2	EU Centre Association	Chairman
CSO 3	Turkish Active Football Referees and Observers Association	Chairman
CSO 4	Foundation for the Support of Women's Work (KEDV)	Executive Director
CSO 5	Social Democracy Foundation (SODEV)	President
CSO 6	Search&Rescue Association (AKUT)	President
CSO 7	Lambda İstanbul Solidarity Association	Volunteer
CSO 8	Association for Promoting Consumer Awareness	President
CSO 9	Third Sector Foundation of Turkey	1. Head of Board of Trustees 2. Project Coordinator
CSO 10	Youth Re-Autonomy Foundation of Turkey	Deputy Chairman
CSO 11	Turkish European Foundation	Chairperson
CSO 12	Cultural Awareness Foundation	General Manager
CSO 13	Association of Thermal Insulation, Waterproofing, Sound Insulation and Fireproofing Material Producers, Suppliers and Applicators (İZODER)	Technical Affairs and Education Coordinator
CSO 14	Modern, Democrat Accountants Association	Member of Executive Board
CSO 15	Human Resource Development Foundation	Member of Board of Trustees
CSO 16	Physical Disabilities Foundation	General Manager
CSO 17	Kars, Ardahan, Iğdır Development Foundation	Honorary Chairman, Former Chairman of the Executive Board

Table 18 continued

Reference Code	Name of the Institution	Position of the Interviewee
CSO 18	People Management Association of Turkey	Coordinator
CSO 19	Marmara Group Strategic and Social Research Foundation	Member of the Board, Chairwoman of EU & Human Rights Platform
CSO 20	The Foundation of Lausanne Treaty Emigrants	Secretary General
CSO 21	The Association of Human Rights and Solidarity for Oppressed People (MAZLUMDER)	Chairman
CSO 22	Aegean Association of Industrialists and Businessmen (ESİAD)	Research Expert
CSO 23	Association on Organic Agriculture	General Secretary
CSO 24	International Civil Society Support and Development (USİDER)	Regional Coordinator
CSO 25	Pir Sultan Abdal Culture Association	Member of Executive Board
CSO 26	Association for Free Thought and Educational Rights (Özgür-Der)	Secretary General
CSO 27	Deniz Feneri Association	Member of Executive Board
CSO 28	Women's Rights Association Against Discrimination (AKDER)	Secretary General
CSO 29	Helsinki Citizens' Association	Project Assistant
CSO 30	Hakkari Businessmen Association	Chairman
CSO 31	Hakkari Education and Development Association (HEK-DER)	1. Chairman 2. Member of Executive Board - Treasurer 3. Member of Executive Board - Secretary 4. Member of Executive Board – Member
CSO 32	Foundation of Women Centers (KAMER)	Head of Hakkari Branch
CSO 33	Cilo Nature Association	Chairman
CSO 34	Hakkari Association of Educators	Former Chairman, Member of Executive Board
CSO 35	Van Lake Folklore, Tourism, Sports Club Association	Vice Chairman
CSO 36	Çatak Education, Culture and Social Solidarity Association (Çatak-Der)	Former Chairman
CSO 37	Kurdish Language Research and Development Association (Kurdi Der)	Chairman

CHAPTER VII

CONCLUSION

The rationale behind the EU civil society policy considers civil society organizations in Turkey as agents of liberal-democratic transition. Consequently, the EU provides various financial, technical and political instruments to ensure that civil society organizations assume increased role in matters relating to the European integration and contribute to the accession process.

The presents study examines how well the EU civil society policy fits the Turkish context, with the main research question asking "*What is the expected impact of the EU policies on the Europeanization of Turkish civil society organizations in the context of increasing support given to these organizations?*" Three interrelated puzzles are identified as sub-questions to contribute to our quest by further focusing the main research question. The first sub-question explores the method as well as the instruments employed by the EU towards Turkish civil society organizations by asking "*How does the EU endeavor to Europeanize Turkish civil society organizations?*" The second sub-question examines the discrepancy between the expectations and the outcomes regarding the instruments employed by the EU, and also probes the reasons behind by asking "*What are the predicaments faced in use of these instruments for the Europeanization of Turkish civil society organizations?*" The final sub-question analyzes how the Turkish context mediates the EU policies on Turkish civil society organizations by asking "*How does the socio-political environment in Turkey influence the EU policies on Turkish civil society organizations?*"

Summary of Research Findings

In order to address the aforementioned research questions, I have used two sets of primary resources. First one is the in-depth interviews with civil society organizations, public officials and experts along with the ethnographic observations. I conducted in-depth interviews with thirty-seven civil society organizations from Ankara, Hakkari, İstanbul, İzmir and Van. The interviews cover a diverse set of civil society organizations with respect to their working areas and organizational capacities. The interviews are designed to address how civil society organizations respond to and how the Turkish context mediates the instruments employed by the EU as well as the major predicaments confronted in this process.

The thematic analyses point to the EU's failure in instrumentalizing the CSOs during Turkey's accession process. In other words, there is no direct relation between the use of the EU instruments and support for Turkey's accession process by the civil society organizations or establishment of sustainable relations with other organizations both within and outside of Turkey. Indeed, the EU instruments should not be taken for granted as a source strengthening the civil society organizations since the impact generated by these instruments may not necessarily be a positive one. As for the role of Turkish context, the interviews reveal that the domestic socio-political setting and the immediate environment are also key determinants in understanding the reactions of civil society organizations to the support given by the EU. The field work is instrumental for addressing the main research question not only because it illuminates the predicaments in front of the Europeanization of Turkish civil society organizations, but also it provides a projection of the current state of these organizations in Turkey.

On the other hand, the elite interviews cover a wide range of people and institutions. In principle, I tried to interview at least one official from all the relevant public institutions and visited the junior staff, given the opportunity. I have interviewed also well-known experts on civil society in Turkey.

The second set of primary resources includes the government documents, core legal documents on freedom of association and freedom of assembly, documents of civil society organizations as well as the official documents published by the EU. I have summarized, analyzed and tabulated these where necessary. I have also made use of various publicly available academic publications in mapping the conceptual and semantic fields of this dissertation.

The findings of the field work as well as elite interviews and other primary resources are significant as they address the conflict between the ongoing EU policy and the current state of Turkish civil society organizations. In this context, I argue that the EU policy on the Europeanization of Turkish civil society organizations is prone to fail.

I establish three main reasons behind this. First of all, during the 1990s, there was not much of a developed civil society in Turkey that would receive the signals coming from the EU. Those civil society organizations that could establish sustainable cooperation to advance common interests and facilitate collective action and hence respond to the EU civil society policy were limited.

Second, despite the evidence for an emerging civil society starting from the late 1990s, it would not be unfair to claim an increasing disconnection among the civil society organizations in Turkey. An underlying factor behind this lack of cooperation should be sought in the social and political environment in which these organizations operate. Taking into consideration the fact that the state and civil

society share a common political culture, this dissertation suggests that the actors of civil society in Turkey are strongly influenced by the prevailing social and political polarization. This polarization entails lack of tolerance and respect for others, as a result of which we experience deep fragmentation in civil society. The reflection of this polarization with respect to civil society organizations is the emergence of an increasingly prevalent dual structure, composed of liberal-democratic and conservative camps, where the civil society organizations do not interact with those organizations from other segments of the society. In return, the patterns of contestation and persuasion, to which the transformation of society depends, are missing.

Third, the field work of this dissertation displays that the civil society organizations are autonomous agents acting with a mixture of different dynamics and that they cannot be passively engaged in the European integration process. Consequently, instruments employed by the EU do not always bring about the expected outcomes.

Drawing on Gramsci's theory of hegemony, I develop an original model to account for the EU's civil society policy in the Turkish context. The EU seeks to transform the Turkish society in a liberal-democratic manner by way of framing values and collective will through civil society. Using Gramsci's terminology, this is a process in which people 'consent', as opposed to being 'coerced' to change and define themselves with the new set of values, through building institutions and ideology within civil society. Just as the way the organic intellectuals were envisaged to be employed by the Party in Gramsci's theory, the EU seeks to consolidate the liberal-democratic groups in order to secure the consent of the "allied social groups close to itself" for the current state of affairs. Consequently, these organizations are

expected to act as the 'organic intellectuals' of the EU, employed to assume the responsibility for the ideological transformation of the rest of the civil society organizations in Turkey, paving the way for the successful social transformation within the liberal-democratic framework depicted by the EU. Gramsci's theory is valuable for our quest because civil society is projected as a politicized arena, in which the civil society organizations are not conceived as a passive and homogenous group and that a struggle between competing conceptions of society takes place for the formation of a new culture and ideology.

