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## Turkey and the European Union: Creating Domestic Norms through International Socialization

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TURKEY AND THE EUROPEAN UNION: CREATING DOMESTIC NORMS THROUGH  
INTERNATIONAL SOCIALIZATION

by

MAUREEN E. WILSON

(Under the Direction of Emilia Justyna Powell)

ABSTRACT

The Republic of Turkey is the most controversial candidate state for European Union membership to date. Not only does Turkey face obstacles with the technical aspects of the enlargement process such as changes in domestic policies, the legal system, and economy, but the proposed accession of Turkey to the European Union exposes a divergence in norms, values and state identity. The process of international socialization is one explanation for the domestic changes occurring in Turkey as part of European Union membership negotiations. Through the lens of the constructivist-rationalist debate in international relations, this study examines how changes in domestic norms are imposed on a target state by an international actor, eventually leading to changes in state behavior and identity. Secularism and the status of women in Turkey are utilized as examples that demonstrate both similarities and differences in the normative values of Turkey and the European Union. This study concludes with a discussion of the credibility of the European Union's offer of membership and its impact on the international socialization process occurring in Turkey.

INDEX WORDS: Turkey, European Union, International socialization, Constructivism, Rationalism, Norms, Secularism, Women in Islam

TURKEY AND THE EUROPEAN UNION: CREATING DOMESTIC NORMS THROUGH  
INTERNATIONAL SOCIALIZATION

by

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## CHAPTER 1

### INTRODUCTION: MODERN TURKEY AND THE EUROPEAN UNION

From its inception or at least after its early success the European Union has continually expanded to include more and more states. What began as a club of six states in the mid-twentieth century is now 27 states strong and the largest economic bloc in the world. The most recent and historical enlargement of the European Union occurred in the spring of 2004 with the addition of ten new member states to what was a union of fifteen nations. These ten new member states consisted of former Eastern Bloc countries, former Soviet Republics, and two island nations all geographically, culturally, and politically diverse. As more and more European states are seeking European Union membership for a variety of economic and political motivations, the European Union must cope as a whole and as individual states with the many issues that surround integration. The Republic of Turkey is the most controversial and problematic state to apply for European Union membership to date.

Enlargement is a critical policy area for the EU because as more states integrate the balance of power within the Union will shift. The absorption of new states will cause significant policy changes in such areas as economics, agriculture, and foreign and security policy. Power within the Union is balanced between different institutions such as the European Commission, the Council of Ministers, and the European Parliament. As new states are brought into the Union these institutions and their respective bureaucracies grow and the balance of power within the institutions will shift. For example, the seat distribution in the European Parliament is based on the populations of each member state. Table 1.1 shows the current seat distribution in the European Parliament. Member states with larger populations have more seats in the Parliament. If Turkey were to gain membership in the European Union it would have a greater percentage of seats in the Parliament since it would have one of the most populous member states with over 76

million citizens. This would also mean that Turkey would have a larger voice within the European Parliament and could cause tension with other member states. Thus, the integration of new states into the Union affects the internal balance of power and therefore would give heavily populated states like Turkey greater influence on Union policy.

The proposed accession of Turkey is extremely problematic for a variety of political, legal and economic reasons all of which could pose as impediments to membership. Human rights issues have been a great obstacle for the Turkish accession process. The norms associated with respect for human rights and the identity of the Turkish state are posing as another roadblock to Turkey's goal of attaining EU membership. The concept of human rights is generally accepted to be the inalienable rights of human beings regardless of ethnicity, nationality or sex; essentially rights that exist for all human beings simply because they are human. The right to life, standards of living, self determination, and freedom from mistreatment and torture are some examples of basic human rights. Prior to Turkey being acknowledged as a candidate state, the European Union expressed great concerns regarding the state of human rights in Turkey and its implications on Turkish membership in the Union. The requirement that Turkey adopt EU standards and norms on human rights in order for full membership to be extended is a major obstacle to be overcome in Turkey's quest for accession. Although human rights practices within the state of Turkey have been an issue in regards to membership negotiations, the larger issue is the difference in cultural norms regarding some of these human rights practices between EU member states and Turkey that are much more difficult to change.

Although the Turkish government is secular as are the governments of the EU member states, the Turkish population as a whole still derives many of its values from traditional Islamic beliefs. The paradox then becomes that although the political reality of the Turkish government is one based on the separation of religion from state matters, the government has not been able to

disassociate itself from the values of Muslim society and tradition. The creation of Turkey as a secular state in 1923 thus has great significance in the context of EU accession. European Union member states are all secular and the populations they contain are majority Christian. Although Turkey is also a secular state, the values of Islamic culture are ingrained in Turkish society (just as they are in Christian societies) thus perpetuating many practices that conflict with EU standards and norms.

Mustafa Kemal Atatürk is generally accepted as the founder of the modern Turkish state. Known as “the Father Turk,” Atatürk established a modern state adopting the politics, economics, and social aspects of Western civilization upon the shattered theocratic Ottoman Empire. Atatürk’s ideology and basis of his reforms to the Turkish state was known as the Six Arrows of Kemalism and included: republicanism, nationalism, populism, reformism, statism, and secularism. Each of these “Arrows” is included in the Turkish constitution. The concept of secularism is the most significant in regard to Turkey’s relationship with the European Union. The democratic ideals of Western European nations become the model for the political elites of Turkey who identify themselves as culturally European. Atatürk thus created the new Turkey as a secular state, excluding religion (Islam) from playing an official role in state activities. He eliminated the power of the caliphate ending relations between Islam and the state (Library of Congress, 1995). The aim of the Kemalist conception of secularism seems to have been extended to the autonomy of the individual in society. The ongoing human rights violations in Turkey contradicts Atatürk’s model of society which makes the goal of Turkish accession to the EU problematic.

### *History of EU-Turkey Relations*

Turkish relations with Europe, the West, and the European Union have a long history. The first step towards integration with Western nations was the signing of the North Atlantic

Treaty Organization (NATO) on February 18, 1952 (NATO.int). Turkey has long sought full EU membership but has been repeatedly rejected because it fails to meet both political and economic criteria for membership. Thus far the European Union is the only European organization to which the Republic of Turkey has been denied member status. Membership negotiations to enter the EU first began in 1963 when Turkey and the European Economic Community, the precursor to the European Union, entered into an Association Agreement. The Association Agreement, also known as the Ankara Agreement, focused on economic development and the establishment of a customs union in three phases.<sup>1</sup> The 1963 Ankara Agreement essentially established Turkey as an associated member of the EEC and the Turkish government understood this as the first step towards full membership. It was not until 1987 however, that Turkey first applied for full membership. The European Commission rejected Turkey's application citing political and economic obstacles. It was at this point that Turkey decided to pursue completely the customs union first outlined in the Ankara Association Agreement. The customs union was finalized in 1995 and came into effect in 1996. The agreement included the elimination of all duties and charges on imported goods from the European Union (Akinci, 2004).

Although the European Union has repeatedly confirmed that Turkey is an eligible candidate for accession, membership negotiations have been continuously delayed. In December 1999 the Helsinki European Council Summit affirmed that Turkey was in fact a contender for full membership in the Union. The conclusion however, was that Turkey still had a long road ahead of them with many obstacles to overcome and that the state would benefit from “pre-

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<sup>1</sup> The three phases of the Ankara Agreement included:

- 1) Preparatory Stage: prepares Turkey to assume later obligations by strengthening the Turkish economy and introduces the advantages for Turkish exports to the European Community
- 2) Transitional Stage: provide Turkish economy with a new framework to help stimulate economic activity
- 3) Customs Union: came into effect 1 January 1996.

accession strategy to stimulate and support its reforms...with particular reference to human rights” (Conclusions of the European Council on Turkey Since Luxembourg, 1997). Since membership negotiations were first initiated the state of human rights in Turkey has been and continues to be a matter of concern for the European Union.

The question of Turkish accession has been discussed at every subsequent European Council Summit since 1999. A major breakthrough occurred for Turkish membership negotiations at the 2002 Copenhagen Council. During this meeting the Council declared that “if the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfills the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay” (European Union Commission, 2004). The Copenhagen Criteria is the standard that all applicant countries must demonstrate before accession negotiations begin. This standard was established at the 1993 European Council Summit in Copenhagen and clearly states that the following conditions must be satisfied by candidate states:

...the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and, protection of minorities... Membership presupposes the candidate’s ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union (Republic of Turkey Ministry of Foreign Affairs, 2004).

