Journal of Contemporary European Research

Volume 18, Issue 2 (2022)

Research Article

Teaching EU Law in the periphery: Outlook in Turkey

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Citation

Çakmak, C. et al. (2022). 'Teaching EU Law in the periphery: Outlook in Turkey', *Journal of Contemporary European Research* 18 (2), 247-264. https://doi.org/10.30950/jcer.v18i2.1275

First published at: www.jcer.net

Abstract

This study extensively reviews the EU Law curriculum in Turkish higher education institutions and further draws conclusions on the state of this curriculum as compared to the general EU courses. Based on the findings and the conclusions, the authors then discuss the factors for the inertia to place greater emphasis upon teaching the EU Law with reference to how Europeanization has been understood and interpreted in Turkey. The findings suggest that the reforms have not been appropriately backed by the curriculum and that Turkey has acted in conformity with its own peripheral agenda rather than committing itself strongly to internalize the EU legislation and incorporate it in its entirety into its legal domain.

Keywords

EU Law; Teaching; Turkey; Intergovernmentality/supranationality; Europeanization/de-Europeanization

INTRODUCTION

Copenhagen Criteria, often cited in political and academic debates in Turkey as the basis of accession to the EU, still remain relevant, particularly in the case of Turkey's admission, despite substantial additions and revisions to the conditionality mechanisms. The criteria, setting out political and economic conditions, as well as pointing out to the administrative and institutional ability to implement the *acquis*, or the EU Law in general, have been extensively discussed and often taken into consideration in the introduction of reforms towards membership. Thus, a basic understanding of what the criteria entail, their translation into the legal and political language of the reforms and accompanying efforts to adhere the rules associated with them constituted the very basis of how Turkish political and academic elites define the process of Europeanization.

Additionally, it is possible to infer that this definition of Europeanization suggests that full membership in the EU requires a major transformation in "policy, politics and polity"[1] domains (Bulmer and Burch 2000; Börzel 2005: 49) so that compliance with and adaptation to the EU is ensured. However, a review of the high education curriculum reveals that courses on the EU offered at the Turkish universities focus on the political and economic aspects of the EU, and particularly on the Turkey-EU relations from a historical perspective in evaluation of the improvement/deterioration of the bilateral ties. Based on this analysis, it is also possible to note that IR and Political Science departments offer advanced level EU courses, without paying strong emphasis upon the EU Law. Law Departments, on the other hand, mostly offer elective courses on the EU Law which, however, do not appeal to the future lawyers or jurists since these courses are not considered as part of an impressive legal career. This is also partly because not only institutional law but also EU substantial Law plays a limited role in the law enforcement process in Turkish Law and therefore has a limited role in general legal practice. Therefore, it appears that how Europeanization is viewed and defined is missing a very mandatory component: while the EU acquis is analyzed, reviewed and studied in political circles in times of reforms, higher education institutions make little room and place almost no emphasis upon teaching the EU Law.

This study extensively reviews the EU Law curriculum in Turkish higher education institutions and further draws conclusions on the state of this curriculum as compared to the general EU courses. Based on the findings and the conclusions, the authors then discuss the factors for the inertia to place greater emphasis upon teaching the EU Law with reference to how Europeanization has been understood and interpreted in Turkey. The findings suggest that the reforms have not been appropriately backed by the curriculum and that Turkey has acted in conformity with its own peripheral agenda rather than committing itself strongly to internalize the EU legislation and incorporate it in its entirety into its legal domain.

EUROPEANIZATION IN TURKEY: COPENHAGEN CRITERIA AS LEGAL/POLITICAL BENCHMARK

Turkey's quest for EU membership has been motivated by pragmatic and practical factors, particularly within the government circles. In other words, membership in Western institutions, more specifically in the EU, has been viewed as a major contribution to the preservation of territorial integrity and to the advancement of its political interests, thus normative requirements being attached less significance. This position has been in some instances consistent with the priorities of the EU when its procedures and processes revealed a stance of intergovernmentality rather than supranationality.