Having studied the Turkish context, this dissertation is critical of the EU's civil society policy. The findings of this dissertation suggest that the failure of this policy rests on two major accounts. First of all, the EU civil society policy failed to secure the increased role of liberal-democratic civil society organizations in matters relating to Turkey's accession and thus in serving the objectives of the EU. Second, the EU civil society policy failed to establish the necessary channels of interaction among different segments of civil society and its actors that would bring about the liberal-democratic transition as desired by the EU. It is based on these two accounts and within the framework of the earlier definition of Europeanization that the EU failed to Europeanize Turkish civil society organizations during the accession process.

Based on the aforementioned context, this dissertation highlights the problematical nature of the EU's civil society policy. In this respect, this dissertation suggests that the EU should adapt a civil society policy based on a new working definiton of civil society that should take into consideration the social and political structure, interact with different dynamics of associational life and also reflect the conflicts and constraints within civil society.

Future Research

This dissertation argues that the EU's civil society policy is not appropriate for the Turkish context due to contemporary socio-political environment surrounding Turkish civil society organizations as well as the various dynamics they interact with. In this respect, the conclusion of this dissertation points to areas that could be investigated to advance this research. One dimension for further research is to make a comparative analysis of the EU's civil society policy with respect to different contexts. Different studies and research place their quest in a comparative framework for various reasons. In the case of analyzing the impact of the EU's civil society policy, a comparative framework will enable us to prove the findings of this research in accounting for the predicaments of the EU policy. This dissertation does not provide a comparative framework, because the work required to include any such comparison would exceed the limits of one dissertation.

In particular, a comparison of the Turkish context with a country having a similar buildup of state-society relations would be valuable. A strong case for comparison would be Romania. Romania had long been governed by an oppressive state structure, not allowing for the flourishing of civil society. The consolidation of democratic principles and values, which has begun during the 1990s, has been slow and the development of civil society has been limited thus far. A further point that renders Romania a good case for comparison is that it has been subject to a similar line of the EU policy as well as instruments for civil society development since its accession to the EU, completed in 2007, shares a parallel time frame with Turkey.

A comparison with a country having a similar buildup of state-society relations, but in which civil society has flourished, is another possible direction for further research. Spain would make a suitable case as it experienced successful transition from dictatorship to democracy with the emergence of a strong civil society, along with the process of accession to the European Community. It is true that Spain's accession process has taken place a couple of decades ago, when the EU policy for civil society had not yet matured as much as it has today. However, the Spanish case would still be interesting because it may reveal different dynamics with which the civil society has interacted during the accession to the European Community and transition to democracy. The change in the nature of state-society relations during and after the accession and the way the civil society has flourished since then, makes Spain a stimulating case to test further my hypotheses. Consequently, the comparisons with these cases will be instrumental for analyzing the Turkish context more clearly and accounting better for the predicaments of the EU policy.

Another dimension for further research is to assess the impact of the EU civil society policy by adopting a wider definition of Europeanization. This dissertation aimed at understanding the interaction between the EU and the civil society organizations in Turkey. Therefore, this dissertation adopted a rather narrow working definition and defined Europeanization as the increased role of civil society organizations in matters relating to Turkey's accession and in serving the objectives of the EU. Further research could look into the Europeanization of civil society organizations during Turkey's accession, in which Europeanization is defined in regards to the diffusion of European norms and values.

APPENDICES

APPENDIX A: INTERVIEW QUESTIONS

Organizational Structure:

1. Why and how was your organization founded?
2. Who is your target group?
3. How many branches and / representations do you have?
4. How many members to you have?
5. Apart from you members, do you have a group of volunteers? If yes,
   a. How many volunteers do you have?
6. How many people are employed in your organization?
7. How often does the General Assembly of your organization meet?
8. How often does the Board change hands?
9. What is the position of your members/organization with respect to Turkey's accession to the EU?
10. Have you had any structural change in your organization during the post-1999 period in order to adapt to the accession process? If yes,
    a. What were these changes?
    b. Why did you feel the need to make these structural changes?

Use of the EU Funds:

1. Have you applied for an EU fund? If no,
   a. Why have you not applied for an EU fund?
2. Have you implemented a project with an EU fund? If yes,
   a. How many projects did you implement?
   b. In how many of them, were you the leading organization?
   c. What is the impact of your EU funded project on your relations with your members?
   d. What is the impact of your EU funded project on your relations with the society at large?
   e. What is the impact of your EU funded project on your relations with the state?
   f. Did you have any partners? (see 'Relations with Civil Society Organizations in the EU Countries' pt. 2)

Relations with Civil Society Organizations in the EU countries:

1. Do you collaborate with civil society organizations in the EU countries on matters relating to your working areas? If yes,
   a. What is the reason for collaboration?
   b. How do you find these organizations?
   c. What means of communication do you use?
   d. How frequent are these communications?

2. Have you collaborated with a civil society organization in an EU country for the EU funds? If yes,
    a. How do you find/select these partners?
    b. What were the difficulties you faced with respect to this partnership during the course of the project?
    c. Have you contacted and / or collaborated with this organization after the completion of your project? If yes,
        i. How frequently have you interacted?
        If no,
        ii. Why have you not contacted this organization again?
3. Have you collaborated with a civil society organization in an EU country for reasons other than the EU funds? If yes,
    a. What was the reason for cooperating?
    b. How do you find/select these partners?
    c. What were the difficulties you faced with respect to this partnership during the course of the project?
    d. Have you contacted and / or collaborated with this organization after the completion of your project? If yes,
        i. How frequently have you interacted?
        If no,
        ii. Why have you not contacted this organization again?
4. Do you follow the agenda and activities of the civil society organizations that work on similar issues in the EU countries? If yes,
    a. How do you follow their agenda and activities?
5. Do the civil society organizations that work on similar issues in the EU countries follow your agenda and activities? If yes,
    a. How do they follow your agenda and activities?
6. Are you a member of any umbrella organization?

Relations with Turkish Civil Society Organizations:
1. Do you collaborate with civil society organizations in Turkey? If yes,
    a. What is the reason for collaboration?
    b. How do you find these organizations?
    c. What means of communication do you use?
    a. How frequent are these communications?
2. Are you a member of any umbrella organization in Turkey?
3. Have you ever been a member of any platform? If yes,
    a. Which organizations are/were the members of this platform?
    b. How effective do you see the activities of this platform?
    c. Does this platform continue to exist? If no,
        i. Why did this platform cease?

	Name of the Institution	Name of the Interviewee	Position of the Interviewee	Date of the Interview
1	European Students' Forum (AEGEE) – Ankara	Fatma Kaya Neslihan Eryaman	President Treasurer	3 December 2008
2	EU Centre Association	Tunay İnce	Chairman	3 December 2008
3	Turkish Active Football Referees and Observers Association	Selçuk Dereli	Chairman	15 February 2009
4	Foundation for the Support of Women's Work (KEDV)	Şengül Akçar	Executive Director	20 February 2009
5	Social Democracy Foundation (SODEV)	Aydın Cıngı	President	24 February 2009
6	Search & Rescue Association (AKUT)	Nasuh Mahruki	President	15 June 2009
7	Lambda İstanbul Solidarity Association	İzlem Aybastı	Volunteer	18 June 2009
8	Association for Promoting Consumer Awareness	Fuat Engin	President	3 July 2009
9	Third Sector Foundation of Turkey	Prof. Dr. Üstün Ergüder Zeynep Meydanoğlu	Head of Board of Trustees Project Coordinator	28 July 2009
10	Youth Re-Autonomy Foundation of Turkey	Nevin Özgün	Deputy Chairman	30 July 2009
11	Turkish European Foundation	Ziya Müezzinoğlu	Chairperson	26 August 2009
12	Cultural Awareness Foundation	Barış Altan	General Manager	2 September 2009
13	Association of Thermal Insulation, Waterproofing, Sound Insulation and Fireproofing Material Producers, Suppliers and Applicators (İZODER)	Timur Diz	Technical Affairs and Education Coordinator	14 September 2009
14	Modern, Democrat Accountants Association	Aysun Dede	Member of Executive Board	11 November 2009
15	Human Resource Development Foundation	Dr. Muhtar Çokar	Member of Board of Trustees	18 December 2009