The fulfillment of the Copenhagen Criteria is challenging for any potential member state. The Republic of Turkey has to make many internal adjustments in terms of their economy, political institutions, and legal system all of which contribute to the stability of a democratic society. These adjustments occur over many years and Turkey has been working to demonstrate that they have accomplished the preliminary requirements. In December 2004 the European Union concluded that Turkey had met these requirements and began accession negotiations in October 2005. The proposal of membership negotiations however, is not a promise of full accession; it is

an invitation to begin the accession process. Even though the EU believes Turkey to have met preliminary membership requirements, this is only the beginning of many domestic policy reforms Turkey will need to make. Of all the political and economic criteria established by the Copenhagen Criteria, the issues surrounding human rights remain a major obstacle to Turkish accession.

The following chapters will describe the process in which the European Union seeks to socialize potential member states in order to change both behavior and identity. The theory of international socialization is explained through the rationalist-constructivist debate. The process of norm internalization and the mechanisms employed by the European Union in the enlargement process also contribute to the explanation of creating domestic norms. The theory behind international socialization will then be illustrated by tracing the internalization of the norm of secularism and its significance in regard to EU-Turkey relations. The status of women in Turkey and the issue of violence against women in relation to Islamic cultural norms will also provide insight into the socialization process. This study will conclude with an examination of credible commitments, the current status of the negotiation process and future implications of the situation between Turkey and the European Union.

### Seat Distribution by Member State in the European Parliament (2009-2014)

|                |    |                |     |
|----------------|----|----------------|-----|
| Austria        | 17 | Latvia         | 8   |
| Belgium        | 22 | Lithuania      | 12  |
| Bulgaria       | 17 | Luxembourg     | 6   |
| Cyprus         | 6  | Malta          | 5   |
| Czech Republic | 22 | Netherlands    | 25  |
| Denmark        | 13 | Poland         | 50  |
| Estonia        | 6  | Portugal       | 22  |
| Finland        | 13 | Romania        | 33  |
| France         | 72 | Slovakia       | 13  |
| Germany        | 99 | Slovenia       | 7   |
| Greece         | 22 | Spain          | 50  |
| Hungary        | 22 | Sweden         | 18  |
| Ireland        | 12 | United Kingdom | 72  |
| Italy          | 72 | <b>Total</b>   | 736 |

Table 1.1

Source: European Parliament (Duch Guillot)

## CHAPTER 2

### THEORIES OF INTERNATIONAL SOCIALIZATION

The emergence of regional and international organizations over the past century has profoundly affected relations between states. As regional and international organizations become more common, the power and influence they exert over member states increases. This influence is especially powerful on states that strive for organization membership. International and regional actors often impose specific rules of behavior on non-member states as a means of matching state level policies with those of the regional or international actor. These organizations want member states to share the same norms, values, and behaviors, further consolidating their power and influence. As international actors become increasingly influential on the state level, it becomes pertinent to explore the conditions and mechanisms in which domestic policies and norms are shaped to converge with those of the larger institution. This process in which “states are induced to adopt the constitutive rules of an international community” is known as *international socialization*.

This process is currently nowhere better exemplified than in the case of the European Union and Turkey. The prospect of European Union membership has acted as a catalyst for positive developments in many of its new member states.<sup>2</sup> The proposed accession of Turkey to the European Union has been problematic to say the least. Not only does the Republic of Turkey face all of the general economic and political obstacles of applicant states, but there are several added dimensions to the question of Turkish membership in the European Union. The question of whether Turkey is a “European” state comes into play. The major struggle in the proposed membership of Turkey in the European Union boils down to a question of identity. The notion that states, just as humans, have an identity is one of the main assumptions of the constructivist

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<sup>2</sup> The twelve newest member states to join the European Union are: Cyprus, the Czech Republic, Estonia, Hungary, Poland, Slovenia, Latvia, Lithuania, Malta, Slovakia (2004), and Bulgaria and Romania (2007).



school of thought. Through the theoretical framework of international socialization and the debate between rationalist and constructivist approaches, I will analyze the successes and failures of the European Union's attempt to socialize the Republic of Turkey as part of accession process.

As the international system becomes increasingly interdependent, regional integration continues to both widen and deepen. States choose to join and cooperate with regional organizations for both material and intangible benefits. Material benefits may include economic aid and special trade partnerships, and non-material benefits include status and legitimacy in the international community. However, in order for states to obtain these benefits they must meet certain criteria set forth by the larger institution. The prospect of European Union membership acts as a catalyst for change in potential member states. Before the EU can take on new member states, they require candidate states to make domestic changes in order to "socialize" them with the Union. Theories of international socialization perceive this process to be between two actors, a socialization agency (the European Union) and a target state (Turkey). The process of international socialization examines several factors regarding integration: incentives, costs, credibility, legitimacy, identification, and resonance (Schimmelfennig, Engert, & Knobel, 2006). Each of these factors influences whether or not the target state will eventually adopt the rules of the socialization agency and become a member of the community.

The European Union implements two main strategies to socialize potential member states: membership conditionality and normative pressure. Membership conditionality as a political strategy offers candidate states rewards for meeting criteria set by the EU, and generally implies changes in legal, economic, and institutional systems. However, legislation does not guarantee changes in norms and values. As a result the European Union also implements a strategy of normative pressure to bring about desired changes in candidate states. Normative pressure seeks to change social norms and in turn identity (Schimmelfennig et al., 2006). These

two strategies can be examined as part of the international socialization process and both the rationalist and constructivist approaches offer insight into the divergence of norms in Turkey and the socialization process of attaining European Union membership.

*Turkey and the European Union: The Rationalist Perspective*

The rationalist perspective of international relations is characterized by the strategic action of states. According to Alexander Wendt, “rationalists are interested in how incentives in the environment affect the price of behavior” (1999, 34). The rationalist approach is materialistic and calculates the costs and incentives of socialization with a larger institution, or bargaining in other words. In the case of the European Union and Turkey, certain standards have been set that Turkey must adhere to. The European Union is based on the norms of a liberal democracy. Turkey on the other hand exists as a theoretically secular state, yet the influence of the military in government and values associated with Islam run in direct opposition to the norms of the European Union. This occurrence is known as salience, or the “discrepancy between ‘ought’ and ‘is’; that is, the community ethos and political reality” (Schimmelfennig et al., 2006, 22). This is more problematic for Turkish accession than for previous candidate states because Turkey’s social and cultural norms are vastly different from those of Western states that comprise the liberal democracy of the European Union.

The ultimate outcome of the rationalist approach is behavior change. According to this theory and the strategy of membership conditionality, pressuring the target state to make changes in domestic policy will eventually lead to behavior change. This will allow the target state to align with the larger socialization agency and become part of the group or international community. A change in behavior is in a sense superficial. The target state may change behavior not only to gain material benefits, but also for a better image and reputation in the international community. The target states actions follow a “logic of consequence” that assumes

states will act rationally to increase power and security (Schimmelfennig & Sedelmeier, 2005). According to this logic it may be in the best interest of the target state to change behavior; however this type of change does not account for the social norms and values that the constructivist approach focuses on.

Instead, rationalism examines the technical environment in which socialization will occur and views the agency of socialization as hegemonic power rather than an international organization or institution (Schimmelfennig et al., 2006). The rationalist approach removes normative values from the socialization process and focuses on factual rules. For example, a rationalist, when examining the situation between the European Union and Turkey would examine legislative reforms and policy changes within the Turkish government rather than looking to the identity of the Turkish state. Target states are coerced into adopting the factual rules of the socialization agency in order to produce a behavioral change while normative values and identity do not change.

#### *Turkey and the European Union: The Constructivist Approach*

The constructivist approach to international relations increasingly provides scholars with new avenues in which to examine and explain interactions among major players in world politics. Traditional international relations scholarship contends that states are the dominant force in world affairs and characterizes interactions between states as based on material power and benefits. Constructivism on the other hand takes into account the social construction of the state and how this affects states behaviors with other states. Constructivism considers individual levels of analysis, and takes into account the preferences and values of the individual and how this comprises state identity and behavior. Constructivism operates on two fundamental principles. First, structures of human culture are comprised of shared ideas, values and norms.

The second principle contends that these shared ideas, values and norms construct identity (Wendt, 1999).