Most analytical works tend to consider the EU as a global political/economic giant, comparable to, in terms of their role in the conduct of international affairs, the United States, Russia and China. Such depiction implies that the EU has inherent aspirations to interfere with major upheavals and assume certain responsibilities in connection with its big power status (see for example, Heisbourg 2010; Hill et al. 2017). In other words, from a power-focused theoretical perspective, the EU is considered as having motivations

to make itself engaged with what is taking place in the form of a revolution or a dramatic change not only in its near abroad but also in the entire world.

The EU, from a more norm-focused perspective, may also be viewed as a major norm maker and promoter in regional and international politics (for a detailed discussion on EU's normative foreign policy, see Tocci 2008). As a political construction of universal norms such as democracy, transparency, respect for human rights and equality, the EU commits itself through its legal and political documents and instruments, as well as actions, to defending and promoting these values and norms in its own political domain, as well as in the outer polities. The first analysis implies that the EU can and should act on its 'power arsenal' which draws the limits and boundaries of its sphere of action in its external relations. The second, on the other hand, suggests that it may have intrinsic advantage (and even moral obligation, some might say) in responding to crises that require concerted action. This dichotomy stems from the two dynamics and interplays that have played a role in the construction of the EU: intergovernmentalism and supranationalism (Moravscik 1995; Sandoltz and Sweet 1998). Currently, most analysts refer to the EU as a supranational organization; but in some instances, and areas, the impact of intergovernmentalism resurfaces and becomes visible. Basically, intergovernmentalism informs that both the members and the EU as a representative of their interests places primary emphasis upon protection of the EU interests and benefits whereas supranationality underlines that the EU should promote and spread norms out of responsibility even if it means that such action undermines the immediate interests of the members.

A review of the structure and outlook of the EU (both in terms of legal and political appearance) reveals that the Union is beyond a conventional intergovernmental organization. Above all, the idea of political unity and integration is well-entrenched in the legal texts which allows the EU bodies and institutions, acting on behalf of the people, to conclude international agreements that generate legal obligations. Reference to the popular consent is also apparent in the decisions regarding the foreign policy domain where the wishes of the constituents are prioritized as evidenced in the defined role for the Parliament in case of acceding to international treaties. The normative (thus supranational) tendency is more accentuated in this field whereas, in the identification of the direction of foreign policy, the governments are given a more precise role and power which then reflects the significance of intergovernmentalism in this particular field. Under Article 22 of the Treaty on European Union, the European Council sets out the strategic interests and goals of the EU. The Council, representing the governments of the member states and making its decisions unanimously, envisages a political framework of the EU's external relations with other states or regions. This suggests that the Council may reflect the concerns and priorities of the member states. However, the intergovernmentalism of the role attached to the Council is restricted by Article 21 of the Treaty on European Union which presents a general vision and approach to be upheld in the conduct of foreign relations. This general vision is somehow different from the traditional national foreign policy perspectives and the approach specified in the legal texts of the EU that all member states agreed to uphold is relevant not only to specific regions or states but also encompasses global problems that concern the entire world. In other words, the EU defines some global roles for itself in its external relations some of which may require normative action and response (see Çakmak 2021).

The vision that the Council is expected to consider implies that the EU, in its external relations, needs to adopt a normative stance. In other words, the values and principles that the EU emphasizes hold a pivotal place and may be used as means and catalysts of change in a given foreign political context. The EU has so far relied on these instruments, acting carefully not to appear as interventionist, and seems to have placed emphasis upon elements of some sort of soft power that would ensure acknowledgement and incorporation of its values and principles.

In addition, even though it is safe to argue that the broad authorities of the European Council in prescribing the future direction of foreign relations imply some sort of intergovernmentalism, these authorities are restricted in different parts of the EU legislations, thus requiring the Council to consider the inherent values and principles that make up the normative identity of the EU. Additionally, the supranational nature of normativity in EU actions is further backed and accentuated in the legal basis of foreign policy and security identity which is underlined in Article 24 of the Treaty on European Union as follows:

1. Within the framework of the principles and objectives of its external action, the Union shall conduct, define and implement a common foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of member states' actions.
2. The Member States shall support the Union's service in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area.