	Name of the Institution	Name of the Interviewee	Position of the Interviewee	Date of the Interview
16	Physical Disabilities Foundation	Ali Şahin	General Manager	26 December 2009
17	Kars, Ardahan, Iğdır Development Foundation	Yıldız Laçinel	Honorary Chairman, Former Chairman of the Executive Board	16 January 2010
18	People Management Association of Turkey	Özlem Helvacı	Coordinator	9 February 2009
19	Marmara Group Strategic and Social Research Foundation	Müjgan Suver	Member of the Board, Chairwoman of EU & Human Rights Platform	16 March 2010
20	The Foundation of Lausanne Treaty Emigrants	Sefer Güvenç	Secretary General	18 March 2010
21	The Association of Human Rights and Solidarity for Oppressed People (MAZLUMDER)	Atty. Cihat Gökdemir	Chairman	22 March 2010
22	Aegean Association of Industrialists and Businessmen (ESİAD)	Göksel Uçak	Research Expert	13 April 2010
23	Association on Organic Agriculture	Özge Çiçekli	General Secretary	13 April 2010
24	International Civil Society Support and Development (USİDER)	Özcan Kocabıyık	Regional Coordinator	27 April 2010
25	Pir Sultan Abdal Culture Association	Önder Aydın	Member of Executive Board	27 April 2010
26	Association for Free Thought and Educational Rights (Özgür-Der)	Musa Üzer	Secretary General	4 May 2010
27	Deniz Feneri Association	İbrahim Altan	Member of Executive Board	6 May 2010
28	Women's Rights Association Against Discrimination (AKDER)	Neslihan Akbulut	Secretary General	11 May 2010

	Name of the Institution	Name of the Interviewee	Position of the Interviewee	Date of the Interview
29	Helsinki Citizens' Association	Esra Güçlüer	Project Assistant	18 May 2010
30	Hakkari Businessmen Association	Hüseyin Biçer	Chairman	14 June 2010
31	Hakkari Education and Development Association (HEK-DER)	Abdülmecid Yılmaz Hayrettin Çiftçi Zübeyir Çiftçi Cebrail Er	Chairman Member of Executive Board - Treasurer Member of Executive Board - Secretary Member of Executive Board - Member	15 June 2010
32	Foundation of Women Centers (KAMER)	Zozan Selimoğlu	Head of Hakkari Branch	15 June 2010
33	Cilo Nature Association	Kerem Kazak	Chairman	15 June 2010
34	Hakkari Association of Educators	Serdar Batmaz	Former Chairman, Member of Executive Board	15 June 2010
35	Van Lake Folklore, Tourism, Sports Club Association	Şengül Dağtekin	Vice Chairman	17 June 2010
36	Çatak Education, Culture and Social Solidarity Association (Çatak-Der)	Fahrettin Kiyat	Former Chairman	17 June 2010
37	Kurdish Language Research and Development Association (Kurdi Der)	Garip Yaviç	Chairman	17 June 2010

	Name of the Institution	Name of the Interviewee	Position of the Interviewee	Date of the Interview
1	UAM	Dr. Fernando Rodrigo		29 April 2009
2	Amnesty International (Spain)	Monica Costa	International Affairs Lobbyist	30 April 2009
3	UNED	Dr. Jaime Pastor		30 April 2009
4	EuroHorizons	Şebnem Karauçak	Chairperson (Former Secretary General of Economic Development Foundation)	6 October 2009
5	Ministry of Interior, Department of Associations in İstanbul	Hüseyin Bıyıklıoğlu		20 October 2009
6		Selen Lermioğlu	NGO Consultant	30 November 2009
7		Rana Birden Çorbacıoğlu		5 January 2010
8	Eğitim-Sen	Atty. Metin Yıldız	Attorney	18 January 2010
9	EU General Secretariat	Faruk Kaymakçı	Director for Civil Society, Communication and Culture, Diplomatic Adviser to the Minister of EU Affairs and Chief Negotiator	22 April 2010
10	Prime Ministry Directorate General of Foundations			27 April 2010
11	Delegation of the European Commission to Turkey	Özsel Beleli	Sector Manager, Democratization and Civil Society	28 April 2010
12	Ministry of Interior, Department of Associations	Şaban Acar	Deputy Director	28 April 2010

APPENDIX D: NUMBER OF ASSOCIATIONS IN TURKEY (1980-2009)[72]

Years	Number of Newly Established Associations	Number of Active Associations
1980	2,709	31,672
1981	988	31,016
1982	883	30,243
1983	702	29,507
1984	4,057	27,400
1985	4,279	27,633
1986	4,224	28,122
1987	3,587	29,363
1988	3,818	30,975
1989	4,210	32,824
1990	4,615	35,197
1991	4,451	37,684
1992	4,770	40,334
1993	5,477	43,307
1994	6,410	46,823
1995	6,824	50,827
1996	5,676	53,820
1997	5,577	56,578
1998	5,208	56,358
1999	4,722	57,439
2000	4,200	60,931
2001	4,812	64,379
2002	4,930	68,155
2003	4,880	71,832
2004	4,837	69,439
2005	6,495	71,287
2006	7,828	73,378
2007	9,018	77,849
2008	7,612	80,200
2009	4,290	82,170

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[72] The numbers are obtained from Ministry of Interior, Department of Associations.

APPENDIX E: NUMBER OF FOUNDATIONS IN TURKEY (1998-2009)[73]

Years	Number of Newly Established Foundations	Number of Active Foundations
1998	176	4430
1999	120	4533
2000	87	4591
2001	152	4608
2002	34	4598
2003	25	4558
2004	29	4532
2005	28	4471
2006	29	4451
2007	55	4468
2008	97	4516
2009	33	4512

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[73] The numbers are obtained from General Directorate for Foundations at Prime Ministry

APPENDIX F: NUMBER OF ASSOCIATIONS ACCORDING TO THEIR TYPES (1998-2009)[74]

TYPES	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Religious Services	10,221	10,417	11,050	11,676	12,360	13,027	12,593	12,928	13,308	14,118	14,546	14,902
Social Life	3,681	3,752	3,980	4,205	4,452	4,692	4,535	4,656	4,793	5,085	5,238	5,367
Environment	925	942	1,000	1,056	1,118	1,178	1,139	1,169	1,204	1,277	1,316	1,348
Professional Solidarity	5,550	5,657	6,000	6,340	6,712	7,074	6,838	7,020	7,226	7,666	7,898	8,092
Development	6,485	6,609	7,011	7,408	7,842	8,265	7,990	8,203	8,443	8,958	9,228	9,455
Civil Rights	534	545	578	610	646	681	658	676	696	738	760	779
Youth	403	411	436	461	488	514	497	510	525	557	574	588
Culture	2,160	2,202	2,336	2,468	2,613	2,754	2,662	2,733	2,813	2,984	3,074	3,150
Health	1,280	1,304	1,384	1,462	1,548	1,631	1,577	1,619	1,666	1,768	1,821	1,866
Social	602	613	650	687	727	767	742	761	783	831	856	877
Charities	329	336	356	376	398	420	406	416	429	455	468	480
Sports	9,837	10,025	10,635	11,237	11,896	12,538	12,120	12,442	12,807	13,588	13,999	14,342
Public Works	1,010	1,029	1,092	1,153	1,221	1,287	1,244	1,277	1,314	1,395	1,437	1,472
International Activities	52	52	56	60	63	66	64	66	68	72	74	76
Atatürk Thought Association	322	329	349	368	390	411	397	408	420	445	459	470
Friendship	2,822	2,876	3,051	3,224	3,413	3,597	3,477	3,571	3,675	3,899	4,016	4,115

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[74] The list is obtained from Ministry of Interior, Department of Associations.

