

## THE IMPACT OF THE EUROPEAN UNION ON THE DEMOCRATIZATION OF CIVIL-MILITARY RELATIONS IN TURKEY

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### Abstract

This paper investigates the influence of Turkey's European Union (EU) candidature on its civil-military relations. It argues that EU conditionality and adaptation pressure for the convergence and alignment of Turkey's authoritarian political regime to the EU *acquis communautaire* have resulted in the democratization of civil-military relations and the empowerment of government in the Turkish political system. The findings indicate that harmonization reforms have deinstitutionalized and illegalized the coercive influence of the military in the Turkish political system and empowered the government in political decision-making by: (a) changing the functions, duties and composition of the National Security Council (NSC), (b) increasing the parliamentary control over, and transparency in, defense and military expenditure, and the civil judiciary control over the military, and (c) increasing the public support and trust to the civil institutions. It utilizes Europeanization, and the rational choice and historical versions of the new institutionalist theory as its theoretical framework.

**Keywords:** Europeanization, conditionality, civil-military relations, Turkey, democratization

### Introduction

The influence of the EU on the transformation of the polity, politics and policies of member and candidate states has increasingly become a subject of discussion within the academic literature. However, the influence of the EU on the civil-military relations in candidate states in general and Turkey in particular, especially after the failed military coup attempt, is required more academic

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elaboration. A gap in the literature exists in terms of explaining how, under what conditions and to what extent member and/or candidate states' civil-military relations have been reoriented by EU membership or candidature, including civil-military relations in Turkey. The aim of this paper is therefore to contribute to the growing literature on the influence of the EU on candidate states' civil-military relations as well as Europeanization by analyzing the influence of the EU on the empowerment of the civil actors against the military-bureaucratic camp at Turkish level during the process of the country's accession to the EU.

This article argues that EU conditionality and adaptation pressure for the rule of law have had a very visible influence on civil-military relations at Turkish level. Harmonization reforms undertaken by the Turkish government to adapt the country's political system and legislation to the EU *acquis communautaire* have democratized civil-military relations and empowered the government in the Turkish political system and political decision-making through liberalizing Turkey's executive and judiciary system, increasing the civilian control over the military and increasing public support and trust to the civil actors and institutions. To figure out the changes in civil-military relations and the role of the EU we started our analysis from the sets of institutions, rules, ideas, actors, and policies in the fields of democracy and the rule of law at the Turkish level before 1999 (t<sub>1</sub>), the announcement of Turkey as a EU candidate. We then traced them over the years until the 2016 (during the Turkey's EU accession process), time (t<sub>2</sub>), and we tried to identify the alterations to them and the influence of the EU on the alterations. Misfit and EU adaptation pressure (Europeanization), critical junctures, punctuated equilibrium and path dependency (historical institutionalism) and empowerment of new actors against formal institutions and cost/benefit calculation (rational institutionalism) are used as the main explanatory instruments of analysis in the study.

Case study, interviews, academic journals and documentary analysis technics of qualitative method are used to collect, process and analyze data. Semi-structured interviews were conducted with twenty people in Turkey (in Istanbul and Ankara) and in Brussels, including officials from the Turkish Foreign Ministry, think tanks, trade unions and human rights organizations. These aimed to shed light on the experiences, knowledge, opinions and attitudes of informants in relation to Turkey's domestic politics and policy and Turkey–EU relations. Secondary sources include books and publications from seminars, conferences and other scientific gatherings, and academic journals in three key disciplines (specific studies on EU–Turkey relations, Europeanization,

new institutionalism), as well as journalistic accounts in both print and electronic forms, and information from the Internet. To demonstrate the credibility and validity of the data analysis, triangulation is undertaken. The information and/or evidence presented in the study are gleaned from data cross-referenced between interviews, documents and secondary sources, as well as within the data types, in a process of triangulation.

The following section seeks to clarify the applicability of Europeanization as a conceptual framework for analyzing the changes in the institutions and institutional power relations at Turkish level. In this part we discuss the forms and conditions for the domestic change generated by the EU in the candidate and applicant countries. It then elaborates on the rational and historical versions of new institutionalism for analyzing the domestic impact of the EU in general and specifically the role of the EU in the liberalization of the Turkish political system and civil-military relations over the last decade. Third, it explores the level of fit/misfit between the EU and Turkish levels in the field of democracy and rule of law. To ascertain the misfit gap between the Turkish and EU levels in the examined fields it engaged in a brief historical research, placing particular importance on the origins of the sets of institutions, rules, ideas, actors, and policies in these fields at the Turkish level before 1999. Fourth, it explores the absence or presence of change in these fields at the Turkish level throughout Turkey's EU candidature, 1999-2016 era. By doing so, it assesses how and to what extent the changes made have been generated by Turkey's EU accession process by using the explanatory instruments of Europeanization and rational and historical institutionalism.

### Europeanization

Europeanization is a concept<sup>1</sup> that is employed to describe different forms and processes of change at both the domestic and European levels generated by European integration throughout the EU. According to the conceptual framework<sup>2</sup> of Europeanization, in order to engender changes at the domestic level there must be some degree of 'incompatibility' between the EU and the domestic levels in terms of polity, politics and policy that requires the associated states to make changes to adapt to the EU *acquis communautaire*. A high level of incompatibility between the EU and domestic levels generates a high level of adaptation pressure at the domestic level. This is expected to

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<sup>1</sup> A concept is an idea or thought about "what something is or how it works".

<sup>2</sup> Europeanization can be considered a conceptual framework rather than a theory (Featherstone 2003, p.12). A conceptual framework is "the way ideas are organized to achieve a research project's purpose" (Shields & Rangarjan 2013, p. 24).