Whether or not democracy promotion falls within the agenda of EU's external relations remains ambiguous. However, it is clear that democracy is one of the determinants and constituents of the EU law as the idea of union is based on the protection and recognition of the rights of all popular actors and groups in the continent and on the identification of instruments to ensure their participation in legal and political processes. Strong emphasis has been placed upon democracy in the enlargement and deepening processes in the EU history, and this has been evidenced by the conditionality clauses and requirements that prospective members needed to implement before gaining access to the EU; these requirements have had transformative impacts upon the candidate states which rearranged their domestic political structures to meet the democratic standards that the EU prescribed as conditions. Additionally, democracy has played a role of a permanent reference in the construction and implementation of the EU Law. Democracy and a number of other relevant values are explicitly mentioned in Article 2 of the Treaty on European Union as foundational basis of the EU:

> The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

The values and principles the EU considers fundamental for its existence have over the time created a broad political and legal culture within the EU, including its members as well as its institutions. Adoption and evolution of this culture is also in line with the aims of the EU which are provided in details in Article 3:

> In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.

All these norms and values have also been defined as legal obligations in other legal documents of the EU, thus creating a fairly normative basis for integration. In other words, the aims specified in the EU legislation are not mere standards and expression of unsubstantiated aspirations, but are formal legal obligations that should be considered in external relations as well.

HISTORICAL BACKGROUND: INTERGOVERNMENTAL TURNS IN TURKEY-EU RELATIONS AND STATE OF EU STUDIES

The intergovernmental relationship between Ankara and Brussels is not only confined to simple domestic and foreign affairs of each side since "the EU–Turkey relations impact the wider neighborhood and the global arena, be it the conflicts in the Middle East and North Africa (MENA) region, the transatlantic security agenda, or the implementation of the United Nations (UN) 2030 Agenda for Sustainable Development" (Turhan and Reiners 2021: 2). Moreover, as a member of several multilateral institutions such as Organization for Co-Operation and Economic Development (since 1948), Council of Europe (since 1949), North Atlantic Treaty Organization (since 1953), Turkey has competences in acting on other multilateral institutions side by side with the EU or the EU member states, some of which exclusively affect the institutional, legal, political structure of Turkey. In this respect, teaching, learning and researching about the EU studies in general and the EU law are valuable assets for the epistemic community in Turkey.

Although theoretical approaches and the methodological choices on the impact of the EU in Turkey are different, after the Helsinki Summit of 1999, the Turkish case has generally been analyzed within the context of EU conditionality, which is characterized by a normative and legalistic agenda (Bölükbaşı et al. 2010). Some scholars alternatively suggest that conditionality is not sufficient to pinpoint the depth of EU impact on the Turkish domestic arena as it has just coupled with Turkey's democratization process (Tocci 2005; Müftüler-Baç 2005). Ulusoy (2005) believes that "the European impact on Turkish politics is much more profound than the framework of conditionality and it goes to the core of the political structure in Turkey". It may be the reason that Kaliber (2008) called attention to a distinction between EU-ization as a formal alignment with the EU's institutions, policies and legal structure and Europeanization in a wider context. In such a distinction, the latter makes references to other Europe-wide institutions and different societies' diverse perceptions of and experiences with Europe. Therefore, a new research generation regarding Turkish-EU relations emerged to explain the domestic change in a given policy domain.

Bölükbaşı et al. (2010: 465) point out that political science in general and European studies in particular are relatively new fields of study in Turkey and that research in these fields tend to be legalistic rather than empirical. What they suggest is that an emerging sub-field of Europeanization can be the launch pad of more empirical and comparative case-study research on Turkey. Another necessity for scholars within this so-called new generation of Europeanization studies is to focus on other societal actors whose interests have been disregarded throughout Turkish-EU relations. Some scholars, for instance, consider that Turkey's aspiration for the EU was a top-down and elite driven project in which other societal actors have been excluded (Müftüler-Baç 2005: 17; Tocci 2005; Öniş 2009). In seeing this, Diez *et al.* (2005) attest four distinct types of Europeanization (policy-, political-, societal- and discursive-Europeanization). They argue that so far studies for the Turkish case have been largely confined to a policy and political Europeanization.