TYPES	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Other	217	222	235	248	263	277	268	275	283	300	309	317
Turkish Aeronautical Ass.	342	349	370	391	414	436	422	433	446	473	487	499
Cooperation	9,408	9,589	10,171	10,747	11,377	11,991	11,592	11,900	12,249	12,996	13,388	13,717

Name of the Town	Number of Associations	Percentage
Adana	1721	1.99
Adıyaman	474	0.55
Afyon	1106	1.28
Ağrı	202	0.23
Aksaray	277	0.32
Amasya	379	0.44
Ankara	8337	9.68
Antalya	2206	2.56
Ardahan	87	0.10
Artvin	347	0.40
Aydın	1236	1.43
Balıkesir	1527	1.77
Bartın	231	0.26
Batman	255	0.29
Bayburt	144	0.16
Bilecik	349	0.40
Bingöl	179	0.20
Bitlis	306	0.35
Bolu	512	0.59
Burdur	319	0.37
Bursa	3397	3.94
Çanakkale	810	0.94
Çankırı	374	0.43
Çorum	560	0.65
Denizli	1326	1.54
Diyarbakır	754	0.87
Düzce	695	0.80
Edirne	528	0.61
Elazığ	461	0.53

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[75] The numbers are obtained from Ministry of Interior, Department of Associations web site www.dernekler.gov.tr on 20 November 2010.

Name of the Town	Number of Associations	Percentage
Erzincan	295	0.34
Erzurum	650	0.75
Eskişehir	1017	1.18
Gaziantep	1017	1.18
Giresun	652	0.75
Gümüşhane	199	0.23
Hakkari	166	0.19
Hatay	974	1.13
Iğdır	179	0.20
Isparta	739	0.85
İstanbul	17497	20.32
İzmir	4687	5.44
Kahramanmaraş	701	0.81
Karabük	570	0.66
Karaman	274	0.31
Kars	236	0.27
Kastamonu	502	0.58
Kayseri	1179	1.36
Kırıkkale	424	0.49
Kırklareli	494	0.57
Kırşehir	227	0.26
Kilis	111	0.12
Kocaeli	2494	2.89
Konya	2211	2.56
Kütahya	1029	1.19
Malatya	681	0.79
Manisa	1347	1.56
Mardin	302	0.35
Mersin	1526	1.77
Muğla	997	1.15
Muş	175	0.20
Nevşehir	336	0.39
Niğde	338	0.39

APPENDIX G continued

Name of the Town	Number of Associations	Percentage
Ordu	870	1.01
Osmaniye	459	0.53
Rize	594	0.69
Sakarya	1465	1.70
Samsun	1642	1.90
Siirt	180	0.20
Sinop	303	0.35
Sivas	742	0.86
Şanlıurfa	645	0.74
Şırnak	125	0.14
Tekirdağ	873	1.01
Tokat	562	0.65
Trabzon	1223	1.42
Tunceli	115	0.13
Uşak	525	0.60
Van	660	0.76
Yalova	403	0.46
Yozgat	397	0.46
Zonguldak	960	1.11

1982 Anayasası, Madde 33:

"Herkes, önceden izin almaksızın dernek kurma ve bunlara üye olma ya da üyelikten çıkma hürriyetine sahiptir.

Hiç kimse bir derneğe üye olmaya ve dernekte üye kalmaya zorlanamaz.

Dernek kurma hürriyeti ancak, millî güvenlik, kamu düzeni, suç işlenmesinin önlenmesi, genel sağlık ve genel ahlâk ile başkalarının hürriyetlerinin korunması sebepleriyle ve kanunla sınırlanabilir.

Dernek kurma hürriyetinin kullanılmasında uygulanacak şekil, şart ve usuller kanunda gösterilir.

Dernekler, kanunun öngördüğü hallerde hâkim kararıyla kapatılabilir veya faaliyetten alıkonulabilir. Ancak, millî güvenliğin, kamu düzeninin, suç işlenmesini veya suçun devamını önlemenin yahut yakalamanın gerektirdiği hallerde gecikmede sakınca varsa, kanunla bir merci, derneği faaliyetten men ile yetkilendirilebilir. Bu merciin kararı, yirmi dört saat içinde görevli hâkimin onayına sunulur. Hâkim, kararını kırk sekiz saat içinde açıklar; aksi halde, bu idarî karar kendiliğinden yürürlükten kalkar.

Birinci fıkra hükmü, Silahlı Kuvvetler ve kolluk kuvvetleri mensuplarına ve görevlerinin gerektirdiği ölçüde Devlet memurlarına kanunla sınırlamalar getirilmesine engel değildir.

Bu madde hükümleri vakıflarla ilgili olarak da uygulanır."

BIBLIOGRAPHY

Ahmad, F. (1996). *Demokrasi Sürecinde Türkiye 1945-1980*. İstanbul: Hil Publications.

Ahmad, F. (2000). *The Making of Modern Turkey*. London, New York: Routledge.

Ahmad, F. (2003). *Turkey: The Quest for Identity*. England: Oneworld Publications.

Akarlı, E. D. (1975). The State as a Socio-Cultural Phenomenon and Political Participation in Turkey. In G. B.-D. Engin Deniz Akarlı (Ed.), *Political Participation in Turkey Historical Background and Present Problems* (pp. 135-157). İstanbul: Boğaziçi University Publications.

Akçapar, B. (2007). *Turkey's New European Era*. UK: Rowman & Littlefield Publishers.

Akşit, B., Tabakoğlu, B. ve Serdar, A. (2003). *Sivil Toplum ve Katılımın Güçlendirilmesinde Sivil Toplum Kuruluşlarının Rolü (Civil Society and the Role of Civil Society Organizations in the Enhancement of Participation)*, Research Report, TÜBİTAK, Ankara.

Aktay, Y. (2003). Sivil Toplum ve Sıkıntıları: Oryantalizm, Şiddet, Vesaire [Electronic Version]. *Sivil Toplum Dergisi*, *1*. Retrieved January-February-March 2003 from http://www.siviltoplum.com.tr/?ynt=icerikdetay&icerik=46&id=103

Alemdar, Z. (2008). *Turkish Civil Society and the European Union*. UK, USA: VDM Verlag Dr. Müller.

Alkan, M. Ö. (1998a). 1856-1945 İstanbul'da Sivil Toplum Kurumları. In İ. T. Ahmet N. Yücekök, Mehmet Ö. Alkan (Ed.), *Tanzimattan Günümüze İstanbul'da STK'lar* (pp. 79-145). İstanbul: Türkiye Ekonomik ve Toplumsal Tarih Vakfı.

Alkan, M. Ö. (1998b). Sivil Toplum Kurumlarının Hukuksal Çerçevesi 1839-1945. In İ. T. Ahmet N. Yücekök, Mehmet Ö. Alkan (Ed.), *Tanzimattan Günümüze İstanbul'da STK'lar* (pp. 45-73). İstanbul: Türkiye Ekonomik ve Toplumsal Tarih Vakfı.

Anderson, J. J. (2002). Europeanization and the Transformation of the Democratic Polity, 1945-2000. *Journal of Common Market Studies 40*(5), 793-822.

Anderson, P. (1976). The Antinomies of Antonio Gramsci *New Left Review*(100), 5-78.

Arendt, H. (1987). *Lectures on Kant's Political Philosophy*. Chicago: University of Chicago Press.

Arthur, C. J. (1972). Editor's Introduction. In C. J. Arthur (Ed.), *The German Ideology*. New York: International Publishers.

Ashenden, S. (1999). Questions of Criticism: Habermas and Foucault on Civil Society and Resistance. In D. O. Samantha Ashenden (Ed.), *Foucault Contra Habermas: Recasting the Dialogue Between Genealogy and Critical Theory* London, California: Thousand Oaks, SAGE.

Avcı G. "Turkey's EU Politics: What Justifies Reforms?" in Helene Sjursen (ed.), *Enlargement in Perspective* (Oslo: ARENA Report No. 2, 2005).

Aydın, S. and Keyman E. F., (2004) 'European Integration and the Transformation of Turkish Democracy', CEPS, EU-Turkey Working Papers, No:2.