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result in a high level of change in the associated state (Börzel & Risse 2003; see also Börzel & Risse 2007, 2009, 2012; Schimmelfennig 2010). In this regard, we assess whether, if so, how the ‘incompatibility’ between Turkey and the EU in relation to democracy and the rule of law has driven EU adaptation and started Turkey down the path of the liberalization of its political regime, and resulting in a high level of change in the civil-military relations at Turkish level.

The literature on Europeanization reveals that the majority of studies on the domestic impact of the EU focus on the impact of the EU’s (first pillar) arrangements, regulations and directives on the member states’ socio-economic policies and practices. How have the member states adapted their institutions, policies and practices to the EU regulations and requirements? As a result of internalization of the EU regulations and directives how have the member and candidate states’ policies and implementations in connected fields changed over time? Although the scholars of Europeanization largely focus on the impact of the EU on member states, its scope is not limited to member states (Vink & Graziano 2007, p. 11-12; Schimmelfennig 2010; Börzel and Pamuk 2012). Relatively small but growing research assesses the changes caused by the EU pressure and conditionality in applicant and candidate states (Wallace 2000, p. 36; Grabbe 2003, 2006; Schimmelfennig & Sedelmeier 2004, 2006, 2011; Noutcheva & Duzgit 2012). There are also a few researches which have expanded the scope of Europeanization beyond the member, candidate and applicant states such as quasi-members (Fischer et al. 2002; Laegreid et al. 2004; Sciarini et al. 2004; Sverdrup & Kux 2000), neighborhood countries (Youngs 2001; Weber et al. 2007; Schimmelfennig 2010; Börzel & Pamuk 2012; Magen 2012; van Hullen 2012), OECD countries (Meunier 2005; Bretherton & Vogler 2006; Sasse 2008; Lavenex & Wichmann 2009) and other regions (Telo` 2001; Grugel 2004; Börzel & Risse 2009, 2012; Farrel 2009).

These studies mostly based their conceptual frameworks on the ongoing debate about new institutionalism, especially rationalist, sociological and historical version of it. In parallel with the analysis of the Europeanization of member states they also argued that the impact of the EU on candidates, ‘quasi-members, the Organization for Economic Co-operation and Development (OECD) countries and regions is also different across countries, regions and policy fields.

The candidate and applicant countries like current member states have to adapt their policies and institutions to the EU regulations and directives and thus they are exposed to the adaptation pressures even more than the current member states. It is therefore argued that the frameworks developed for

analyzing the changes in policy, polity and politics of the states as a result of EU membership could be applied in assessing the impact of the EU on candidate and applicant countries (Goetz 2000; Grabbe 2003, 2006; Dimitrova 2002; Sedelmeier 2006, 2011; Pomorska 2007; Börzel & Risse 2007, 2009, 2012). As regards the asymmetric relationship between them and the EU and the principle of conditionality in pre-accession, however, the method of Europeanization in candidate and applicant countries is different from how it is in member states. There are a number of arguments about why it is different<sup>3</sup> but we can state here three main reasons: (1) applicant and candidate countries cannot join the EU decision-making process; on the other hand, (2) the EU with accession partnership and regular progressing reports directly influences domestic policymaking process, and (3) applicant and candidate countries are obliged to implement the directives and regulations of the EU without the benefit of negotiations.

It is argued that the Central and Eastern European Countries (CEEC) in the pre-accession process transferred and adapted their policies and institutions to the EU as current member states do (Grabbe 2003, 2006; see also Börzel & Pamuk 2012; Noutcheva & Duzgit, 2012; for comparison with Turkey see Frank Schimmelfennig 2004). Whereas existing member states, especially big member states, can, to some extent, “upload” their own preferences, interests and policies to EU level. Thus, they can minimize the adaptation costs and pressures. Yet the CEECs were simply expected to download the directives and regulations of the EU without the benefits of negotiation, because the EU had a coercive influence on their domestic decision-making processes through pre-accession negotiations (Grabbe 2003, 2006; Börzel & Risse 2007, 2009). They were candidates and thus they were unable to influence the EU decision-making process from the inside – a factor which constitutes the other dimension of Europeanization. It is rightly argued that the CEECs downloaded EU rules, regulations and directives to domestic level even if these were unattractive to them because, as one of the CEEC officials said, they believed that “ultimately accession on any terms is better than no accession” (Grabbe 2006, p. 2).

The EU has consequently had a powerful impact on candidates’ policymaking, guiding the domestic policy-making process in the CEEC through strategies embedded in the accession partnership and regular reports which set out a list

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<sup>3</sup> Grabbe (2003) listed two factors that distinguish Europeanization of candidate states from that of member states: (1) asymmetrical relationship (2) uncertainty about the result of negotiations. See also Dimitrova (2002).

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of priorities to be implemented within a certain time frame<sup>4</sup> (Terzi 2008, pp. 9; see also Terzi 2010; Noutcheva & Duzgit 2012). Domestic response to the EU and its adaptation pressure, however, varies owing to the variegated nature of domestic formal and informal institutions mediating for domestic change and adaptation to EU. Thus the term of Europeanization, which is not a theory (Bulmer 2007, pp. 47), itself does not provide comprehensive explanatory instruments to analyze the domestic impact of the EU in general and specifically the role of the EU in the liberalization of the civil-military relations and the empowerment of civil actors at Turkish level. Although theoretical framework is always selective (Goetz & Mayer-Sahling 2008, pp. 19) Europeanization is generally embedded with the new institutionalism in analyzing domestic impact of the EU.