This paper does not seek to cover the entire debate about the evolution of Europeanization or EU studies in Turkey. However, it argues that in parallel with the development of Turkey-EU relations, academic interest has followed a similar trajectory. Retrospectively speaking, it is usually acknowledged that the EU-Turkey relationship has been progressed in ebbs and flows fashion (Narbonne and Tocci 2007). This makes one to consider that the temporality dimension of the bilateral relationship matters in order to make a fine-grained analysis. Timing is also important dimension as it suggests that the strategic importance of EU–Turkey relations in (geo)political, economic, and societal terms does not exhibit a clear, linear developmental path (Turhan and Reiners 2021: 2). Although this is not a paper to trace the evolution of the bilateral relations between the EU and Turkey, what is important here is that the temporality affects the interests given to the learning and teaching of the EU law in Turkey. What temporality suggests is that the EU accession process in Turkey has gradually evolved over the course of time. This

has often resulted in the limitations of grasping the impact of the EU in actual practice in Turkey.

The gradual change may be analyzed under three distinct periods after the Helsinki Summit of 1999 due to the nature of sources of changes and of the relations with the EU (Özçelik 2019). These periods are defined as follows: *Europeanisation as democratization* (1999-2002); *proto-Europeanisation* (2002-08) (see Griffiths and Özdemir 2004) and *de-Europeanisation* (2008 onwards). Starting from Turkey's first application for associate membership to the European Economic Community in 1959, Alpan (2021) proposes four time periods: *Europeanization as Rapprochement* (1959-1999); *Europeanization as Democratic Conditionality* (1999-2005); *Europeanization as Retrenchment* (2006-2011) and finally *Europeanization as Denial* (2011-2020). Although our special emphasis is on the last (de-Europeanization) (Aydın-Düzgit and Kaliber 2016), or what Alpan (2021) considers *Europeanization as Retrenchment* and *Denial*, we admit that such periodization neither seeks to simplify the complex process of historical evolutions, nor aims to create artificial periods against continuity and change. The intention is simply to present how continuity and change in terms of the nature of bilateral relations have developed after the Helsinki Summit of 1999 and therefore to review the EU Law curriculum in Turkish higher education institutions in order to draw conclusions on the state of this curriculum as compared to the general EU courses.

The period of 1999-2002 covers the fragile coalition government, the economic crisis of 2001 and Turkey's intensive democratization process in terms of human rights and the Kurdish issue. Although the impact of the EU on Turkish politics has been intensified by the early years in the post-Helsinki era, reforms mainly targeted the economic development of the country, democratic improvement and human right issues along with the enhancing the capacity of undertaking the EU acquis. This implies that the EU's major concern was whether Turkey could fulfil the community's standards in line with the Copenhagen Criteria. Besides, in this period, the coalition government was highly fragmented with their perceptions regarding the EU-induced reforms. It is more likely that faced with Euro-sceptic and highly nationalist right-wing coalition partners, the Nationalist Action Party, in government, the Commission preferred to emphasize urgent radical political reform in areas such as democracy and human rights at the beginning of the process. For instance, the Turkish Grand National Assembly approved 34 constitutional amendments in this period, most in the areas of human rights, laws regarding Penal Code, and the anti-terror law. Consequently, the period of 1999-2002 was largely one of 'Europeanization as Democratization', or in the words of Diez et al. (2005), of 'the political Europeanization', and/or *Europeanization as Democratic Conditionality* (Alpan 2021).