Bagic, A. (2004) 'Talking About Donors'. In Gould, J. and Secher Marcussen, H. (Ed.), *Ethnographies of Aid – Exploring Development Texts and Encounter*. Roskilde University Occasional Paper in International Development Studies, 24; 199-226.

Bağış, E. (2010). Sivil Toplumla Diyalog Toplantılarının Üçüncüsü İstantbul'da Düzenlendi.   Retrieved 12 November 2010, from http://www.egemenbagis.com/web/11-14971-1-1/egemen_bagis_tr/medya/haberler/sivil_toplumla_diyalog_toplantilarinin_ucuncusu_istanbulda_duzenlendi

Barber, B. R. (1999). Clansmen, Consumers, and Citizens: Three Takes on Civil Society. In R. K. Fullinwider (Ed.), *Civil Society, Democracy, and Civic Renewal*. Lanham, MD: Rowman & Littlefield Publishers.

Berg, M. v. d. (2006). Written Question to the Commission *E-5151/06* Brussels: European Parliament.

Beyers, J. (2002). Gaining and Seeking Access. The European Adaptation of Domestic Interest Assocations *European Journal of Political Resarch, 41*(5), 585-612.

Beyers, J., & Kerremans, B. (2007). Critical Resource Dependencies and the Europeanization of Domestic Interest Groups. *Journal of European Public Policy, 14*(3), 460-481.

Bikmen, F., & Meydanoğlu, Z. (2006). *Civil Society in Turkey: An Era of Transition*. İstanbul: TUSEV Publications.

Bobbio, N. (1982). Gramsci ve Sivil Toplum Kavramı (A. İpek & K. Somer, Trans.). In N. Bobbio & J. Texier (Eds.), *Gramsci ve Sivil Toplum*. Ankara: Savaş Publications.

Börzel, T. (1999). Towards Convergence in Europe? Institutional Adaptation to Europeanization in Germany and Spain. *Journal of Common Market Studies, 37*(4), 573-596.

Börzel, T. (2002). Pace-Setting, Foot-Dragging and Fence-Sitting: Member State Responses to Europeanization. *Journal of Common Market Studies, 40*(2), 193-214.

Börzel, T. (2003). How the European Union Interacts with Its Member States. *IHS Political Science Series* (93).

Börzel, T., & Risse, T. (2003). Conceptualizing the Domestic Impact of Europe In K. Featherstone & C. M. Radaelli (Eds.), *The Politics of Europeanizations*. Oxford: Oxford University Press.

Buğra, A., Adaman, F., & İnsel, A. *Çalışma Hayatındaki Yeni Gelişmeler ve Sendikaların Değişen Rolü, 2004-2005*. (2005). İstanbul: Boğaziçi University Social Policy Forum.

Cem, İ. (1997). *Türkiye'de Geri Kalmışlığın Tarihi*: Can Publications.

Chalmers, D. A. (1993). Internationalized Domestic Politics in Latin America, the Institutional Role of Internationally Based Actors. Unpublished Unpublished paper. Department of Political Science, Columbia University

Checkel, J. T. (2001). The Europeanization of Citizenship? In J. Caporaso, M. Cowles & T. Risse (Eds.), *Transforming Europe: Europeanization and Domestic Change*. Ithaca: Cornell University Press.

Civil Society Index. (2005). Civil Society National Forum Evaluation Report of Civil Society Index Project.

Cohen, J. L., & Arato, A. (1992). *Civil Society and Political Theory*. USA: MIT Press.

Commission of the European Communities. (1992). *An Open and Structured Dialogue Between the Commission and Special Interest Groups*. Retrieved. from http://ec.europa.eu/civil_society/interest_groups/docs/v_en.pdf.

Commission of the European Communities. (1997). *Promoting the Role of Voluntary Organizations and Foundations in Europe*. Retrieved. from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:1997:0241:FIN:EN:PDF

Commission of the European Communities. (2000). *The Commission and Non-Governmental Organization: Building a Stronger Partnership*. Retrieved. from http://ec.europa.eu/civil_society/ngo/docs/communication_en.pdf.

Commission of the European Communities. (2001). *White Paper on European Governance*. Retrieved. from http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001_0428en01.pdf.

Commission of the European Communities. (2003). *Regular Report on Turkey's Progress towards Accession*. Retrieved. from http://ec.europa.eu/enlargement/archives/pdf/key_documents/2003/rr_tk_final_en.pdf.

Commission of the European Communities. (2004). *Communication from the Commission to the Council, the European Parliament, Recommendation of the European Commission on Turkey's Progress Towards Accession*. Retrieved. from http://www.avrupa.info.tr/Files/File/CSD/civildialogue-eng.pdf.

Commission of the European Communities. (2005a). *Communication From the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Civil Society Dialogue between the EU and Candidate Countries*. Retrieved. from http://www.avrupa.info.tr/Files/File/CSD/civildialogue-eng.pdf.

Commission of the European Communities. (2005b). *Turkey 2005 Progress Report*. Retrieved. from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2005:1426:FIN:EN:HTML.

Commission of the European Communities. (2006). *Turkey 2005 Progress Report*. Retrieved. from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52006SC1390:EN:NOT.

Commission of the European Communities. (2007). *Regulation No 718/2007* Retrieved. from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R0718:EN:NOT.

Constitution. (1909). from http://www.anayasa.gen.tr/1876ke.htm.

Constitution. (1924). from http://www.anayasa.gen.tr/1924tek.htm.

Constitution. (1961). from http://www.anayasa.gen.tr/1961ay-metin.htm.

Constitution. (1982). from http://www.anayasa.gen.tr/1982ay.htm.

Council of the European Communities. (2001a). *Treaty of Nice Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts*. Retrieved. from http://eur-lex.europa.eu/en/treaties/dat/12001C/pdf/12001C_EN.pdf.

Council of the European Communities. (2001b). *Turkey: 2001 Accession Partnership. Council Decision on the Principles, Priorities, Intermediate Objectives and Conditions Contained in the Accession Partnership with the Republic of Turkey Treaty of Nice Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts*. Retrieved. from http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type_doc=Decision&an_doc=2001&nu_doc=235.

Council of the European Communities. (2006). *Turkey: 2005 Accession Partnership. Council Decision of 23 January 2006 on the principles, priorities and conditions contained in the Accession Partnership with Turkey (2006/35/EC)*. Retrieved from http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&numdoc=306D0035&lg=en

Council of the European Communities. (2008). *Turkey: 2007 Accession Partnership. Council Decision of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey and repealing Decision 2006/35/EC (2008/157/EC)* Retrieved from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:051:0004:01:EN:HTML

Cowles, M. G., Caporaso, J., & Risse, T. (2001). Europeanization and Domestic Change: Introduction. In M. G. Cowles, J. Caporaso & T. Risse (Eds.), *Transforming Europe*. Ithaca and London: Cornell University Press.

Cowles, M. G., & Risse, T. (2001). Transforming Europe: Conclusions. In M. G. Cowles, J. Caporaso & T. Risse (Eds.), *Transforming Europe*. Ithaca and London: Cornell University Press.

Cram, L. (2001). Governance "to go": Domestic Actors, Institutions and the Boundaries of the Possible. *Journal of Common Market Studies, 39*(4), 595-618.

Crawford, G. (2000). European Union Development Co-operation and the Promotion of Democracy. In P. Burnell (Ed.), *Democracy Assistance International Co-operation for Democratization*. Great Britain and USA: Frank Cass Publishers.

Çaha, Ö. (2001). The Inevitable Coexistence of Civil Society and Liberalism: The Case of Turkey. *Journal of Economic and Social Research, 3*(2), 35-50.

Delegation of the European Union to Turkey. (2006). *STK'lar İçin Pratik Rehber Türkiye'de Avrupa Komisyonu Hibeleri*. İstanbul.

Delegation of the European Union to Turkey. (2009). EU Funding in Turkey, 2007 Onwards. from http://www.avrupa.info.tr/AB_Mali_Destegi/2007_Sonrasi,2007_Sonrasi.html?pageindex=2

Diamond, L. (2004). Universal Democracy? [Electronic Version]. *Policy Review* from http://www.policyreview.org/jun03/diamond.html.

Diez, T., Agnantopoulos, A., & Kaliber, A. (2005). File: Turkey, Europeanization and Civil Society, Introduction. *South European Society and Politics,* 10 (1), 1-15.