### **New Institutionalism**

There are several versions of new institutionalism, but three, historical, rational choice, and sociological institutionalism, and more recently, discursive institutionalism, are usually embedded with Europeanization in analyzes of the domestic impact of European integration throughout the EU. All four might shed light on the domestic impact of the EU, as well as the importance of Turkey's EU accession process in the transformation of civil-military relations and the empowerment of government in Turkish political system. However, the rational choice and historical versions of new institutionalism are likely to be the most useful in analyzing and assessing the changes in Turkey, including civil-military relations, during the EU accession process, and the role played by the EU.

#### *Historical Institutionalism*

Similarly to other versions of new institutionalist theories, historical institutionalism (HI) defines institutions “as the formal or informal procedures, routines, norms and conventions embedded in the organizational structure of the polity or political economy” (Hall & Taylor, 1996: p.938). It also conceptualizes and stresses the relationship between institutions and individual or political behavior. However, HI regards the institutions as the “results of large-scale and long-term processes” and stresses the connection and relationship between historical development and institutions (Schmidt 2011, p. 63). To understand and explain why a certain choice was made and/or “how something came to be what it is” (Pierson 2005, p. 34), HI focuses on the development of institutions and how they structure actions and outcomes. It

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<sup>4</sup> Although it goes beyond the purpose of this analysis, it should be noted that post-accession conditionality is also possible (Gherghina & Soare 2015).

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considers the phases of change, the path dependencies and unintended consequences that result from historical developments (Steinmo et al. 1992; Hall & Taylor 1996, p. 938; Thelen 1999; Hall & Thelen 2006; Meunier & McNamara 2007, p. 4; Schmidt 2008, 2011).

The argument of historical institutionalists is that current change and development is not only a response to contemporary demands, but also to previous circumstances (Hall & Taylor, 1996). In other words, they regard “the time” and “historical developments” as crucial in order to understand and explain later events and their causes. For this reason, they believe that an examination of the period of institutional origin provides them with a richer sense of the nature of a contemporary policy or political or social phenomenon (see Pierson 1996, p.127). “The examination of a political phenomenon is best comprehended as a process that unfolds over time... and many of the contemporary implications of these temporal processes are embedded in institutions – whether these be formal rules, policy structures, or norms” (Pierson 1996, p.126). As such, they engage in a historical research by according special importance to the origins and the development of institutions<sup>5</sup>, and their influence on contemporary politics, political and policies (Almond 1956; Annett 2010, p.4). In researching states, politics, policies and policy-making, and in evaluating them and the changes in them, they “combine effects of institutions and processes” and pay attention to the “time”, “critical junctures”, “sequences” and “tracing transformations”, and how the processes of interaction between institutions and organizations shape and reshape them.

This study investigates the transformation of civil-military relations at Turkish over the last decade, and the role of Turkey’s EU candidature in its transformation. It also addresses the important puzzle of why and how Turkey has transferred its civil-military relations over the last decade. In other words, the study analyzes how civil-military relations came to be what it is. It argues that many of the contemporary institutions and implications of civil-military relations are, to large extent, a direct or indirect, and/or intended or unintended result of turning points in EU-Turkey relations over the last decade. In this regard, engaging in historical research by according special importance to the origins and the development of institutions at the Turkish level, and how the processes of interaction between institutions and organizations throughout the process of Turkey’s accession to the EU have shaped and

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<sup>5</sup> They are situated in time.

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reshaped them, seems crucial to understanding and explaining the increasing changes in civil-military relations and their causation at Turkish level.

Examining these factors together, the historical institutional approach would contribute to an understanding and explanation of the increasing changes in civil-military at Turkish level over the last decade, as well as their causes. For this reason, our study will consider both the effects of institutions and processes and will interweave the historical legacy with current conditions. Furthermore, as will be elaborated below, the concepts of HI, including the “critical juncture”, “path dependency”, and “punctuated equilibrium” provide advantages in examining what has precipitated the changes in civil-military relations during the EU accession process. We will benefit, therefore, from the analytical toolkits of HI in identifying the explanatory variables and factors that have mediated changes in civil-military relations at Turkish level during the EU accession process.<sup>6</sup>

The main concept that HI literature considers in explaining how institutions, political and social phenomenon, and policies occur, evolve or change is “Path Dependency”. Sewell defines path dependency, as “a relationship whereby what happened at an earlier point in time will affect the possible outcomes of a sequence of events occurring at a later point in time” (Sewell 1996, p.262–263). In this regard, it means that the adaptation to a particular institution or policy at an earlier point in time will produce an additional adaptation of a similar nature in institutions or move on the same track at a later point in time (Kay 2005, p. 255; Skocpol & Pierson 2002). As understood in accordance with Skocpol and Pierson’s (2002) definition, which states that “outcomes at a “critical juncture” trigger feedback mechanisms [negative or positive] that reinforce the recurrence of a particular pattern into the future”, it is closely linked with the notion of “critical junctures”.

‘Critical junctures’ are political, social, or economic upheavals, historical moments or critical turning points in which dramatic changes occur and constitute starting points for the alteration of formal and informal institutions or preferences: they represent the starting points for path dependent processes. As Pierson, (2005, p.135) puts it, “[j]unctures are “critical” because they place institutional arrangements on paths or trajectories”,<sup>7</sup> and they also

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<sup>6</sup> The implementation of this theoretical framework in the study will be described below and in subsequent sections.