Identity plays an important role in international relations according to constructivists as identity to a large degree determines preferences that in turn determine behavior. To say that states are comprised of individuals that share a common identity is a broad generalization. Yet the existence of these identities cannot be denied. It is safe to assume that although American's values vary on an individual basis, at some level there is a shared sense of norms and values that create a common American identity. The same can be argued for any state. The constructivist approach to international relations emphasizes the role of norms and values. Norms are defined as "collective expectations for the proper behavior of actors within a given identity" (Shannon, 2000, 294). Norms exist at all levels of analysis (system, state, and individual)

The socialization process of new member states into the European Union according to the constructivist approach is to "transmit the constitutive normative rules of the international community to individual state" (Schimmelfennig et al., 2006, 17). The desired outcome for constructivists in the international socialization process is identity change. This perspective contends that once the new norms of the socialization agency take hold in the target state, eventually the identity of the target state will change and become more compatible with the larger institution. Similar norms and values within an organization such as the European Union make it easier to create common policy for its member states and citizens. Although norms and values vary from state to state within the EU, Turkey brings a new set of challenges to the table. EU member state populations are majority Christian, whereas Turkey is a majority Muslim state. Although both secular in practice, diverse cultural norms exist within the EU and Turkey respectively that are associated with Christianity and Islam. It will be more difficult for Turkey

to embrace the norms and values of the European Union because the two are more divergent in terms of geography, history, culture and religion than compared to other member states.

The constructivist approach follows the logic of appropriateness, meaning the target government will adopt the rules of the socialization agency if persuaded that the rules are appropriate. According to Schimmelfennig and Sedelmeier, three factors influence the logic of appropriateness and will increase the adoption of rules: legitimacy, identity and resonance (2005). Legitimacy refers to how the target state views the credibility of the socialization agency's promise. Target states will also be more willing to adopt rules of the socialization agency if they share common norms and values, or a collective identity. Target states that aspire to become part of the socialization agency will be persuaded to adopt that identity (Checkel, 1999). Resonance refers to "domestic factors that facilitate or inhibit persuasion" of rule adoption (Schimmelfennig & Sedelmeier 2005, 20). Factors that facilitate rule adoption may include the lack of a rule on a specific issue because it is a new issue. Identity and resonance have a greater impact on norm diffusion. A target state is more likely to adopt the norms of the larger institution if they share a similar identity, or if the norms of the institution have social or cultural significance in the target state. Identity and resonance are problematic factors surrounding rule adoption and socialization processes in Turkey's EU negotiations.

This approach to international socialization focuses on appropriate action to induce normative changes in the target state. Appropriate action relies on normative pressure from international actors to make desired changes. Normative pressure is the exertion of external pressures that will cause the target group to change eventually both their beliefs and behaviors, further aligning them with the norms of the larger institution (Kelley, 2004). The international actor uses social influence and collective norms to shame or praise the target government in hopes of producing the desired changes to domestic policy.

### *Constructivism and Rationalism: Two Complimentary Approaches*

The strengths and weaknesses of these approaches account for their compatibility. Neither rationalist nor constructivist models attempt to make any predictions about the world, explaining why they are considered approaches rather than actual theories. The rationalist model fails to interpret fully the roles that norms and identity play in state behavior. This model focuses on strategic bargaining and incentive, and maintains that states will change behavior accordingly to gain power and material benefits. Constructivism fills in the identity and norm gap in the rationalist model. However, this approach neglects power and material incentives that are inherent to the state system in international relations. Each model contains what the other lacks, and therefore rationalism and constructivism are complimentary. Neither model effectively explains the international socialization process alone. They each ask different questions regarding socialization in regard to content and mechanisms for achieving goals. For example, rationalist models look at factual rules while constructivists examine normative rules. Mechanisms for desired outcomes in the rationalist model are perceived as strategic, or based on incentive and coercion. Constructivists look to appropriate action and persuasion to achieve identity change (Schimmelfennig et al., 2006). Although the means to achieving the outcomes of behavior and identity change are different, the relationship between the outcomes is interesting. Can identity change and behavior change occur without the other?

If behavior change becomes consistent over time, theoretically the norms associated with the new behavior become internalized and changes identity (Wendt, 1999). This is dependent to a large degree on the existing norms within a state, which makes Turkey an interesting example for this socialization process in regard to human rights norms. The Turkish government has demonstrated changes in behavior regarding human rights. National image, material incentive and the promise of becoming part of the European “club” all contribute to this behavior change.

However, the Turkish government is still criticized for its lack of implementation and enforcement of new policies regarding human rights. This is problematic for several reasons. The lack of implementation sends a message to the European Union that Turkey may not perceive EU threats and promises as serious or credible. Thus, the EU withholds incentives or slows the accession process and is legitimized by Turkey's failure to meet accession criteria. This cycle slows both the integration process and domestic policy changes. The lack of emphasis on policy implementation and enforcement also delays the norms diffusion process, which will prevent norms from being internalized and the target state fully aligning with the socialization agency. Based on the rationalist and constructivist approaches to international socialization, the European Union's attempt to socialize Turkey in the area of human rights is both a success and a failure.

The rationalist approach is successful as Turkey demonstrates significant behavioral changes which are evidenced in both policy reforms and the reduction of human rights violations. The constructivist approach thus far has failed to produce significant identity change. The norms, values and ideas ingrained in a majority Islamic society are more difficult to blend with the liberal democratic Christian ideals of the West. If this socialization process is to be successful in Turkey, both Turkey and the European Union will have to make significant concessions. The European Union must consider how necessary norm change is in Turkey, and how much the EU can pressure Turkey to change social norms. This situation presents several consequences. Turkey has adopted several behavioral changes, however if norm diffusion fails to take hold and become internalized significant backlash against the European Union could occur. The socialization of Turkey presents one of the European Union's greatest challenges presently and in the future. The rationalist and constructivist approaches to international

socialization provide insight into this complex issue that will have significant effects regardless of the outcome.

### *Norm Internalization*

Both the rationalist and constructivist models seek to explain an outcome of either behavioral or identity change and the internalization of norms. Norms are closely linked to identity as any given identity has a prescribed set of norms and values. These are often associated with religious, cultural and political values. As more states seek not only membership in regional and international organizations, but also the respect of the collective international community, they are forced to adopt norms divergent of their own.

The internalization of a given norm occurs in three states: emergence, cascade and internalization (Finnemore & Sikkink, 1998). The emergence stage is characterized by norm entrepreneurs as the agency for the creation and promotion of new norms. Norm entrepreneurs often utilize organizational platforms as a means to promote a given norm. These platforms could be a nongovernmental organization with a specific agenda or a body such as the United Nations or European Union “that have purposes and agendas other than simply promoting one specific norm” (Finnemore & Sikkink, 1998, 899). Norm entrepreneurs are critical and can be an agency such as a state or an individual leader. The entrepreneurs promote a given norm to its “tipping point” in which the second stage of internalization begins.

A norm has reached the tipping point or threshold when enough states have adopted the new norm begins to spread. During the norm cascade stage, states begin to adopt behavioral changes associated with the new norm, “states comply with norms to demonstrate that they have adapted to the social environment – that they ‘belong’” (Finnemore & Sikkink, 1998, 903). The desire to be viewed as a legitimate regime in the international community is important for all states. As a result they strive to belong to the group to create a better self-image and reputation.



This is part of the normative pressure mechanism, as states want to be seen as legitimate in the international community and choose to adopt new norms rather than violate them. When new norms become accepted not only out of self interest but because they are deemed legitimate by the target state they have become internalized (the third stage of norm internalization). The internalization of a norm is the point in which identity change occurs in target states. It is both the behavioral and identity change that the international actor or agency seeks when socializing a target state.

The question then becomes why states choose to accept and adopt norms imposed on them from international actors. Ian Hurd's explanation utilizes models of social control that include coercion, self-interest, and legitimacy to demonstrate why target states adopt new norms. The first mechanism in which states take on new norms is coercion and "refers to a relation of asymmetrical physical power among agents, where this asymmetry is applied to changing behavior of the weaker agent" (Hurd, 1999, 383). Essentially, states adopt norms from the international actor out of fear of punishment or sanction. Membership conditionality is a form of coercion. The European Union provides rewards to candidate states for meeting criteria and adopting norms and punishes states that do not by withdrawing aid or imposing sanctions.

After states are coerced they comply with new rules and norms out of self-interest. States calculate the costs and benefits of rule compliance and make the best decision for the state at that time in the given environment. Schimmelfennig, Engert and Knobel point out that "the higher the material benefits that the international community expects from a target state's adoption of the community rules... the higher also are the costs that the socialization agency is willing to bear to socialize the target state" (2006, 19). The same reasoning can be applied to the target state. The more the target state seeks to gain from compliance, the more it is willing to comply.

The last reason that states comply with new rules and norms according to Hurd is legitimacy. This coincides with the norm internalization stage. States adopt and comply with imposed rules and norms because they believe them to be legitimate and “compliance is no longer motivated by the simple fear of retribution, or by a calculation of self-interest, but instead by an internal sense of moral obligation” (Hurd, 1999, 387). When states accept new rules and norms as legitimate, they become internalized, leading to the desired behavior change sought by the socialization agent.