Dyson, K. (2007). Reinventing Europe? Turkey, European Union Accession and Europeanization. In E. LaGro & K. E. Jorgensen (Eds.), *Turkey and the European Union Prospects for a Difficult Encounter*. Great Britain: Palgrave Macmillan.

Edwards, M. (2004). *Civil Society*. Malden, MA Polity Press.

Edwards, M & Hulme, D. (1996) Too Close for Comfort? The Impact of Official Aid on Non-governmental Organizations. *World Development.* 2, 4(6): 961-73.

Ehrenberg, J. (1999). *Civil Society: The Critical History of an Idea*. New York and London: New York University Press.

Ergun, A. (2010) Civil Society in Turkey and Local Dimensions of Europeanization. *Journal of European Integration*. 32: 5, 507-522.

Europa Media PSC. (2008). *Quick Guide to EU Funds*. Hungary.

European Court of Auditors. (2009). *The European Commission's Management of Pre-Accession Assistance to Turkey Special Report* (No. 16-2009): European Court of Auditors.

European Economic and Social Committee. (1999). *The Role and Contribution of Civil Society Organisations in the Building of Europe* (Opinion). Brussels: European Economic and Social Committee.

European Economic and Social Committee. (2000a). *The 2000 Intergovernmental Conference – The Role of the European Economic and Social Committee* (Opinion). Brussels: European Economic and Social Committee.

European Economic and Social Committee. (2000b). *The Commission and Non-Governmental Organisations : Building a Stronger Partnership* (Opinion). Brussels: European Economic and Social Committee.

European Economic and Social Committee. (2001a). *Strategic Objectives 2000-2005* (Opinion). Brussels: European Economic and Social Committee.

European Economic and Social Committee. (2001b). *Organised Civil Society and European Governance : The Committee's Contribution to the White Paper* (Opinion). Brussels: European Economic and Social Committee.

European Roundtable of Industrialists.   Retrieved 1 May 2010, from http://www.ert.be/origins.aspx

Evren, K. (1991). *Kenan Evren'in Anıları* (Vol. 3). İstanbul: Milliyet Publications.

Featherstone, K. (2001). *Europeanization in Theory and Practice*. Paper presented at the Conference on Europeanization of Security and Defense Policy.

Femia, J. (2001). Civil Society and the Marxist Tradition. In S. Kaviraj & S. Khilnani (Eds.), *Civil Society: History and Possibilities*. Cambridge and New York Cambridge University Press.

Ferguson, A. (1980). *An Essay on the History of Civil Society*. New Brunswick and London: Transaction Books.

Fischer, A., Nicolet, S., & Sciarini, P. (2002). Europeanisation of a Non-EU Country: The Case of Swiss Immigration Policy. *West European Politics, 25*(4), 143-170.

Foley, M. W., & Hodgkinson, V. (2003). *The Civil Society Reader*. Hanover and London: University Press of New England.

Fowler, A. (1992). Distant obligations: Speculations on NGO Funding and the Global Market. *Review of African Political Economy*, 55, 9-29.

Gillespie, R., & Young, R. (2002). Themes in European Democracy Promotion. In R. Gillespie & R. Young (Eds.), *The European Union and Democracy Promotion: The Case of North Africa*. London and Portland: Frank Cass Publications.

Giner, S. (1995). Civil Society and Its Future. In J. A. Hall (Ed.), *Civil Society Theory History Comparison*. USA: Polity Press.

Göksel, D. N., and Rana Birden Güneş. "The Role of NGOs in the European Integration Process: The Turkish Experience." *South European Society & Politics* 10, no. 1 (April 2005): 57-72.

Göle, N. (1995). 80 Sonrası Politik Kültür. In E. Kalaycıoğlu & A. Y. Sarıbay (Eds.), *Türkiye'de Siyaset: Süreklilik ve Değişim*. İstanbul: Der Publications.

Gramsci, A. (1985). *Aydınlar ve Toplum : Denemeler* (V.Günyol, F. Edgü & B. Onaran, Trans.). İstanbul Alan Publications.

Gramsci, A. (2008). *Selections from the Prison Notebooks of Antonio Gramsci* (Q. Hoare & G. N. Smith, Trans.) Quintin Hoare and Geoffrey Nowell Smith eds.). New York: International Publishers.

Guiliani, M. (2002). Europeanization and Italy: A Bottom Up Process. In A. Eriksson & J. Hallenberg (Eds.), *Europeanization of Security and Defense Policy*. Stockholm: The Swedish National Defense College, Acta B24.

Gül, H. & Arısoy., A. (2007). AB ve Sivil Toplum Kuruluşlar: Uluslarüstü Düzeyde Etkileşim ve Avrupa Sanayicileri Yuvarlak Masası Örneği [Electronic Version]. Retrieved September 2009 from http://www.sivilgazete.org/2007/08/09/21/.

Habermas, J. (1992). Further Reflections on the Public Sphere. In C. Calhoun (Ed.), *Habermas and the Public Sphere*. Cambridge, Mass: MIT Press.

Habermas, J. (1994). *The Structural Transformation of the Public Sphere*. Cambridge: Polity Press.

Harmsen, R. (2000). Introduction: Approaches to Europeanization. In R. Harmsen & T. M. Wilson. (Eds.), *Europeanization: Institution, Identities and Citizenship*. The Netherlands: Rodopi B.V.

Hegel, F. (1991). *Elements of the Philosophy of Right*. Cambridge: Cambridge University Press.

Heper, M. (1976). Political Modernization As Reflected in Bureaucratic Change: The Turkish Bureaucracy and a 'Historical Bureaucratic Empire' Tradition. *International Journal of Middle East Studies, 7*(4).

Herzog, P. (1996). *Report on Participation of Citizens and Social Players in the Union's Institutional System*. Brussels: European Parliament

Huntington, S. (1991). *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press.

Jünemann, A. (2002). From the Bottom-Up to the Top: Civil Society and Transnational Non-Governmental Organizations in the Euro-Mediterranean Partnership. In R. Gillespie & R. Young (Eds.), *The European Union and Democracy Promotion: The Case of North Africa*. London, Portland: Frank Cass Publications.

Kalaycıoğlu, E. (1995). 1960 Sonrası Türk Siyasal Hayatına Bir Bakış: Demokrasi Neo-Patrimonyalizm ve İstikrar. In E. Kalaycıoğlu & A. Y. Sarıbay (Eds.), *Türkiye'de Siyaset: Süreklilik ve Değişim*. İstanbul: Der Publications.

Kaldor, M. (2003). *Global Civil Society An Answer to War*. UK, USA: Polity.

Kant, I. (1985). *Critique of Practical Reason* (L. W. Beck, Trans.). New York: Macmillan.

Keane, J. (1988a). Introduction. In J. Keane (Ed.), *Civil Society and the State New European Perspectives*. London, New York: Verso.

Keane, J. (1988b). Despotism and Democracy. In J. Keane (Ed.), *Civil Society and the State New European Perspectives*. London, New York: Verso.

Keck, M. E., & Sikkink, K. (1998). *Activists Beyond Borders*. Ithaca, New York: Cornell University Press.

Keyder, Ç. (1988). Class and State in the Transformation of Modern Turkey. In F. Halliday & H. Alavi (Eds.), *State and Ideology in the Middle East and Pakistan*. New York: Monthly Review Press.

Keyman, E. F., & İçduygu, A. (2003). Globalization, Civil Society and Citizenship in Turkey: Actors, Boundaries and Discourses. *Citizenship Studies, 7*(2), 219-234.

King, G., Keohane, R. O., & Verba, S. (1994). *Designing Social Inquiry :Scientific Inference in Qualitative Research.* Princeton: Princeton University Press.

Kirişçi, K., & Çapan, Z. G. (2004). Turkey on the Edges of the Convention on the 'Future of Europe'. *South European Society and Politics, 9*(1), 173 — 191.

Kongar, E. (1998). *Yirmibirinci Yüzyılda Türkiye: İkibinli Yıllarda Türkiye'nin Toplumsal Yapısı*. İstanbul: Remzi Publications.

Kubicek, P. (2001). The Earthquake, Europe and Prospects for Political Change in Turkey. *Middle East Review of International Affairs, 5*(2).