<sup>7</sup> Although analyses of path dependence — except for the macro historical analyses of the development of entire polities — pay little attention to critical junctures and often



determine the choice and power of agency and long-term development patterns. In the context of domestic Europeanization, becoming an EU candidate or a member, and important agreements or disagreement and crises between associated states and the EU, are critical junctures that constitute the starting points for Europeanization or de-Europeanization in domestic institutions or polices, and thus, for path dependent processes. Path dependency therefore means that once an EU institution or policy is incorporated at the domestic level, it is followed by additional adaptation to EU institutions or policies (Cowles & Curtis 2004, p.300). In this context, how the critical junctures in EU-Turkey relations have triggered feedback mechanisms and how those mechanisms have reinforced the recurrence of particular institutions and relations in civil-military relations at a later time will be investigated. As noted by Capoccia & Kelemen (2007, p.4), narrative process tracing provide a rich analytical toolkit to analyze the role of critical junctures in changing institutions, policies and political outcomes. Critical junctures analysis, therefore, will be employed to enable us to benefit from their rich analytical toolkit in analyzing how Turkey's process of accession to the EU has created enduring effects on civil-military relations. In this sense, we will conceptualize institutional and political changes that are the result of critical junctures, as well as their intended and unintended impact on civil-military relations.

As previously discussed, however, a critical juncture is the starting point for path dependency. Thus, the original and/or chosen path is sticky and locks in equilibrium until an external critical juncture punctuates it and starts a new process on another path. In other words, institutions remain at equilibrium until they are punctuated by an external juncture. From this perspective, the explanation of change is "punctuated equilibrium" (see Thelen and Steinmo 1992). As argued previously, this study proposes that, for at least the past two decades, critical junctures in EU-Turkey relations have directly and/or indirectly occurred at turning points that have altered the institutions and institutional structure at the Turkish level and have started new eras in Turkey's domestic politics. The equilibrium in Turkey's institutional structure, as well as its domestic politics, has been punctuated by critical junctures in EU-Turkey relations. The concepts of "critical juncture" and "punctuated equilibrium" are, therefore, useful to explain the new processes of EU-Turkey relations and the liberalization of Turkey's authoritarian political regime. Consequently, we will

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focus on "reproductive" phases, such as increasing returns, lock-in and the sequencing that is launched after a path-dependent process is initiated, critical junctures are important in the analysis of path dependence because institutional trajectories change at that time.

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utilize the “critical juncture” and “punctuated equilibrium” concepts of HI to analyze the new processes, developments and changes in Turkey’s civil-military relations over the last decade.

As argued by many historical institutionalists, institutional changes are the products of changes in actors’ interests, values and ideas (Katznelson & Weingast 2005; Lieberman 2002; Marcussen 2000; McNamara 1998; Steinmo 2008). It is thus important to better understand the ways that actor interests and ideas change and the ways that they affect politics and history. In this vein, Streeck & Thelen (2005) identify five sets of common models of institutional change,<sup>8</sup> however, they do not really offer an explanation or theory regarding the ways that actor interests and ideas change, or the ways that they bring about institutional change (Schmidt, 2008). HI’s framework itself, therefore, lacks an understanding and explanation of what brings about junctures, and which or whose actions, ideas and interests, and/or changes in them, drive events and processes, and thus, institutional and political changes.

In this vein, there is a need for tools from other approaches to overcome this shortcoming (Hall & Taylor 1996, p. 940-941; Schmidt 2006). To this end, historical institutionalists primarily benefit from elements of the rational choice institutionalist approach (RI) and/or the sociological institutionalist approach (SI) (see e.g. Dobbin 1994; Fligstein 1990; Hall & Soskice 2001; Immergut 1992; Katzenstein 1996; Streeck & Thelen 2005; Thelen 2004). In our approach, for several reasons (that will be explained below), we benefit from elements of RI, which pays more attention to the actors, ideas and interests behind events and processes. As such, in addition to the aforementioned concepts of HI, the notions of “empowerment of actors”, “cost/benefit calculation” and “maximization of interest” will be enhanced (see below).

### *Rational and Sociological Institutionalism*

As in other versions of new institutionalism, Rational choice institutionalism (RI) argue that there are interactions between individual behaviours and institutions. RI sees individuals as “utility maximizers” and argues that individuals conduct cost-benefit analyses and act strategically to maximize their

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<sup>8</sup> Such as a) “displacement”, in which one institution displaces another; b) “layering”, in which an institution adopts new functions on top of older functions; c) “drift”, in which the environment surrounding an institution changes, but the institution does not adapt in a stepwise fashion (see also Jacob Hacker’s chapter in Thelen & Streeck’s volume); d) “conversion”, in which institutions take on new functions, goals or purposes; and e) “exhaustion”, which refers to institutional breakdown and failure.

material objectives and interests. It gives priority to the rational calculations and interests of actors, instead of the role of institutions, because it maintains that institutions are created by individuals to pursue and maximize their own interests and welfare (Blyth 2002, p.306; Schmidt 2008, p.321, 2011). The argument is that individuals calculate the benefits of adaptation to new institutions. If the costs of change or adaptation are less than the benefits, and if it will serve their interests, they make the necessary arrangements and changes to adapt to the new norms, values, rules and regulations (Schmidt 2008, 2010). From this perspective, institutions may not initially determine actor interests and preferences in the political arena, but they have an impact on their strategic calculations (Harmsen 2000, p.59).

As argued by Börzel & Risse (2003, 2007, 2009), Schimmelfennig (2009, 2010) and Sedelmeier (2011, 2012), adaptational pressure is a required, but not sufficient condition for domestic change. Mediating factors also play a significant role in this process. In this regard, the rational institutionalist approach emphasizes the importance of two “mediating factors”, namely “multiple veto points” and “formal institutions”, in the domestic Europeanization process (Börzel & Risse 2000, 2003, 2007, 2009; Lavenex & Schimmelfennig 2010; Schimmelfennig 2009, 2010; Schimmelfennig & Sedelmeier 2005). The number of institutional vetoes would particularly increase at the early stage of domestic Europeanization. This makes it difficult to obtain the necessary consensus regarding the required changes at the domestic level for adaptation to the EU *acquis*. In such cases, the EU empowers pro-EU actors and institutions through providing technical and economic support to make the required changes at the domestic level (Börzel & Risse 2000, 2003, 2007, 2009; Lee 2005; Schimmelfennig 2009, 2010; Schimmelfennig & Sedelmeier 2005; Sedelmeier 2011, 2012). In this process, the redistribution of resources and power through the harmonisation reforms also empower pro-EU actors and institutions (Börzel & Risse 2007, 2009).