By the landslide victory of the Justice and Development Party (hereafter AKP, in Turkish acronym), Ankara's strong commitment to implementing the Copenhagen criteria after two years of intergovernmental bargaining opened a new era in bilateral relations (between 2002 and 2008). By this new era, the EU had become a major international source of change and had greater impact on domestic change. While the incumbent government, as a single ruling party, had the necessary power to adopt EU regulations and/or comply with the EU's expectation, the former president, Ahmet Necdet Sezer along with the main opposition party (CHP, Republican People's Party) were strong veto players. This period is seen as one of proto-Europeanization or what Öniş (2009) describes as the 'golden age of Europeanization', despite the powerful veto players. The proto-Europeanization period has witnessed a breakthrough in terms of both societal and transnational interaction not only among the business elites, but also among a wide range of organizations, universities, environmental groups, students and other segments of society (Eralp 2008: 164). Because of this growing interaction, the EU has appeared on the agenda in every sphere of life, and is no longer treated solely as a foreign policy implication. Considering the EU as an important opportunity structure in terms of new economic resources and institutional links, a large number of Turkish universities have responded to these developments by implementing a number of community programs,

establishing EU research and liaison units, recruiting experts for EU matters and interacting with their counterparts and potential partners in the EU arena (in terms of exchanging staff and students under the Erasmus program).

While Turkey appeared to be on the right track and started to progress ardently towards the accession negotiations between 2002 and 2010, a rather different picture started to emerge in the ensuing years. Due to the problems that emerged both in Turkey (e.g. the evasion of signing the additional protocol with Cyprus[2]; shift in Turkish foreign policy dimension towards the neighboring countries) and in the EU (e.g. political behavior of Germany and France on Turkey-EU relations; the enlargement fatigue of the EU, and more recently Euro-zone crisis), the accession negotiations proceeded slower than expected (Eralp 2008; Börzel and Soyaltın 2012). Furthermore, the politicization of conditionality and de-facto conditions together with an overemphasis on open-endedness not only has disturbed the Turkish audience and aroused suspicions of a hidden agenda (Aydın and Esen 2007:129), but it has also caused a cleavage within the political elites between reform-oriented and pro-European forces and hard-liner Republicianists holding a veto position against structural changes (Schimmelfennig *et al.* 2003: 507).

As a reaction to such tension in the accession process, 'public support for EU membership appears to have declined by a considerable margin'[3] and the present government appears to have lost some of its enthusiasm and its initial reformist zeal (Öniş 2006). The credibility and intensity of the EU accession process has subsequently seen a considerable decrease (Eralp 2008; Saatçioğlu 2010). More importantly, a great number of technical issues and standards relating to legal system in Turkey have not yet disseminated to the lower levels due to reservations on many accession chapters[4]. In fact, the speech addressed by PM Erdoğan in the Azerbaijani Parliament in 2005 has already signaled the new period. In that speec, Erdoğan publicly announced that:

Turkey should be accepted into the EU. If not, we will change the name of the Copenhagen criteria to the Ankara criteria and continue with the reforms. [...] no turning back on the road that Turkey has been taking to integrate with Europe, and there are no other alternatives.[5]

Apart from the poor credibility of the EU accession process and the incomplete accession chapters, suggesting for a new type of bilateral relationship (e.g., privileged partnership) has also considerably reduced the pulling effect of Europeanization. This has correspondingly hampered any genuine shifts towards disseminating the EU acquis in Turkey. More importantly, Turkey, especially since 2010, has been going through a different foreign policy orientation. This has signaled a shift from one-dimensional foreign policy (relations with the West) to a more multi-dimensional one. This new foreign policy approach has not only reduced the interest of many academics in EU issues but also impacted on the direction of their teaching and research portfolio.

REVIEW OF THE EU LAW CURRICULUM IN TURKEY

Turkey started accession talks with the European Union on 3 October 2005. The basic values that determine the direction of the accession negotiations are contained in three major documents: The Copenhagen Criteria, the Negotiating Framework Document and the Treaty of Lisbon, all referring to evaluations and values regarding the legal and political conditionality of membership in the Union. More specifically, the Copenhagen Criteria indicate the existence of stable institutions in the country that guarantee democracy, the rule of law, respect for human and minority rights. Negotiation Framework Document, on the other hand, marks the implementation of the Copenhagen political criteria without exception, the deepening and internalization of political reforms, and the adoption and implementation of the EU acquis. Treaty of Lisbon points out that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of minorities.