Kubicek, P. (2002). The Earthquake, Civil Society, and Political Change in Turkey: Assessment and Comparison with Eastern Europe. *Political Studies, 50*, 761-778.

LaGro, E., & Jorgensen, K. E. (2007). Introduction: Prospects for a Difficult Encounter. In E. LaGro & K. E. Jorgensen (Eds.), *Turkey and the European Union Prospects for a Difficult Encounter*. Great Britain: Palgrave Macmillan.

Locke, J. (1988). *Two Treatises of Government*. Cambridge; New York: Cambridge University Press.

Magnus, J. (2000). Europeanization, Territoriality, and Political Time. In R. Harmsen & T. M. Wilson (Eds.), *Europeanization, Institutions, Identities and Citizenship*. The Netherlands: Rodopi B.V.

Makovsky, A. (25 August 1999). Turkey Reacts to Quake with New Energy, Old Notions. *Washington Post*.

Manners, I. (2002). Normative Power Europe: A Contradiction in Terms? *Journal of Common Market Studies, 40*(2), 235-258.

Mardin, Ş. (1969). Power, Civil Society and Culture in the Ottoman Empire. *Comparative Studies in Society and History, 11*(13), 258-281.

Mardin, Ş. (1975). Center Periphery Relations: A Key to Turkish Politics? In E. D. Akarlı & G. Ben-Dor (Eds.), *Political Participation in Turkey Historical Background and Present Problems*. İstanbul: Boğaziçi University Publications.

Mardin, Ş. (1991). *Türkiye'de Toplum ve Siyaset Makaleler* (Vol. 1). İstanbul: İletişim Publications.

Mardin, Ş. (2000). Türk Siyasasını Açıklayabilecek Bir Anahtar: Merkez-Çevre İlişkileri. In E. Kalaycıoğlu & A. Y. Sarıbay (Eds.), *Türkiye'de Politik Değişim ve Modernleşme*. İstanbul: Alfa Publications.

Marx, K. (1970). *Critique of Hegel's 'Philosophy of Right'*. Cambridge: Cambridge University Press.

Marx, K. (1975). On the Jewish Question. In K. Marx & F. Engels (Eds.), *Collected Works* (Vol. 3). Moscow: Progress Publishers.

Marx, K. (1992). *Early Writings*. Enland; USA; Australia; Canada; New Zeland: Penguin Books.

Marx, K., & Engels, F. (1972). *The German Ideology*. New York: International Publishers.

Meyer, C. (1992). A Step Back as Donors Shift Institutions Building from the Public to the "Private" Sector. *World Development*, 20 (8), 1115-1126.

MWH Consortium. (2008). *Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Evaluation of Civil Society Development Programmes, Turkey, Final Report*.

MWH Consortium. (2009). *Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Civil Society Dialogue*.

Neocleous, M. (1996). *Administering Civil Society Towards a Theory of State Power*. Great Britain: MacMillan Press.

Nergiz, D. D. (2006). Impact of European Union Process in post-Helsinki era on Civil Society's Legal Framework in Turkey." *Civil Society and New Forms of Governence in Europe.* Edited by D. D. Nergiz. 2006. http://cinefogo.cuni.cz/index.php?&l=0&w=15&id_out=319 (accessed April 1, 2011).

Olsen, J. P. (2002). The Many Faces of Europeanization. *Journal of Common Market Studies, 40*(5), 921-952.

Öniş Z. 2000. "Luxembourg, Helsinki, and Beyond: Towards an Interpretation of Recent Turkey–EU Relations," *Government and Opposition*, Vol.35, No.4

Özdemir, N. (2007). Sivil Toplum. *AB Türkiye Görünüm*(2).

Özüerman, T. (1998). *Türkiye'nin Batılılaşma ve Demokratikleşme Açmazı*. İzmir: Dokuz Eylül Publications.

Pelczynski, Z. A. (1988). Solidarity and 'The Rebirth of Civil Society'. In J. Keane (Ed.), *Civil Society and the State*. London, New York: Verso.

Pérez-Diaz, V. (1995). The Possibility of Civil Society: Traditions, Character and Challenges. In J. A. Hall (Ed.), *Civil Society Theory History Comparison*. USA: Polity Press.

Pietikäinen, S. (2008). Written Question to the Commission *E-7003/08*. Brussels: European Parliament.

Popper, K. R. (1966). *The Open Society and Its Enemies* (Vol. 1). Princeton, New Jersey: Princeton University Press.

Pridham, G. (1991a). The Politics of the European Community, Transnational Networks and Democratic Transition in Southern Europe. In G. Pridham (Ed.), *Encouraging Democracy: The International Context of Regime Transition in Southern Europe*. New York: St. Martin's Press.

Pridham, G. (1991b). International Influences and Democratic Transition: Problems of Theory and Practice in Linkage Politics. In G. Pridham (Ed.), *Encouraging Democracy: The International Context of Regime Transition in Southern Europe*. New York: St. Martin's Press.

Putnam, R. (1995). Bowling Alone: America's Declining Social Capital. *Journal of Democracy, 6*(1), 65-78.

Putnam, R. (1996). The Strange Disappearance of Civic America. *The American Prospect*(24).

Putnam, R., Leonardi, R., & Nanetti, R. Y. (Eds.). (1993). *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton, NJ: Princeton University Press.

Radaelli, C. M. (2000). Policy Transfer in the European Union. *Governance, 13*(1), 25-43.

Rumelili B. (2005). "Civil Society and the Europeanization of Greek–Turkish Cooperation," *South European Society and Politics*, Vol.10, No.1

Sarıbay, A. Y. (1994). *Postmodernite, Sivil Toplum ve İslam*. İstanbul: İletişim Publications.

Sarıbay, A. Y. (2000). Türkiye'de Sivil Toplum ve Demokrasi. In A. Y. Sarıbay & E. F. Keyman (Eds.), *Global Yerel Eksende Türkiye*. İstanbul: Alfa Publications.

Saurugger, S. (2005). Europeanization as a Methodological Challenge: The Case of Interest Groups. *Journal of European Comparative Policy Analysis, 7*(4), 291-312.

Schimmelfennig, F. (2001). The Community Trap: Liberal Norms, Rhetorical Action and the Eastern Enlargement of the European Union. *International Organization, 55*(1), 47-80.

Schutter, O. d. (2002). Europe in Search of Its Civil Society. *European Law Journal, 8*(2), 198-217.

Secretariat General for EU Affairs. (2009). Pre-Accession Financial Assistance. Retrieved 20 October 2010, from http://www.abgs.gov.tr/index.php?p=5

Secretariat General for EU Affairs. (2010). Sivil Toplum Diyaloğu'nun Geliştirilmesi Projesi Nedir? . Retrieved 12 November 2010, from http://www.csdproject.net/web/AboutTheProgramme/tabid/54/language/tr-TR/Default.aspx

Seligman, A. B. (1992). *The Idea of Civil Society*. Princeton: Princeton University Press.

Sidenius, N. C. (1999). Business, Governance Structures and the EU: The Case of Denmark. In B. Kohler-Koch & R. Eising (Eds.), *The Transformation of Governance in the European Union*. London: Routledge.

Sollis, P. (1992) Multilateral Agencies, NGOs and Policy Reform. D*evelopment in Practice*, 2 (3), 163-178.

Stewart, Sheelagh. (1997) Happy Ever After in the Marketplace: Non-Government Organisations and Uncivil Society, *Review of African Political Economy*, 24 (71), 11-34.

Sullivan, W. M. (1999). Making Civil Society Work: Democracy as a Problem of Civic Cooperation. In R. K. Fullinwider (Ed.), *Civil Society, Democracy, and Civic Renewal*. Lanham, MD: Rowman & Littlefield Publishers.

Sunar, İ. (1974). *State and Society in the Politics of Turkey's Development*. Ankara: Ankara Üniversitesi Siyasal Bilgiler Fakültesi Publications.

Sunar, İ. (2004). *State, Society and Democracy in Turkey*. İstanbul: Bahçeşehir University Publications.

Şimşek, S. (2004). The Transformation of Civil Society in Turkey: From Quantity to Quality. *Turkish Studies, 5*(3).