The example of Turkey and the European Union provides an excellent case study for the international socialization and internalization of norms in a target state. One key normative value of the European Union is secularism, or the separation of religion and politics. The existence of an Islamic population and the norms associated with it are a point of contention for accession negotiations between Turkey and the European Union. Although the Turkish government is secular in practice, the population as a whole still derives many of its values from traditional Islamic beliefs. The paradox then becomes that although the political reality of the Turkish government is one based on the separation of religion from state matters, the government has not been able to disassociate itself from the values of Muslim society and tradition.

### *Mechanisms for Change*

The issue of Turkish integration is highly controversial primarily because Turkey is a populous, poor, and majority Muslim state. Political and economic convergence with the European Union therefore is more difficult for Turkey than it has been for other applicant states in the past. The first step in the EU enlargement process is that applicant states demonstrate their adherence to the Copenhagen Criteria. This must be demonstrated in order for preliminary negotiations talks to begin. After initial negotiations have begun, accession partnerships are

established. These agreements outline the domestic policy transformations the EU seeks in the target state that have both short and long-term political goals that will help the candidate state to converge with the norms and standards of the European Union. According to Schimmelfennig and Sedelmeier a candidate state is more likely to adopt EU rules and standards if they identify with and share similar norms and values. This has been and continues to be the dilemma for the EU-Turkey relationship, whether or not the combination of the Turkish government (in which the military as a de facto influence) and a majority Muslim population can identify with the liberal democratic norms of the European Union.

The integration of Turkey into the European Union requires many domestic policy transformations specifically in the areas of human rights and minority rights. Policy transformation in Turkey has proven difficult on both the domestic and international levels. Turkey has sought EU integration since the 1960s but has remained an outsider while other nations achieved accession with a much briefer delay. The question then becomes how far is Turkey willing to go to meet EU standards and norms, and to what extent can the EU push Turkey to make enough internal changes to align itself finally with the Union.

The relationship between the European Union and Turkey provides an excellent example of the role and influence of an international actor on a domestic level. Many credit the recent policy reforms within Turkey to the European Union enlargement process and prospect of accession. After Turkey received recognition as a candidate state on equal footing with other potential EU members in 1999, eight legislative reform packages were introduced covering issues ranging from the death penalty to the strengthening of gender equality and a new Penal Code was adopted in September 2004 (Commission Report 2004). This international socialization process is achieved through two main mechanisms: membership conditionality and

normative pressure. The European Union implements both strategies in order to gain desired results from candidate states.

### *Membership Conditionality*

The mechanism of membership conditionality is a political strategy employed by states or other international organizations to reward target states performance. A target state is presented with the possibility of membership into an exclusive club or organization, but before membership is granted, the target state must perform. Their reward for performance is membership. If the target state does not perform as the international actor requires they receive no reward or no membership. States are granted membership on the condition that they meet the standards and requirements set forth by the international actor.

The European Union employs a strategy of membership conditionality to promote domestic policy transformation in Turkey. In this case the socialization agency presents the target state with an objective and a reward for meeting the objective. The target state then has several options. First, they can perform as the socialization agency requires and receive a reward. Rewards in this case can be tangible benefits such as increased aid or a share in the internal market of the EU, or intangible such as moving on to the next step in the socialization process. In the case of the European Union and Turkey, moving forward in accession negotiations is a reward. The target state can also choose to not comply with the presented objective. As a result the socialization agency withholds rewards until the target state complies, or punishes the target state. Punishment comes in the form of economic sanctions or public embarrassment. In the strategy of membership conditionality the target state weighs the costs and benefits associated with compliance. States respond to the demands of the socialization agency when incentives are presented. In this case the incentive for Turkey is the long sought acceptance into the European community. If the cost of socialization outweighs the benefits, that

target state is less likely to comply. The target state also considers the credibility of the socialization agency's offer. This is an issue with Turkey and the European Union as Turkey has been seeking membership for over 40 years. The continuous stop-and-go process of accession negotiations leaves Turkey wondering if the EU is offering true membership or intends for Turkey to remain an outsider yet in its sphere of influence.

### *Normative Pressure*

The strategy of normative pressure follows the constructivist model of socialization and the logic of appropriateness. States are induced to make identity changes based on the identity and normative values of the socialization agency. For example, the European Union places an emphasis on human rights and gender equality. The normative values of a very strict Muslim society would conflict with those of the European Union regarding the extent to which women are allowed to participate in society politically, economically and socially. Inducing change in areas like this is problematic. A state may introduce new policies regarding equal opportunities for women; however it is difficult to change the inherent values of population, especially when those values are tied to a religious tradition.

When socialization agencies seek changes in normative values in target states, they apply normative pressure or social influence to bring about desired changes. The socialization agency, in this case the European Union, uses its collective norms to persuade, shame, or praise the target government in hope of producing the desired changes to domestic policy. Theoretically, normative pressure is the exertion of external pressures that will cause the target government to change both the beliefs and behaviors, further aligning them with the collective norms of the socialization agency (Kelley, 2004).

Normative pressure can be used to change both behavior and identity. The socialization agency can apply normative pressure as part of the strategy to induce domestic policy changes in

the target state. Once the new policy and norms associated with it have been introduced and the norm internalization process takes effect, the outcome should result in both behavior and identity changes.

The European Union makes it clear that its fundamental ideas of legitimate statehood include liberal democracy, rule of law, and respect for human rights, and that these norms are vital for candidate states to adopt (Schimmelfennig & Sedelmeier, 2005). The adoption of EU rules and norms is a condition and the incentive is membership. The Union also applies normative pressure on candidate states in hopes of producing domestic policy and normative changes. It will be more difficult for Turkey to embrace the norms and values of the European Union because the two are more divergent in terms of geography, history, culture, and religion than compared to other member states. The European Union Commission compiles a report and recommendation on the progress of candidate states towards accession for the European Council and Parliament. This recommendation helps determine whether or not candidate countries have met preliminary conditions required for opening membership negotiations and the Commission has established that political criteria such as human rights and minority issues will be considered in the admission process. Since official membership negotiations began in October 2005, the Commission believes that preliminary steps to change domestic policy towards human rights have been taken. This policy area however remains a great concern for both the European Union and Turkey, as human rights issues could prevent Turkish accession to the Union.

## CHAPTER 3

### INTERNALIZING SECULARISM

The norm of secularism in Turkey can be traced through Finnemore and Sikkink's stages of norm internalization beginning with the emergence of secularism in Turkey in the early 20<sup>th</sup> century (1998). Mustafa Kemal Atatürk is an excellent example of a norm entrepreneur. Atatürk is generally considered the founder of the modern Turkish Republic. He established a modern state by adopting political, economic, and social aspects of Western Civilization upon the shattered theocratic Ottoman Empire. As part of Atatürk's reforms to the Turkish state, he adopted secularism as part of his *Six Arrows of Kemalism*<sup>3</sup>. Secularism and the democratic ideals of Western European nations became the model for the political elites of Turkey who identified themselves as culturally European.

The tipping point for the norm of secularism came much later and was influenced by EU-Turkish relations. Turkey has sought membership in the European Community since the 1960's and did not gain candidate status until 1999 (Erdemli, 2003). Even after being recognized as a candidate for membership, accession negotiations did not begin until 2005. The tipping point and start of the norm cascade began when the European Union presented Turkey with a relatively credible offer of membership when Turkey was recognized as a candidate country. Prior to this secularism and government institutions in Turkey were unstable due in part to military influence in Turkish government.