In this regard, from a rationalist perspective, making the required arrangements at the domestic level to close the existing “misfit” gap between the domestic and European levels is closely related to the cost/benefit calculation of rule compliance made by domestic actors, and the changes in the existing balance of power at the domestic level. The Europeanization process, on the one hand, provides new opportunities to some groups and institutions (generally, NGOs and civil society), on the other hand, it may weaken and constrain the ability of some domestic actors and institutions to pursue their interests: “Europeanization leads to domestic change through a different empowerment of actors resulting from a redistribution of resources at the

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domestic level” (Börzel & Risse 2003, p.58, 2007, 2009; Knill & Tosun 2009; Schimmelfennig 2009, 2010; Sedelmeier 2011, 2012). It is argued that the empowered formal institutions and non-governmental organizations (NGOs), especially economic elites and organizations, play a significant role in countering resistance to change and adaptation in the domestic Europeanization process (Börzel & Risse 2003, 2007, 2009, 2012; Knill 1999; Schimmelfennig 2005, 2009, 2010; Vachudova 2005).

In this regard, Turkey’s enthusiasm for reforms that comply with the EU accession criteria could be explained by rational institutionalism. According to the rational choice approach, Turkish actors act according to the “logic of consequentiality”, they calculate that compliance with EU rules, regulations and norms—regardless of the considerable domestic adaptation costs—will bring greater long-term benefits than the status quo. As noted by Wolfgang (1997) the aspiration amongst governmental and non-governmental actors to adapt national norms to EU guidelines to gain entry to the EU is largely a rational choice. The EU’s technical and economic support, as well as market-oriented reforms and harmonization laws that are undertaken to close the existing misfit gap between the Turkish and EU levels, also changes the existing balance of power in the Turkish political system by providing new opportunities to governmental and non-governmental organizations (NGOs) and by constraining the power of autocratic state institutions, such as the military, old bureaucratic elites and the National Security Council (NSC), to pursue their interests. By calculating their economic and political interests, these empowered actors and institutions seek to adapt the EU’s norms and directives. As such, this changing balance of power in the Turkish political system, based on the rational calculation of Turkish actors, plays an important role in Turkey’s increasing adaptation to the EU *acquis*. In this vein, the logic of the rational institutionalist approach is helpful in identifying the explanatory variables and factors that mediate changes in the context of our study. Europeanization, embedded in the rational and historical versions of new institutionalism, thus constitutes the analytical toolkit in this study.

### **Civil-Military Relations before the EU Accession Process**

With the 1960 constitution an “undemocratic” political and judicial system was created with the National Security Council (NSC) and the military jurisdiction. The military junta was institutionalized through the NSC and military jurisdiction and legalized the influence of the military in every segment of the Turkish political system (for details see Jacob 1974, p. 7; Frederick 1965, p. 181-261; CIV4<sup>9</sup>

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<sup>9</sup> Semi-structured interviews were conducted with twenty people in Turkey (in Istanbul

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October 25, 2010, Brussels; CIV12 January 6, 2011, Ankara). The power of the military in the Turkish political system was further strengthened with the 1971 and 1980 and 1997 military intervention (see Jenkins 2001; CIV4 October 25, 2010, Brussels; CIV12 January 6, 2011, Ankara). As the EU Commission Report on Turkey (2000) stated, the NSC and the secretary-general of the NSC were not accountable to Parliament or to the government. The NSC operated mostly as a decision-making body with the power to obstruct any policy. Due to the broad definition of “national security”, its task covered all subjects of state policy, including domestic, foreign, security, education, broadcasting etc. The government was obligated to consider the statements and recommendations of the NSC in the formulation of any policy, which strictly limited the government’s power in formulating any policy.

Before the announcement of Turkey as an EU candidate in the 1999, therefore, the military acted as a high-ranking institution in the Turkish political system (Ozturk 2009, p. 20 see and Heper & Keyman 1998; Gencer 2001; Diamond 2002; Frank 2002). Under the name of protection from external and internal threats, the Kemalist state system legalized and legitimized the influence and interventions of the military in political, economic and social life through the constitution and institutions like the NSC (Ozdemir 2006; Gencer 2001; CIV4, October 25, 2010, Brussels; CIV12, January 6, 2011, Ankara). The military established power over the political system and political, economic, cultural and religious affairs, the activities of NGOs and political parties and even parliament (Karaosmanoglu 2000; Nathalie 2001; Kirisci 2004; Aras 2009; CIV6, November 4, 2010, Istanbul; CIV7, November 3, 2010, Istanbul). They also defined the state’s security, interests and policies and the parliament, politicians and people had to adapt to these, otherwise they would be harassed and prosecuted (Karaosmanoglu 2000; Kirisci 2004; Aras 2009; CIV4, October 25, 2010, Brussels). Consequently, there has been a high level of misfit gap between Turkey and the EU in terms of civil-military relations, the participation of NGOs in political decision-making and functioning democratic governance.

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and Ankara) and in Brussels, including officials from the Turkish Foreign Ministry, think tanks, trade unions and human rights organizations. These aimed to shed light on the experiences, knowledge, opinions and attitudes of informants in relation to Turkey’s domestic politics and policy, and Turkey–EU relations. We assigned each interviewee a code (pseudonyms). For instance, the interviews conducted with the Foreign Ministry officials were coded as DIP (1, 2, 3...) and the interviews with members of NGOs were coded as CIV (1, 2, 3...).