T.C. Resmi Gazete. (1926). Medeni Kanun (Civil Code), *No. 743*: Resmi Gazete, No. 339, 4 April 1926.

T.C. Resmi Gazete. (1938). Cemiyetler Kanunu (Associations Law), *No. 3512*, Resmi Gazete, No. 3959, 14 July 1938.

T.C. Resmi Gazete. (1946). Law No. 4919: Resmi Gazete, No. 6329, 6 June 1946.

T.C. Resmi Gazete. (1952). Law No. 5927: Resmi Gazete, No. 8108, 13 May 1952.

T.C. Resmi Gazete. (1964). Law No. 490: Resmi Gazete, No. 11751, 11 July 1964.

T.C. Resmi Gazete. (1972). Dernekler Kanunu (Associations Law), *No. 1630,* Resmi Gazete, No. 14379, 2 December 1972.

T.C. Resmi Gazete. (1983). Dernekler Kanunu (Associations Law), *2908*: Resmi Gazete, No. 18184, 7 October 1983.

T.C. Resmi Gazete. (2001a). Ekonomik ve Sosyal Konseyin Kuruluşu, Çalışma Esas ve Yöntemleri Hakkında Kanun (Law on the Establishment and Working Principles and Procedures of the Economic and Social Council), *No. 4641*: Resmi Gazete, No. 24380, 21 April 2001.

T.C. Resmi Gazete. (2001b). Kamu Görevlileri Sendikaları Kanunu (Law on Public Employees' Trade Unions), *No. 4688*: Resmi Gazete, No. 24460, 12 July 2001.

T.C. Resmi Gazete. (2001c). Medeni Kanun (Civil Code), *No. 4721*: Resmi Gazete, No. 24607, 8 December 2001.

T.C. Resmi Gazete. (2001d). Law No. 4709: Resmi Gazete, No. 24556, 17 October 2001.

T.C. Resmi Gazete. (2002a). Law No. 4748: Resmi Gazete, No. 24721, 9 April 2002.

T.C. Resmi Gazete. (2002b). Law No. 4771: Resmi Gazete, No. 24841, 9 August 2002.

T.C. Resmi Gazete. (2003a). Law No. 4778: Resmi Gazete, No. 24990, 11 January 2003.

T.C. Resmi Gazete. (2003b). Law No. 4793: Resmi Gazete, No. 25014, 4 February 2003.

T.C. Resmi Gazete. (2003c). Law No. 4963: Resmi Gazete, No. 25192, 7 August 2003.

T.C. Resmi Gazete. (2003d). Cemaat Vakıflarının Taşınmaz Mal Edinmeleri, Bunlar Üzerinde Tasarrufta Bulunmaları ve Tasarrufları Altında Bulunan Taşınmaz Malların Bu Vakıflar Adına Tescil Edilmesi Hakkında Yönetmelik (Regulation on Acquisition and Disposal of Immovables by Non-Muslim Foundations and Registration of Immovables in their Possession to their Names): Resmi Gazete, No. 25003, 24 January 2003.

T.C. Resmi Gazete. (2004a). Dernekler Kanunu (Associations Law), *No. 5253*: Resmi Gazete, No. 25649, 23 November 2004.

T.C. Resmi Gazete. (2004b). Ceza Kanunu (Penal Code), *No. 5237*: Resmi Gazete, No. 25611, 12 October 2004.

T.C. Resmi Gazete. (2005). Dernekler Yönetmeliği (Regulation of Associations Law), Resmi Gazete, No. 25772, 31 March 2005.

T.C. Resmi Gazete. (2007). Sendikalar Kanunu (Law on Trade Unions), *No. 5672*: Resmi Gazete, No. 26539, 1 June 2007.

T.C. Resmi Gazete. (2008). Vakıflar Kanunu (Law on Foundations), *No. 5737*: Resmi Gazete, No. 26800, 27 February 2008.

T.C. Resmi Gazete. (2010). Türkiye Cumhuriyeti Anayasasının Bazı Maddelerinde Değişiklik Yapılması Hakkında Kanun (Law on Amending Certain Provisions of the Constitution), *No. 5982*: Resmi Gazete, No. 27580, 13 May 2010.

Texier, J. (1982). Gramsci, Üstyapılar Teorisyeni, Sivil Toplum Kavramı Üzerine (A. İpek & K. Somer, Trans.). In N. Bobbio & J. Texier (Eds.), *Gramsci ve Sivil Toplum*. Ankara: Savaş Publications.

Tocci, N. (2005). Europeanization in Turkey: Trigger or Anchor for Reform? *South European Society and Politics, 10*(1), 73-83.

Tocqueville, A. d. (1981). *Democracy in America*. New York: Modern Library.

Turkey's National Programme for the Adoption of the Acquis (2001). Retrieved 10 September 2010. from http://www.abgs.gov.tr/index.php?p=195=1.

Turkey's National Programme for the Adoption of the Acquis (2003). Retrieved 10 September 2010. from http://www.abgs.gov.tr/index.php?p=196&l=2.

Turkey's National Programme for the Adoption of the Acquis (2008). Retrieved 10 September 2010. from http://www.abgs.gov.tr/index.php?p=42260&l=2.

Turner, S. (1998). Global Civil Society, Anarchy and Governance: Assessing an Emerging Paradigm. *Journal of Peace Research, 35*(1), 25-42.

Vajda, M. (1988). East-Central European Perspectives. In J. Keane (Ed.), *Civil Society and the State*. London, New York: Verso.

Venice Commission. (13 March 2009). *Opinion on the Constitutional and Legal Provisions Relevant to the Prohibition of Political Parties in Turkey Adopted by the Venice Commission at its 78th Plenary Session*. Strasbourg: Venice Commission.

Vorhoff, K. (2000). Businessmen and their Organizations: Between Industrial Solidarity, Cultural Diversity, and the State. In Stefanos Yerasimos, Günter Seufert and Karin Vorhoff (eds.), *Civil Society in the Grip of Nationalism*. Istanbul: Orient Institut and Enstitut Francais d'Etudes Anatoliennes.

Warleigh-Lack, A. (2001). 'Europeanizing' Civil Society: NGOs as Agents of Political Socialization. *Journal of Common Market Studies, 39*(4), 619-639.

Whitehead, L. (1991). Democracy by Convergence and Southern Europe: A Comparative Politics Perspective. In G. Pridham (Ed.), *Encouraging Democracy: The International Context of Regime Transition in Southern Europe*. New York: St. Martin's Press.

Wiktorowicz, Q. (2000). Civil Society as Social Control: State Power in Jordan. *Comparative Politics, 33*(1).

World Values Survey. Retrieved 10 October 2010: http://www.wvsevsdb.com/wvs/WVSAnalizeQuestion.jsp

Yazıcı, S. (2009). Demokratikleşme Sürecinde Türkiye. In. İstanbul: İstanbul Bilgi Üniversitesi Publications.

Yeğen, M., Keyman, E. F., Çalışkan, M. A., & Tol, U. U. (2010). *Türkiye'de Gönüllü Kuruluşlarda Sivil Toplum Kültürü*. Ankara: YADA Foundation.

Yılmaz, H. (2002). External-Internal Linkages in Democratizations: Developing an Open Model of Democractic Change. *Democratization, 9*(2), 67-84.

Yılmaz, H. (2009). Problems of Europeanization and European Perceptions of Turkey as a Future Member State, CFCU-TR 0604.01/03.

Yücekök, A. N. (1998a). Türkiye'de Sivil Toplum Örgütleri Gelişiminin Toplumsal Aşamaları ve Süreci. In A. N. Yücekök, İ. Turan & M. Ö. Alkan (Eds.), *Tanzimattan Günümüze İstanbul'da STK'lar*. İstanbul: Türkiye Ekonomik ve Toplumsal Tarih Vakfı.

Yücekök, A. N. (1998b). Türkiye'de Derneklerin 14 Kategori Üzerinden Tasnifi ve Gelişme Süreçleri. In A. N. Yücekök, İ. Turan & M. Ö. Alkan (Eds.), *Tanzimattan Günümüze İstanbul'da STK'lar*. İstanbul: Türkiye Ekonomik ve Toplumsal Tarih Vakfı.