#### *Military Influence in Turkish Government*

Military influence in government affairs has been problematic in the course of EU-Turkey relations. The subjugation of the military to politics is endemic to European political

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<sup>33</sup> The other *Arrow of Kemalism* include: republicanism, nationalism, populism, reformism, and statism (Library of Congress Country Studies: Turkey, 1995).

culture and the accepted norm in member states. The military has played a significant role in Turkish politics as they are viewed as the defenders of the ideals of the Kemalist state and are highly pro-secular. Politics in Turkey on the other hand seem to be subject to military influence. Since the establishment of the Turkish Republic the military has played an important role in the political system. In 1950 a multiparty political system was established and “tended toward a bifocal configuration, with the political parties and their leaders forming one focus and the military leadership (plus the state elite) on the other” (Kramer, 2000, 24). These two sides were unable to coexist politically. On four separate occasions (1960, 1971, 1980 and 1997) the military staged coups that proved its predominance in the political arena (Kramer, 2000, 24). Each of these undertakings was staged to oust the current governments that the military believed to be too dictatorial, too weak, or to rectify political crises of the time. The most recent coup which occurred in 1997 was staged to expel the Islamist government that the military supposed to be a threat to the Kemalist state ideal that the military protects and upholds. Although these military interventions in the Turkish government were intended to bring about lasting political change and stability, these changes have always been short-lived or never realized. Each time the military attempts to transform the government the multiparty system reemerges. The military remains influential in politics because, as Kramer contends, “civilian politicians seem unable to provide long-term political stability and guidance” (2000, 25). The uncertainty of political instability contributes to a society in which civilians are less likely to oppose the authority of the military which, unlike other political parties and leaders, has been a constant on the political scene. This disconnect from EU values was one reason for instituting a policy of conditionality, to coerce Turkey into aligning itself with European political values. The divergent values regarding the role of military in politics between Turkey and the EU is detrimental to the accession process as military influence (specifically interventions) in government create a



distancing effect between Turkey and the EU and thus slows the integration process (Unwin, 1998).

Since the last military coup and the commencement of accession negotiations secularism and government institutions are more stable. During this time Turkey has shifted from being coerced into compliance with EU norms, to viewing compliance as being in self-interest. Turkey has much to gain from European Union membership and has made a rational choice to accept new norms. It is safe to assume that Turkey views the norm of secularization as legitimate since they have been the only majority Muslim state to sustain a secular democracy since 1946 (Toprak, 2005). Turkey has demonstrated the behavior change identified by rationalists; this is evident in their ability to move forward with accession negotiations. A change in Turkish identity based on European Union norms is yet to be determined as it is difficult to induce an identity change so vastly different such as in the case of an Islamic society to Western norms.

Turkey presents a unique case for secularization in Muslim countries. Populations in many majority Muslim countries believe that *Shari'a* (Islamic law) should have some role in legislation, if not be the sole source of legislation. In a May 2007 Gallup poll, 41% of Turks interviewed believed that Shari'a should not be a source of legislation, while 26% said it should be one source of legislation (but not the sole source), and only 7% said Shari'a should be the only source of legislation in Turkey (Crabtree, 2007). This poll demonstrates that compared to other Muslim states, Turkey has internalized the norm of secularization. When comparing Turkey to other EU member states and candidate countries however, there has never been a question over the role of Shari'a in political affairs.

This can also be examined through public opinion on national institutions. In another May 2007 Gallup poll, Turks were asked what national institutions they had confidence in. 81% responded that they had confidence in the military and 69% expressed their confidence in

religious institutions. On the other hand the judicial system and national government elicited 67% and 56% of citizens' confidence respectively (Rheault, 2007). Confidence in government institutions is high, however the role and influence of the military in Turkish political affairs is detrimental to the accession process. The Turkish view of the military in politics runs in direct opposition to that of EU member states. And although Turkey has been able to maintain a secular state for some time, several political parties, including the ruling Justice and Development Party (AKP) stem from political Islam (Rheault, 2007). The possibility that Islam could play a role in politics is greater in Turkey than in EU member states. However, the same argument can be made regarding Christian values in the European Union.

Secularization in Turkey is an internalized norm. This norm emerged before the establishment of the European Union; however the prospect of European Union membership has contributed to the solidarity and internalization of this norm. Throughout the accession process, the EU has utilized both conditionality and normative pressure as mechanisms of international socialization in Turkey. In regard to long sought EU membership, Turkey finds it not only in its self-interest to remain a secular state, but has maintained a secular democracy for some time demonstrating the legitimacy of this norm.

“Turkey’s general credentials as a European country are often contested because of its distinct Muslim heritage...Although Turkey’s state doctrine of ‘Kemalism’ contains a deep, historical commitment to ‘Westernization’, it is partially based on values alien to those of Western liberal democracy...” contend Schimmelfennig, Engert, and Knobel (2006, 97) The issue regarding secularization and political norms then becomes whether or not the Republic of Turkey can maintain a separation of Islam and politics, and what role political Islam will play in future politics. Clearly there are discrepancies in political norms between the European Union and Turkey, as evidenced by the role of the Turkish military in government affairs.

The norm of secularism is internalized in Turkish government and society. And although the European Union is a key international socialization agency in Turkey, it did not directly establish the norm of secularization in Turkey. Instead, the political elites of the time and presently identify themselves as Western and strive towards Western political ideals. The European Union did play a part in the diffusion of secularism in Turkey when Turkey set a goal of eventual European integration. Although Turkey is somewhat of an anomaly in Muslim states, in that it does not believe Shari'a should play a part in government, the existence of an Islamic society with Islamic norms and values cannot be denied. The European Union is left to struggle with questions surrounding the compatibility of Islamic and European identities and whether or not the socialization process can be effective and norms can be internalized in a system of norms and values profoundly different from those of the European Union.

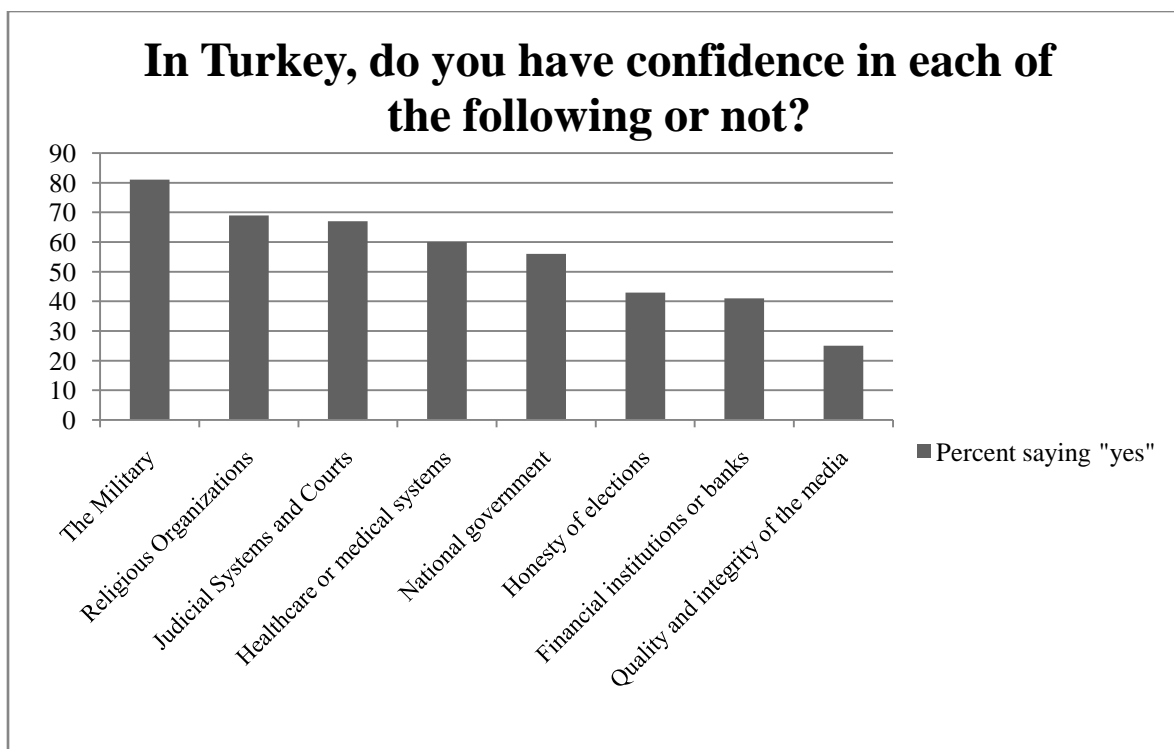


Figure 3.1

Source: Gallup (Rheault 2007)

## CHAPTER 4

### TRADITIONAL ISLAMIC GENDER ROLES IN A SECULAR STATE

The status of women is one human rights issue that the Republic of Turkey is dealing with in their bid for European Union membership. Women's rights are one of the largest current human rights campaigns. Amnesty International (2004) describes the fight for women's rights as "violence against women is rooted in a global culture of discrimination which denies women equal rights with men and which legitimizes the appropriation of women's bodies for individual gratification or political ends." Gender based violence is a major risk for women in many areas of the world. Many violations against women are justified by societal, cultural, or religious beliefs. A major example of this is women in Islamic communities. Women in the Muslim world face especially aggressive infringements of their rights and personal sovereignty. Women in Islamic societies and specifically Turkey are confronted with very different issues that not only include violence, but a lack of basic freedoms and extreme subjugation by men.