### **The EU Adaptation Pressure and Democratization of Civil-Military Relations**

The high level misfit gap between Turkey and EU in the civil-military relations caused high levels EU adaptation pressure on Turkey. Throughout the 1997 Luxembourg and 1999 Helsinki summit Presidency Conclusions, the 2001 Accession Partnership Document of Turkey and the European Commission yearly progress reports on Turkey, the EU set the condition that Turkey must meet the political, economic and legislative criteria of the EU, defined by the 1993 Presidency Conclusions of the Copenhagen European Council, to progress towards EU membership. The major role played by the army in political life and the lack of civilian control over the army is one of the main subjects of EU criticism and adaptation pressure (see EC Progress Report on Turkey 1998, p. 14; EC Progress Report on Turkey 200, p. 14; EC Progress Report on Turkey 2001, p. 97; Müftüler Baç 2005, p. 17-3; Tocci 2005, p. 73-83; Heper 2011, p. 241-252; Bilgiç 2009, p. 803-824).

The EU has not only constantly criticized the “autonomous” role of the military in the Turkish political system through the NSC and SSCs, but also persistently asked for reforms in these realms to ensure that the army does not intervene in political life and that civilian authorities exercise full control over the military, its expenditure, and the formulation and implementation of domestic and foreign policies in accordance with the practice of EU member states (see Accession Partnership Document 2001, p. 19; Accession Partnership Document 2003, p. 44; Toktas & Kurt 2008; Heper 2005, p. 33-44; Karaosmanoğlu 2011, p. 253-264).

As expected and proposed by the theoretical framework of study and noted by earlier research, the EU adaptation pressure on Turkey over the “autonomous” role of the military in the Turkish political system through the NSC resulted in the changing role and composition and function of the NSC. With the amendment made to Article 118 in 2001 the number of civilian members of the NSC increased from five to nine and the number of military members remained at five. The role of the NSC was limited to recommendations, in that instead of giving priority to the recommendations of the NSC the government would be required to simply evaluate them. The NSC representatives on the Supervisory Board of Cinema, Video and Music were removed.<sup>10</sup> The 2001 European Commission Progression Report claimed, however, that this constitutional change would increase de facto civilian control over the military but needed to

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<sup>10</sup> The NSC representatives on the RTÜK and the YOK, however, stayed. As a result of the EU’s enduring criticism (see the 2001, 2002 and 2003 EU Progression Reports on Turkey), the NSC representatives on the RTÜK and YOK were later removed in 2004.

be monitored since, while the report was being prepared, the NSC was recommending action on a number of domestic policy issues and even constitutional reform packages (see Guney & Karatekillioglu 2005, p. 443).

To limit the influence of the military over the government and the Turkish political system, “revolutionary” changes were made in the “seventh reform package” on 23 July 2003 related to the duties, functions and composition of the NSC<sup>11</sup> to adapt the civil-military relations to the EU norms, involving: a) the extended executive and supervisory power of the Secretary General of the NSC. In particular, the provision empowering him to follow up, on behalf of the President and the Prime Minister, the implementation of any recommendation made by the NSC has been abrogated, b) the ultimate access of the NSC to any civilian agency has also been abrogated, c) the post of Secretary General will no longer be reserved exclusively for a military person, d) the frequency of the NSC meetings has been modified, so that it will meet every two months instead of once a month, and e) the government is no longer obligated to consider the statements and recommendations of the NSC in the formulation of any policy

As such, the “seventh reform package” changed the functions, duties and composition of the NSC and deinstitutionalized and illegalized the coercive influence of the military in political decision-making. The NSC is no longer an executive decision-making body with the power to obstruct the decisions and policies of civil actors (see 2004, 2005 EC Progress Reports on Turkey; Heper 2011, p. 241-252; Bilgiç 2009, p. 803-824; CIV4, October 25, 2010, Brussels; CIV7, November 3, 2010, CIV12, January 6, 2011, Ankara). The military thus lost its executive control and influence over the government, media, NGOs and political life (Karaosmanoğlu 2011, p. 253-264; Satana 2011, p. 279-292; Heper 2011, p. 241-252; CIV4, October 25, 2010, Brussels; CIV7, November 3, 2010; CIV12, January 6, 2011, Ankara)

In addition, with the amendments to Article 160 of the Constitution and the Law on Public Financial Management and Control (PFMC), the seventh reform package introduced increasing parliamentary control over, and transparency in, defence and military expenditure. With these amendments, defense and military expenditure began to be announced and the Court of Auditors is

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<sup>11</sup> The *Financial Times* (31 July, 2003) called these changes in the Turkish political system a “quiet revolution” and a triumph for the EU.

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authorized to audit the accounts and transactions of all types of organizations including state properties owned by the armed forces (2003 EC Progress Report on Turkey). Furthermore, in accordance with calls from the EU (see 2001, 2002, 2003, 2004 EC Progression Reports on Turkey) the ratio of military expenditure to the Gross Domestic Product (GDP) has been reduced considerably in the last decade. As noted by the EC progress report on Turkey (2004, p. 23) on the history of the Republic of Turkey, "Education spending is for the first time higher than defense spending" in the 2004 budget (Progress Report on Turkey 2004, p. 23); and according to the 2015 budget, the Ministry of Education budget (63 billion TL) is more than threefold the budget of the Ministry of National Defense (21 billion TL). The ratio of military expenditure to the GDP was 10.5% of the GDP in 1997 and down to 5.6 % in 2008 and 3.1% in 2015 (TGNA/TBMM Negotiations on the Budget of National Defense Minister October 10, 2015, Ankara).