Teaching the EU law in Turkey has direct relevance to the framework of the membership talks with the EU, as in most cases affected by how membership is perceived in the bureaucratic community and how in some instances, this perception fails to grasp what the supranational tendencies within the EU dictates. More concretely, the political positioning within the bureaucratic and government circles in Turkey in respect to the EU membership talks often considers the scope of the parts of the "acquis" that defines the strictest legal obligations that barely meet the membership requirements. Courses focused on EU-Turkey relations, but also general EU law courses, make references to the EU acquis as common rights and obligations that are binding upon all EU members. Courses taught at law schools adopts a strict definition of the EU law, thereby covering the primary legislation and the legal acts that the EU institutions adopt. With rare exceptions, these courses fail to take the EU law as a body of law that encompasses all the rules of the EU legal order, the general principles established by the European Court of Justice, as well as the international agreements concluded between the EU and non-member states and intergovernmental organizations.

A review of the EU Law courses offered in higher education institutions in Turkey reveals that teaching the EU Law has not become an integrated part of the curriculum and that neither the students nor the teaching body of these institutions consider it an essential matter of training and career-building. Additionally, even when they are offered, the EU Law courses have been given relatively less significance, compared to others in the course listings. Further findings also suggest that the EU norms, as reflected in the way the EU Law courses are taught, have not been properly elucidated and internalized. While normative adaptation appears to be a primary requirement for a successful integration with the EU, the case of teaching EU Law in Turkey shows that there is huge disparity between the normative agenda inherently embedded in the EU Law and how it has been understood in the Turkish higher education institutions.

Prior to the Helsinki Summit of 1999, only a few selected universities in İstanbul and Ankara pioneered the EU studies in Turkey. For instance, the Institute of European Studies at Marmara University (İstanbul) and European Union Research and Application Center (ATAUM) in Ankara were founded to offer post-graduate education and research in EC affairs shortly after Turkey's membership application to the European Community in 1987. These two institutes are the first academic institutions established in Turkey with a focus on European Studies. Nevertheless, even earlier than that, thanks to the academic staff who had introduced EU Law and as a Master's program in Ankara University back in 1980s, where EU Competition Law had been one of the key elective topics offered in the EU Law and Commercial Law graduate programs at the school since 1980's. In fact, the EU (then named EC Law) had been the unique example of EU Law being a specific post graduate program in the curricular in a non-member state. Each institute still offers graduate programs in "EU Law," "EU International Relations" and "EU Economics and Finance." Galatasaray University, Middle East Technical University, Dokuz Eylül University are those which have established specific courses, centers and research units just before the Helsinki Summit of 1999. However, with the euphoric moment of the Helsinki Summit in 1999, the EU studies in Turkey and Turkish case in Europe gained importance for research purposes (Başar 2020: 168). The prospect of EU membership had its own attractiveness to build up a career on this path for many university students because many ministries, public institutions, local administrations and research institutions affiliated with universities started to call for posts for those who have sufficient expertise and knowledge in the EU. By the establishment of the General Secretariat for European Union affiliated to the Prime Ministry with the Law No. 4587 on July 4, 2000, the need for EU expertise was further accentuated. Realizing that Turkey's adaptation to the EU legislation, judicial and administrative practices, several universities started to include different courses related to the EU studies such as Turkish-EU relations, EU Integration, EU Law, Law and institutions of the EU and so forth. These courses were usually taught at the leading universities in Turkey as a compulsory course.