The Republic of Turkey has since its establishment set an example for providing equal rights for men and women. With the establishment of the secular state, many discriminatory practices of the Ottoman Empire were ended and women were granted political rights in the 1930s (Ecevit, 2007). Traditional Islamic practices regarding inheritance, marriage and divorce were ended and primary education became mandatory for both boys and girls. Under the leadership of Ataturk, Turkey became a pioneer not only in the Islamic community, but in the rest of the world as well. Throughout the twentieth century, women in Turkey fought hard to gain and retain their rights as equal citizens. In 1930 women received the right to vote and by 1934 women were able to be elected to political offices (International Women's Democracy Center). Table 4.3 show the number of women elected to parliament between 1935 and 2007. Although women have had equal rights according to the government for decades, until recently

the legal texts of the state have perpetuated a less than equal status for women. Gender based violence remains an issue in Turkey and the government is taking steps to address these issues. European Union candidacy has been a catalyst for change in this area; however policy change is insufficient on its own. Enforcement of new policy and legislation is necessary in order for behavioral changes to become identity changes. This chapter will describe the violence against women in Turkey and the impact of human rights treaties on improving the status of women in the state, specifically the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

### *Gender Based Violence*

Much of the violence that women face is the result of unequal power relations between men and women. Women in Islamic communities face violence at the hands of those who wield power over them such as husbands, fathers, brothers, and other male family members. Not only do these women face brutal violations of their person, but they are also limited in their basic functions. These restrictions are a result of an imbalance in gender equality, and interpretation of the Koran and other Islamic texts from which laws are derived. In the case of Turkey the laws of the secular state contradict the Islamic laws that are so deeply ingrained in Turkish society, thus creating a disconnect in how society interprets the role of women. One of the core aims of Ataturk's Kemalism was to extend the autonomy of the individual in society; however this contradicts traditional Islamic gender roles. Traditionally women in Islam are restricted in the extent to which they can participate in society economically, politically, legally, and socially. These restrictions limit rather than extend personal autonomy and create another paradox within Turkey concerning secular values and Islamic societal values.

Women in Turkey face domestic violence, rape, honor killings, prostitution, and trafficking. Domestic violence is by far the most widespread violation of women's rights in

Turkey and beating is the most common form. According to a study completed by Istanbul's Bilgi University in 2003, of 6,440 married and divorced women in 25 provinces surveyed, 31.5 percent were beaten by their husbands and 21.5 percent were beaten by their fathers.

Additionally, 41% of these women were subjected to arranged marriages (U.S. State Department Report, 2003). There are laws in place in Turkey, such as the Law for Protection of Family, that allow victims of domestic violence to apply to the courts for assistance and protection. However many judges in the courts only issue restraining orders, while other authorities such as the police simply advise women to return to their abusive husbands and fathers. The U.S. State Department report on human rights practices in Turkey claims that authorities have effectively enforced court restraining orders and other judgments to protect victims of domestic violence. It is believed however, that many abused women do not report violence in their homes because of notions of family honor.

Rape is another common form of violence that women all over the world face. Turkish law prohibits rape and Islam expresses disapproval of all violence against women. Like many other human rights violations, human rights activists believe that instances of rape are severely underreported. In many states rape is unreported because it is extremely difficult to prosecute cases of sexual assault. Many women are raped by their husbands, and until recently this violence was not considered a criminal offense. The previous Turkish Penal Code provisions stated that rape is not a crime committed against an individual, but rather a crime committed against society. Reported cases of sexual violence were classified as "Felonies against Public Decency and Family Order" in Turkish law (Women for Women's Human Rights). Often times a woman's virginity is an element of the crime. For example, sexual violence that is committed against non-virgins is perceived as a less serious offense. In many cases if the perpetrator

marries the victim, there is no punishment. Societal notions such as honor make it difficult for women to come forward after sexual assault.

In 2004 a new Penal Code was introduced in the Turkish Parliament Grand National Assembly. This new legislation includes over thirty amendments to the old Penal Code that give women and girls increased protection and rights regarding gender equality and sexual and bodily rights (Women for Women's Human Rights). For example, the new Penal Code has criminalized marital rape and crimes of sexual violence are no longer referred to as crimes against society, but rather crimes against individuals and crimes against inviolability of sexual integrity. It is changes such as these that can over time adjust societal norms regarding sexual violence and women's role as the victim rather than a perpetrator in these crimes. The new Penal Code has also removed all references to chastity, honor, public morality, shame, etc. References to notions such as these in the previous Penal Code reinforced societal norms that placed women at a disadvantage and threatened the lives of women. Practices associated with chastity and honor such as virginity testing and honor killings remain a problem in Turkey.

Virginity testing refers to a process in which young girls and women are examined to determine if they are sexually active. The practice is used in cultures in which there is a high emphasis on *namus*, or family honor, specifically the sexual integrity of women in the family (Levin 2007, 204). This practice places women at a disadvantage especially when they are victims of gender based violence like rape. Before the amendments to the Penal Code, the sexual status of women was often considered an element of a crime such as rape. If a victim of rape was known to be unchaste then the severity of the crime is lessened. Virginity tests at one time were also used as part of the recruiting process for hiring personnel for state offices in Turkey (Ecevit, 2007). In 1998 virginity tests were banned in Turkey after five school aged girls attempted to commit suicide pending forcible virginity tests (BBC News, 2002). Although the



practice has been banned by the Turkish government, women can still request a virginity test. These tests may be requested if a woman has been the victim of sexual violence and requires evidence of the crime. Since the ban on virginity testing the US State Department reports a decrease in reports of virginity testing in Turkey and in 2003 no reports of virginity tests were made (US State Department Report).

Honor killings remain a problem in Turkey, especially in the Southeast and East regions of the state where large Kurdish populations that hold very traditional Islamic beliefs and practices exist. Honor killings are also linked to notions of family honor and sexual purity. These killings and brutal violations of women's and human rights are often carried out by male family members if a daughter, sister, wife, etc. has been deemed shameful to the family. Women do not have any say in these decisions on their lives. Killings are often carried out if a woman has been found or accused of being unchaste, pregnant out of wedlock, committing adultery, or refusing an arranged marriage. Just as with other violent crimes committed against women, it is often underreported and it is difficult to estimate the true number of victims of honor killings. The Turkish government reported however, 1,806 honor killings between 2001 and 2006. New legislation has been introduced that increases the penalties for perpetrators of these crimes. Those convicted of honor killings receive a penalty of a life sentence in prison. The US State Department reports that since there are sentence reductions for juvenile offenders, often times families delegate carrying out honor killings to younger members of the family (US State Department Report, 2008). As a result of the increased penalties for honor killings, another problem has arisen.

Communities and families that practice honor killings are now pressuring girls and women to commit suicide rather than a family member risk imprisonment for the act. High suicide rates among girls in the Southeast and East provinces of Turkey have risen more than

50% since 1993 (US State Department Report, 2000). The government also reported 5,375 suicides among women in the period 2001-2006 (US State Department Report, 2006). The practice of honor killings is part of upholding social norms in some areas. In 2005, Dicle University surveyed 430 people (78% men) on honor killings. 37.4% of respondents felt that honor killings were justified by adultery, while 21.6% of respondents said that infidelity justified violence such as cutting off the nose or ears of the adulterous wife (US State Department Report, 2006).

Practices associated with the values of Islamic society contradict those of the secular state creating an extremely difficult situation for women. The correlation between women's sexuality and family honor reinforces a society in which violence against women is an accepted norm. Although the Turkish government has been a pioneer for Muslim states in regard to equality for women and women's rights, family values and structure remain highly patriarchal.

Women's rights in Islam are so highly sensitive because it involves deeply held religious and cultural values. Riffat Hassan, professor of religious studies at the University of Louisville, summarizes the effect of Islamic cultural and religious values on the status of women: "the way Islam has been practiced in most Muslim societies for centuries has left millions of Muslim women with battered bodies, minds, and souls" (Orens, 2003). The status of women in Turkey is a result of deeply held religious beliefs and cultural norms that are hard to change despite the contradicting values of the secular states and the influence of the European Union.

#### *Turkey and CEDAW*

Despite the continuing struggles regarding violence against women, the Turkish government has taken significant steps to improve the status of women in the state. One such step is signing and ratifying Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This treaty on women's rights was entered into force in 1981 and

Turkey ratified CEDAW in 1985 (Levin, 2007). Article 28 of the Convention allows states to ratify with reservations provided that the state reservations are not “incompatible with the object and purpose of the present Convention” (CEDAW Article 28). The Turkish government ratified the treaty with reservations on Articles 15, 16, and 29.<sup>4</sup> Article 15 and 16 deal with the legal status of women, and marriage and family life. Turkey placed reservations on these articles citing that these articles were not “completely compatible with the provisions of the Turkish Civil Code” (CEDAW Reservations). Article 29 of the Convention stipulates that disputes arising between states party to the Convention may be submitted to the ICJ. Turkey placed a reservation on this article on the basis that Article 29 also states that states may declare that they are not bound by the first part of the article.