On the other hand, as a result of EU calls and adaptation pressure, the State Security Courts (SSCs) were closed in 2004 and members of military engaging in crime can be tried in civil courts following an amendment to legislation (Act 5918) in 2009.<sup>12</sup> As such, the influence of the military over the judiciary is also deinstitutionalized and illegalized. Consequently, civil executive and judiciary control over the military was institutionalized and legalized, and "a double-headed political system" ended (see 2008, 2009, 2010, 2011 and 2012 EC Progress Reports on Turkey; Karaosmanoğlu 2011, p. 253-264; Satana 2011, p. 279-292; Heper 2011, p. 241-252; Bilgiç 2009, p. 803-824; CIV4, October 25, 2010, Brussels; CIV7, November 3, 2010, Ankara; CIV9, December 7, 2010 Ankara; CIV12, January 6, 2011, Ankara). The 2010 constitutional reforms opened a path for judicial investigations into previous coups. For the first time in the Turkish Republican history the generals and members of army who participated in the coups of 1980 and 1997, were sentenced in the civil court.

As noted by the 2012 EC Progression Reports on Turkey and Aydınli (2011, p. 227-239) these investigations also contributed greatly to the consolidation of civil-military relations in Turkey by decreasing the people's confidence in the military around 15 per cent, while the people's confidence in government has increased about two-fold in the last decade (For details see "*Türkiye Değerler Atlası 2012*" - Turkey's Values Atlas 2012). In addition to losing its legal power in

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<sup>12</sup> As such, many retired and active duty military personnel, including former army commanders, who had allegedly engaged in as-yet unsolved murders during the 1990s, especially in the south-east of Turkey, and attempting to remove or prevent the functioning of the government through force and violence are being tried in civil court.



political decision-making mechanisms and the judiciary, the military's interventions in politics and its influence and control over the government and judiciary also lost its legitimacy in the eyes of Turkish people.

The harmonisation reforms undertaken in 2003 and 2004 have also introduced a number of changes to the prosecution of political parties and the restriction on political participation. The amendment to Article 67 removed the restriction on voting in elections and referenda.<sup>13</sup> The amendment to the Political Parties Law, and Articles 100 and 102, with the second and fourth reform packages made it difficult to close down political parties in 2003.<sup>14</sup> All these above detailed reforms generated by EU conditionality and adaptation pressure resulted in empowerment of civil actors in Turkish political system and society and increasing public support and trust to civil-actors and institution played important role in the failing of the military coup attempt, took place in July 15, 2016.

### **A Cost – Benefit Analysis and Critical Junctures**

While announcing Turkey as a candidate at the 1999 EC Helsinki Summit, the EU clearly noted that Turkey had to adapt to the EU *acquis communautaire* in the field of democracy, rules of law, and the economic realm, and be able to start accession negotiations with the EU in order to even get a date for starting the accession negotiation and benefitting from EU economic aids (for details, see 1999 EC Helsinki Summit Presidency Conclusion; 2001 Accession Partnership Documents; and 1999, 2000, 2001, 2002, 2003 EC Progress Reports on Turkey).

The EU offered economic aids for starting the accession negotiations, and being on the EU track for full EU membership. Turkey was (and is) doing more than half of its trade with the EU, and about 75% of its foreign direct investment (FDI) comes from the EU. Furthermore, as noted by former Turkish EU Chief Negotiator and EU Affairs Minister, Egemen Bagis (December 18, 2012) and many of our interviewees (CIV4, October 25, 2010, Brussels; CIV6, November 4,

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<sup>13</sup> According to the previous 67 Article, all conscripts serving in the armed services, students in military schools, and detainees and convicts in prisons were unable to vote.

<sup>14</sup> According to the new Article 100, a closure case can only be opened for “reasons stipulated in the Constitution in line with Article 68 and with amendment to the Political Party Law of a three-fifths majority”. An amendment to Article 104 provides alternative sanctions instead of closing the party. These amendments restrict the closing of political parties in the Turkish political system. For example, in 2005, the Court of Cassation rejected closure cases against seven political parties and the closure case against the ruling AK Party opened by the public prosecutor of the Court of Appeals in 2008, which was rejected by the Constitutional Court on the basis of the “three-fifths majority” rule.

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2010, Istanbul; CIV7, November 3, 2010, Istanbul), Turkey could not complete the democratic and economic reforms that were indispensable for ensuring political and economic stability and becoming more democratic, prosperous and transparent without the EU's technical and economic supports and adaptation pressure. As noted by Turkish politicians<sup>15</sup> on different platforms,<sup>16</sup> many of our interviewees<sup>17</sup> and Turkish scholars,<sup>18</sup> the political and economic cost of Turkey abandoning the EU track would have been high in the long term. As such, to be able to start accession negotiations with the EU and benefit from EU economic aids, including undertaking the necessary political and economic reforms for political and economic stability and becoming more democratic, prosperous and transparent, Turkey became fully involved in the pre-accession strategy in the post- Helsinki process and announced its own national programme to adapt to the EU *acquis communautaire* in the field of democracy, rule of law, and the economic realm (see Emerson and Tocci 2004; Eryilmaz 2006; Altinisik & Tur 2005; Aydin & Acikmese 2007; see also interviews with CIV7, November 3, 2010, Istanbul; CIV9, December 7, 2010, Ankara; CIV12, January 6, 2011, Ankara).