Our review shows that not all IR departments or Law Schools offer EU Law courses. It appears that the IR programs have been devised to have a focus on the EU as it is obviously considered an essential part of the IR curriculum.[6] (it seems that the author, in addition to the Law schools, only focuses on the IR depts. Nevertheless, there are also a fairly limited number of Political Science and Public Administration Dept. (such as at METU) where EU Law has long been one of the elective courses offered for the Dept. and also for all the faculty students in addition to the ADM students. Those IR courses with special emphasis upon the EU mostly cover the political and economic aspects of the Union, and historically surveys the dynamics that played role in the EU-Turkey relations. With very few exceptions, the IR programs do not have separate EU Law courses, nor do the other EU courses place emphasis upon the normative/legal basis of the EU processes, practices and institutions.

Offered as senior-level courses (mostly for third- or fourth-year students), the EU courses in IR departments, in most cases, fail to engage with what the EU legislation and institutions have been devised to achieve, and instead refer to what might be called the intergovernmental setting and outlook of the EU and how it relates to the case of Turkey. More specifically, rather than paying attention to the normative aspirations of the EU and its supranational tendencies, as well as the regulatory power of its institutions and actions, these courses restrict the study of the EU to its intergovernmental elements which seem to better explain how Turkey views Europeanization from a pragmatic and utilitarian approach.

In essence, the case is not much different in the law schools some of which offer EU Law courses, mostly as electives rather than compulsory part of the law-training. It appears that the EU Law does not constitute one of the primary columns of legal training which may be partly explained by the lack of overall interest in international law curriculum because it is not required to have a certain grasp in this field to build a remarkable career, either as practicing lawyer or as public servant (judge or prosecutor). However, lack of interest in the "international" in legal training becomes even more obvious in the case of teaching/learning the EU Law. Where they are offered as electives, a very small portion of the cohort enroll in the EU Law courses simply because they are not of great use.

It should be noted, however, that career concerns of the law school enrollers might be cited as only as a partial explanation for the lack of attention to the EU Law in the law school curricula of the Turkish universities. Given that the curricula in higher education institutions of Turkey are not often shaped by the demands and needs of the students, and are developed and administered from a centralist point of view that considers the official narrative, it is possible to argue that both the Higher Education Council (YÖK), authorized to supervise the teaching activities and outcomes in universities as a constitutional body, and the university administrations make an informed and deliberate choice of not incorporating the EU Law courses into the mainstream curricula of, even the law schools.

Even though the universities are legally allowed to make their individual decisions of drawing the curricula, it is still possible to argue that the YÖK is influential in a number of fields that fall within the scope of its competence. The Council authorizes the introduction, merger and cancellation of new faculties, vocational schools, research centers, institutes, departments, diploma programs and distance education schemes at the universities. Additionally, the Council decides, based on recommendations forwarded by the university management, for the introduction of graduate programs. As noted, however, the universities have discretion to draft their own curricula and incorporate the courses they seek to teach into them. The impact of the Council upon the teaching tendencies at the universities is, therefore, indirect and reflective of how the dominant orientation at the top bureaucracy is interpreted by the affiliate bodies and how it is diffused throughout the lower segments of the bureaucratic structure. In other words, the universities are not truly autonomous as they are attentive to the changes in crucial

policies. Their autonomy is further restricted by the broad authorities attached to the rectors/chancellors who are, based on YÖK's recommendation, appointed by the president.

The academic community places emphasis upon the analysis of the functioning of the Accession Negotiations, the legal and political effects of the above-mentioned conditionality in Turkey, and Turkey-EU relations. As shown in the appendix, courses on the EU Law and Turkey - EU Relations courses at the Higher Education level in Turkey are included in the curricula of the International Relations and Law departments. A review of these courses reveals that the subject matters the EU considers as relevant to the basic values are rarely included in the contents. Some examples include the course on Turkey-European Union Relations: Legal Dimension, offered at Ankara University Faculty of Law, that discusses the functioning of accession negotiations, a course on the European Union Law, offered at Galatasaray University Faculty of Law, that analyzes the basic values of the EU and fundamental rights in EU Law , the Human Rights and European Integration, taught at Koç University, that focuses on the European Union and its policies seeking to universalize the concept and implementation of human rights.