In September 1999 Turkey declared that it would withdraw some of the reservations they initially placed on the Convention. The reservations on Articles 15 and 16 were withdrawn, and the reservation on Article 29 regarding the ICJ remained. This was an important step for women’s rights in Turkey. Although Turkey had been party to the Convention since its inception, the state did not make changes the domestic system until the late 1990s. It was during

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<sup>4</sup> The following are the specific parts of CEDAW that Turkey made reservations on:

Article 15 – Paragraph 2: States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

Article 15 – Paragraph 4: States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16 – Paragraph 1: States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (c) The same rights and responsibilities during marriage and at its dissolution; (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount; (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount; (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation; (CEDAW Reservations)

this time that Turkey also began to fully pursue European Union membership. Since 1999 Turkey has made significant legal reforms to demonstrate its dedication to improving the status of women. Article 10 of the Turkish Constitution describes equality of citizens before the law, and stipulates that no discrimination may occur on the basis of sex. Although this article does deem that men and women are equal in the eyes of the law, in May 2004 an amendment was made adding a paragraph giving more emphasis on the equality of women and men. The additional to Article 10 reads: “Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice” (Turkish Constitution).

Another significant constitutional amendment was passed in 2004 regarding international treaties. Article 90 was amended and now states that in regard to international agreements dealing with “fundamental rights and freedoms,” or human rights, if a conflict arises between domestic policy and the agreement then the provisions of the treaty shall supersede domestic law. Essentially, all human rights treaties have precedent over Turkish domestic law. This amendment is one way that Turkey is able to demonstrate to the international community and the European Union that it not only takes human rights issues seriously, but that it is willing to allow international agreements to prevail over domestic law in this area.

Along with constitutional amendments, the Republic of Turkey has also made changes in their civil code, penal code, and introduced new legislation dealing with issues that women specifically face. The Turkish Civil Code was originally adopted in 1926 and had several stipulations that placed women at a disadvantage in many areas. For example, in the old Civil Code, the husband was automatically deemed the head of the union, placing the wife in a subordinate position. The new amendments to the Civil Code give both the husband and wife equal status in the marriage (Levin, 2007). Other amendments to the Civil Code that improve that status of women include raising the age of marriage for both men and women to over 17

years old, women must no longer obtain permission from her husband to seek employment, and shared financial responsibility for the household is now adopted (Office of the Prime Minister, Directorate General of Press and Information).

Changes in the Turkish Penal Code have also been significant in the improvement of the status of women in Turkey. As described above, the new Penal Code has included many amendments to protect women's rights and criminalize many violent gender based acts. These changes to the domestic laws of Turkey are part of an attempt to change not only behaviors regarding human and women's rights, but also change the norms associated with these violations. The first step to making domestic changes is to change policies and laws and increase enforcement of the new laws. Over time, the new norms become part of the state identity and the occurrence of these crimes will be reduced. Levin describes these changes as "an attempt to root out patriarchal concepts embedded in Turkish society that threaten the well-being of Turkish women and girls, such as chastity, honor, and morality" (2007, 210).

In 1998 the Law on the Protection of the Family came into force and was the first piece of legislation in Turkey that dealt specifically with domestic violence (Levin, 2007). This law is another significant step to improving the status of women in Turkey as domestic violence remains a widespread problem. The Law on the Protection of the Family requires the state to take action against the abuser. The accused can be ordered to end abusive behavior, leave the residence, surrender weapons, and not to cause distress to his family among other sanctions. Courts may apply these measures for up to six months and if orders are not obeyed, the accused may face imprisonment (Women's Learning Partnership). Through this law the state is to provide protection for victims of domestic abuse, however if domestic violence is unreported it is ineffective. Table 4.2 shows the number of court cases filed in criminal courts on the basis of the Law on the Protection of the Family. A new initiative to assist victims of domestic violence

began in October 2007. A domestic violence hotline financed by the European Union was implemented and received 150 phone calls in the first ten days of operation (US State Department Report, 2008).

Overall, progress has been made on the status of women in Turkey. Acceptance in the European community and long sought EU membership has been catalyst for making changes. Many of legal changes that have been implemented in Turkey occurred in the late 1990s and early 2000s as Turkey worked for candidate state status. Many of the changes regarding human rights in Turkey are the result of demonstrating adherence to the Copenhagen Criteria for candidate states and meeting the requirements imposed by membership conditionality. The challenge for the future is to not only maintain the policy changes, but to make normative changes regarding human rights and specifically women's rights. These normative changes will occur over time as new generations of Turks are indoctrinated into the international human rights regime. The European Union fears the implications of integrating new member states that still struggle with issues such as honor killings and widespread domestic violence. Although the Turkish government has made significant changes in the domestic legal system, Turkey must continue to shift cultural norms to align with the norms of the European Union.

### Turkey Ratification of International Women's Rights Treaties

| Treaty  | Signature              | Ratification       | Accession              | Entry Into Force        |
|---|------------------------|--------------------|------------------------|-------------------------|
| <b>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</b>                         |                        |                    | 20<br>December<br>1985 |                         |
| <b>Optional Protocol to CEDAW</b>   | 8 September<br>2000    | 29 October<br>2002 |                        |                         |
| <b>United Nations Convention against Transnational Organized Crime</b>  | 13<br>December<br>2000 | 25 March<br>2003   |                        | 29<br>September<br>2003 |
| <b>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children<sup>5</sup></b> | 13<br>December<br>2000 | 25 March<br>2003   |                        | 25<br>December<br>2003  |
| <b>Protocol against the Smuggling of Migrants by Land, Sea and Air<sup>6</sup></b>                                | 13<br>December<br>2000 | 25 March<br>2003   |                        | 28 January<br>2004      |

Table 4.1

Source: University of Minnesota Human Rights Library

<sup>5</sup> This treaty supplements the United Nations Convention against Transnational Organized Crime Preamble and supplements the United Nations Convention against Transnational Crime.

<sup>6</sup> This treaty also supplements the United Nations Convention against Transnational Organized Crime.

**Number of Court Cases Filed before Criminal Courts on the Basis of the Law on the Protection of the Family No. 4320 and the Number of Defendants**

| Years | No. of Court Cases Filed | Number of Defendants |        |           |        |         |        |       |        |       |
|-------|--------------------------|----------------------|--------|-----------|--------|---------|--------|-------|--------|-------|
|       |                          | Age 12-15            |        | Age 16-18 |        | Age 19+ |        | Total |        |       |
|       |                          | Male                 | Female | Male      | Female | Male    | Female | Male  | Female | Total |
| 1999  | 109                      | 0                    | 0      | 0         | 0      | 122     | 1      | 122   | 1      | 123   |
| 2000  | 108                      | 0                    | 0      | 2         | 5      | 108     | 2      | 110   | 7      | 117   |
| 2001  | 125                      | 10                   | 0      | 4         | 0      | 115     | 5      | 129   | 5      | 134   |
| 2002  | 158                      | 2                    | 0      | 1         | 0      | 160     | 3      | 163   | 3      | 166   |
| 2003  | 213                      | 3                    | 0      | 0         | 0      | 218     | 4      | 221   | 4      | 225   |
| 2004  | 322                      | 0                    | 0      | 4         | 0      | 319     | 10     | 323   | 10     | 333   |
| 2005  | 439                      | 5                    | 0      | 0         | 0      | 447     | 12     | 452   | 12     | 464   |
| 2006  | 646                      | 30                   | 6      | 2         | 0      | 685     | 18     | 717   | 24     | 741   |