Consequently, as proposed by historical institutionalism the critical junctures in EU-Turkey relations, the announcement of Turkey as an EU candidate in 1999 and the announcement of a date for starting the EU accession negotiations in 2004, punctuated the equilibrium at the Turkish level and started Turkey along the path of liberalization through the harmonization reforms generated by EU adaptation pressure. As such, civilian control over the military unexpectedly increased over the last decade, especially after 2007 (see, the EC Progression Reports on Turkey 2004, p.23, 2012, p.11; CIV4, October 25, 2010, Brussels; Heper 2011, p. 241-252; Bilgiç 2009, p. 803-824). Today, unlike the past, the civil authority – the Prime Minister and President – have the final say at the Supreme Military Council (YAS) and the NSC. The military influence and control over the judiciary through the SSCs has ended, as has the civil judiciary's control

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<sup>15</sup> Such as the Turkish EU Chief Negotiator and EU Affairs Minister Egemen Bagis as well as President Gul, Prime Minister Erdogan, Economic Affairs Minister Babacan, and Foreign Minister Davutoglu.

<sup>16</sup> Such as public meetings at Diyarbakir, Istanbul, and Trabzon, TV programmes (Siyaset Meydani, 32. Gun, Iskele Sancak, Egrisi Dogrusu, Sansursuz, and act.), and conferences at Abant.

<sup>17</sup> CIV2, October 26, 2010, Brussels; CIV3, October 22, 2010, Brussels; CIV8, December 3, 2010, Ankara; CIV4, October 25, 2010, Brussels.

<sup>18</sup> Bilgiç and Karatzas 2004, p. 5; Emerson and Tocci 2004; Eryilmaz 2006; Aydin & Acikmese 2007; Kirisci 2006; Aras, 2009; Togan and Hoekman, 2005; Keyman, 2012; Akan, 2011; Keyman & Onis 2007.

over the military, established with the amendment to the act of 5918 in 2009 and the 2010 constitutional reforms. During cuts in the defense budget the military- bureaucratic elites acted as veto players (CIV4, October 25, 2010, Brussels; CIV7, November 3, 2010, Ankara). However, thanks to the EU, its conditionality, and technical and financial support, reforms were put into practice.

However, despite considerable improvements in the accountability and transparency of the security forces, the Internal Service Law for the Turkish armed forces, and the Chief of the General Staff's being responsible to the Minister of Defense rather than to the Prime Minister, the misfit gap between Turkey and the EU in terms of civil-military relations, to some extent continues. In this regard, there is still need for further efforts and reforms to fully adapt to EU standards. As noted by many students of Turkish study (Aydin 2011; Altayli 2013; Davuroglu, 2014) however, and our interviewees (CIV4, October 2010, Brussels; CIV12, January 2011, Ankara), in practice the army no longer intervenes in political life and civilian authorities fully exercise control over the military, its expenditure, and the formulation and implementation of domestic and foreign policies in accordance with EU standards in last years, especially after 2007.

## **Conclusion**

This article investigated the democratization of civil-military relations in Turkey over the last decade and the role of the EU in the changing civil-military relations. The ideas and information generated from the research data were analyzed using Europeanization and the New Institutional theory (i.e., rational choice and its historical version). Consequently, the chapter focused on different concepts, such as the level of the misfit gap between the Turkish and EU levels in the field of democracy and the rule of law, and EU adaptation pressure (Europeanization), the empowerment of new actors and institutions against the veto players and the cost/benefit calculation of rule compliance (rational institutionalism), critical junctures in EU-Turkey relations, punctuated equilibrium and path dependency (historical institutionalism).

This study has revealed that, first, there was (and to some extent still is) a high-level misfit gap between Turkish and EU levels in terms of the independence of the judiciary, civilian control over the military. Second, the critical junctures in EU-Turkey relations punctuated equilibrium at Turkish level and started it on the path of the liberalization of Turkey's authoritarian political regime. Third, the EU's high-level adaptation pressure on Turkey resulted in a significant change in civil-military relations at Turkish level in accordance with EU calls. Thus, democratization of civil-military relations in Turkey is to a large extent a

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vertical, “top- down” process. Fourth, changes in Turkey’s political and legislative system, generated by harmonization reforms undertaken to fill the misfit gap between Turkey and EU resulted in changing the institutional power relations; the empowerment of the government and civil society against the military–bureaucratic elites in political decision making. The research also revealed that the empowered actors and institutions have played a very active role in Turkey’s adaptation to calls from the EU in the field of democracy and rule of law, thereby fuelling changes in Turkey’s political and legislative system, and civil-military relations.

A review of the literature on Europeanization revealed that the majority of studies focused on the impact on the member states’ socio-economic policies and practices of the EU’s economic, social and environmental regulations and directives. They looked at how member states adapted their institutions, policies and practices to comply with EU regulations and requirements and how internalization of EU regulations and directives gradually affected the policies and practice of associated states. The impact of the EU on the civil-military relations of associated states in general and Turkey in particular is a relatively less popular subject of academic debate. The need for research on the impact of the EU on civil-military relations, especially after the failed military coup attempt took place in 15 July 2016, therefore, has increased. This analysis about how civil-military relations were transformed during Turkey’s EU accession process brings new empirical evidence about the influence of the EU on the civil-military relations in associate countries. The results of this study suggest that the concept of “conditionality” and “adaptation pressure”, “cost/benefit calculation” and “empowerment of new actors”, and “critical junctures”, “punctuated equilibrium” and “path dependency” are useful in analyzing EU influence on the civil-military relations of associated states, whose military-bureaucratic actors have relatively strong voices and power in political system and society.

This study embedded Europeanization with rational and historical new institutionalism. As such, it also constitutes a contribution to the analytical and methodological framework of Europeanization in studying the domestic impact of the EU. Accordingly, this study also introduces avenues for further research. Such research would investigate the impact of Europeanization in the field of democracy and rule of law on the civil-military relations using theoretical entities introduced in this study. In this regard, further studies could investigate the intended and unintended impact of the EU conditionality and adaptation pressure on civil-military relations of other associated states, and on the domestic and the foreign policies of Turkey and other associated states.

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