Table 4.2

Source: CEDAW Report, 2008, p. 8



**Percentage of Female Members of Parliament Elected between 1935 and 2007**

| Election Year | Total | Female | Male | Female % |
|---------------|-------|--------|------|----------|
| 1935          | 399   | 18     | 381  | 4.5      |
| 1939          | 424   | 16     | 408  | 3.8      |
| 1943          | 455   | 16     | 439  | 3.5      |
| 1946          | 465   | 9      | 456  | 1.9      |
| 1950          | 487   | 3      | 484  | 0.6      |
| 1954          | 541   | 4      | 537  | 0.7      |
| 1957          | 610   | 8      | 602  | 1.3      |
| 1961          | 450   | 3      | 447  | 0.7      |
| 1965          | 450   | 8      | 442  | 1.8      |
| 1969          | 450   | 5      | 445  | 1.1      |
| 1973          | 450   | 6      | 444  | 1.3      |
| 1977          | 450   | 4      | 446  | 0.9      |
| 1983          | 400   | 12     | 387  | 3.0      |
| 1987          | 450   | 6      | 444  | 1.3      |
| 1991          | 450   | 8      | 442  | 1.3      |
| 1995          | 450   | 13     | 437  | 2.9      |
| 1999          | 550   | 22     | 528  | 4.0      |
| 2002          | 550   | 24     | 526  | 4.4      |
| 2007          | 550   | 50     | 500  | 9        |

Table 4.3

Source: CEDAW Report, 2008,p. 26

## CHAPTER 5

### CONCLUSIONS AND CREDIBLE COMMITMENTS

The Republic of Turkey faces many obstacles in the process of European integration. Human rights issues have been one area in which Turkey has needed to make significant improvements. The Turkish government must also take steps to improve the judicial system, the economy, and national security. Turkey met preliminary standards as set forth by the Copenhagen Criteria and in October 2005 the European Union officially opened membership negotiations. Negotiations however, were met with extreme controversy within the Union over a variety of issues such as Turkey's refusal to recognize the state of Cyprus (a member state of the EU). If membership negotiations are successful, the actual accession of Turkey to the European Union could not occur till at least 2014 as determined by the EU budget and financial framework for the next budget cycle (EurActiv, 2004). In the meantime other states such as Bulgaria and Romania have gained entry into the European Union and it is possible that the two other candidate states (Croatia and the Former Yugoslav Republic of Macedonia) could achieve membership before Turkey. Although Turkey has sought membership in the European Union for decades, relatively new states have gained entry quicker and with much less controversy than Turkey. This creates skepticism within Turkey towards the EU, which affects the implementation of new policies required for accession.

As more states gain entry before Turkey the credibility of the EU's enlargement objective is called into question. The continuous rejection of membership has slowed both the integration process and domestic policy transformations which legitimizes membership rejection. This cycle questions the European Union's true interest in Turkish integration. The perpetual membership rejection followed by membership negotiations that are repeatedly stopped is perceived as the Union's attempt to keep Turkey out of the EU yet still in its sphere of influence. One

perspective on this relationship is that the failure of the Turkish state to make necessary reforms on domestic policy is a direct result of the lack of credibility of the EU's offer of membership. On the other hand, the inaction of the European Union is legitimized by the Turkish government's failure to make necessary policy reforms (Arikan, 2003). This cycle is part of Turkey weighing the costs and benefits of making domestic changes. If the Turkish government does not perceive the commitments of the European Union as credible, then the costs of making changes outweigh the benefits. Candidate states are advised to make changes in specific areas in order bring domestic policy and law in line with that of the European Union.

The European Union outlines all the policy areas and laws for candidate states to adopt in the *acquis communautaire* which is the entire body EU law. The *acquis* is divided into chapters based on issue area such as taxation, education and social policy. Each area is negotiated between the Union and the candidate state and the candidate state must adhere to the *acquis*. Once chapters are opened they may be "frozen" based on candidate state performance. This is part of the membership conditionality and bargaining process. The opening and closing of chapters must be unanimous in the European Council, which can be problematic based on member state support of Turkish accession.

Turkey and the EU are negotiating 35 chapters of the *acquis* and to date one chapter has been closed and twelve have been opened. In December 2006 as a result of Turkey failing to comply with part of an agreement regarding Cyprus, the EU froze eight chapters until the Turkish government complies (European Union Commission). The chapters that are currently frozen are critical policy areas that include agriculture and rural development, financial services, and the free movement of goods. The process is slow and tedious and some chapters will be more difficult to adopt than others. The Turkish government is also wary of the accession

process as the eventual outcome may not be membership. Candidate state status and membership negotiations do not guarantee membership.

As membership negotiations continue to start and stop, public support of the European Union in Turkey is decreasing. A fall 2008 Eurobarometer poll demonstrated that Turkish citizens that viewed EU membership as a “good thing” has fallen from 49% (spring 2008) to 42% (2008). Public support has also dropped regarding the perceived benefits of EU membership from 58% (spring 2008) to 48% (Eurobarometer, 2008). The decrease in public support for the European Union could be problematic for both the Union and the Turkish government.

Overall, Turkey has made considerable improvements as evidenced by the opening of accession negotiations. In order for improvements to continue the European Union needs to demonstrate credible commitments to its offer of membership. The Recommendation of the European Council on Turkey’s progress towards accession concludes that Turkey has made significant progress in many areas but that more can be made. The human rights situation in Turkey has improved significantly as a result of European Union influence. The decision to integrate Turkey into the Union is highly controversial and is a complex one. The Turkish government must continue to make improvements in the status of human rights, specifically the status of women. This proves to be difficult because of the complex socio-economic and political nature of the Turkish state. Internal contradictions such as the role of Islam in Turkey make the process of Turkish accession more challenging than it has been for other states. Many perceive the rise of Islam in politics as a threat to the West. The state of human rights is another internal contradiction that creates a barrier between Turkey and the EU. The issue of human rights is one area that could potentially prevent EU membership. Table 5.1 shows the number of decisions made on Turkey in the European Court of Human Rights.

### *Conclusions*

This study has examined the process of international socialization through the case study of Turkey and the European Union. The European Union acting as the socialization agency promotes specific norms onto the target state of Turkey in order to produce domestic changes. The desire of the Turkish government to join the European Union is the environment in which this example of the international socialization process takes place. Perhaps the greatest challenge of the process of Turkish accession is difference in normative values and state identity between Turkey and the European Union. The European Union is a group of like-minded states that have a common history, religion, and identity. Part of the Union's identity is based in the norms associated with liberal democracy and respect for human rights. Turkey on the other hand is a paradox that is struggling with its own identity. Turkey is situated in a unique geographic position between East and West. The same can be said of the state identity, as it is a secular democracy built upon an Islamic theocracy with a majority Muslim population. And while the political elite have always identified with Western states and worked to model the government on those of the West, Turkish society must find a middle ground between the cultural norms and values of Islam and norms being imposed as a result of relations with the European Union.

The process of international socialization was explained through the rationalist and constructivist approaches to international relations. These approaches explain the two desired outcomes of the socialization process: behavior and identity change. As part of the process of creating domestic norms in a target state, the norm life cycle explains how norms are diffused from a starting point or norm entrepreneur to internalization. The mechanisms that the European Union utilizes in order to socialize target states is also described. Each of these processes and mechanisms are illustrated through specific examples. The norm of secularism is traced from the founder of the Turkish Republic, Mustafa Kemal Ataturk, through the tipping point and to

internalization. This demonstrates Turkey's ability to keep Islam separate from government which is necessary if it is to achieve membership in the EU.

The process of international socialization is further examined through the status of women in Turkey. This example provides excellent insight into the struggle between Islamic cultural values and new norms pushed by the Union. Although Turkey is very liberal compared to other states with majority Muslim populations, women are still threatened with domestic and gender based violence. Some of these violations of women's rights occur because they are part of cultural norms and values. The example of violence against women in Turkey is used in this study because it demonstrates the struggle between tradition and identity change at a very basic and real level.

Overall Turkey has demonstrated marked improvements in the area of women's rights. Improvements in the Penal Code and Constitution are part of the government's commitment to make changes necessary for accession. Change in domestic policy does not guarantee change in normative values. The Turkish government needs to continue the enforcement of new policies regarding human rights and violence against women. European Union membership and international treaties like CEDAW show the state's commitment to continuing to improve the status of women. Enforcement must continue for new norms regarding violence against women to become internalized. The international socialization process continues to occur in this area as new legislation is adopted and the occurrences of violence against women decreases. The changes in domestic policy produce behavioral change and over time norms will become internalized and the change in identity will occur.

**Number of European Court of Human Rights Cases Decisions on Turkey**

| <b>Year</b> | <b>Decisions</b> |
|-------------|------------------|
| <b>1995</b> | 3                |
| <b>1996</b> | 5                |
| <b>1997</b> | 8                |
| <b>1998</b> | 18               |
| <b>1999</b> | 19               |
| <b>2000</b> | 39               |
| <b>2001</b> | 218              |
| <b>2002</b> | 99               |
| <b>2003</b> | 123              |
| <b>2004</b> | 171              |
| <b>2005</b> | 290              |
| <b>2006</b> | 300              |

Table 5.1

Source: Duvakli, 2008

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