However, aside from these exceptions, the majority of the EU Law courses offered in law programs of Turkish universities depict the EU as a formal intergovernmental organization that features complicated processes and institutions, and attempt to clarify the roles and functions of these institutions and the interactions between them and the member states, as well as how the outputs of the EU bodies and actions are implemented within the EU and across member states. In other words, these courses do not make any attempt to discuss the ontological basis of the EU Law and what it has been generated to achieve on a normative basis, thus failing to review the EU as a norm-maker and promoter. The typical contents of these courses include a brief and chronological survey of the development of the EU law, with references to the adoption of certain treaties and their institutional implications and to the changes they brought about, as well as the division of labor between the EU institutions, particularly the European Court of Justice and its caselaw. Thus, it appears that the EU Law courses offered in law schools at the Turkish universities adopt a fairly legalistic approach that often ignores the political implications. Additionally, they also fail to analyze the ideational and historical roots and sources of the law-making within the EU, thereby contributing to the flawed and inadequate interpretation of Europeanization. In some respects, the EU Law courses offered in law schools are consistent with those offered in IR programs as the latter also miss the point that the EU is political and legal construction that has been in the making of a comprehensive and intricate process. Avoiding to discuss the supranational nature of at least some aspects of the EU Law and what it has generated in concrete outcomes is consistent with the official interpretation of the foreign relations which also seems to have been endorsed and confirmed in academic circles as well. With some minor exceptions, the EU Law courses, and the general EU courses, rely on a state-centric approach that is extremely susceptible to the proper identification and preservation of national interests, regarded as the bedrock of the IR analysis within the Turkish academic community.

DECODING THE PERIPHERALITY IN EU LAW CURRICULUM

A review of the Turkey-EU relations, particularly when looked from the Turkish perspective, reveals that the political aspects of the process have been clearly underlined and emphasized upon. This has been the case despite normative/legal transformations in the EU legal/political domain and their expected transformative impacts upon the domestic legislation and policy-making in Turkey. As a result, engagement with the EU has been viewed as an intergovernmental endeavor among the political elites of Turkey which the academic community has also endorsed in its research agenda, as well as teaching portfolio. This is why Europeanization has been mostly associated in academic

circles with pragmatic gains for "us" (often vaguely used to denote the "nation" and the "state").

As a direct outcome of this intergovernmental approach, the EU membership has been a matter that the bureaucratic elites dealt with, often in reference to legal requirements that overlooked what membership normatively entailed. The institutional setting within Turkish bureaucracy in response to the EU demands underlined as conditions to be met for full membership, thus, paid attention to the process as a purely legal/intergovernmental endeavor without considering the politically/structurally transformative implications. The academic institutions (the law schools in particular, because of its relevance to the discussion in this paper) seems to have adopted the same line of approach. Those academic institutions that offer EU Law courses view both the EU membership and the EU law-making as a bureaucratic/technical issue. In some instances, these courses attempt to address part of the complexities and intricacies associated with this issue whereas in most cases, the curriculum prefers a superficial and generalized instruction for the audience.

Coupled with the lack of general interest in the EU among college students, especially in times of stalled membership talks between Turkey and the EU, this superficiality generates an unsubstantiated knowledge basis. Consequently, a number of law school/IR department graduates receive their advanced degrees without having even a basic grasp of how the EU functions and delivers its predefined roles. Based on observations based on direct interaction with college students, we, for instance, have realized that many often confuse the European Court of Human Rights (ECtHR) with the EU Court of Justice, and the Council of Europe with the European Council or the Council of the EU, or assume that the ECtHR is an EU institution.

As a complementary observation, particularly in times of what might be called de-Europeanization currents in Turkey, it is possible to argue that the disinterest in the EU Law courses becomes more than obvious; in such instances, it appears that the curricula in law schools make little room for EU Law course offerings, with only a few schools, listing the EU Law in their compulsory-course clusters. The higher education institutions in Turkey, including the IR departments and law schools, show the least of interest in disseminating knowledge of the EU law and the EU conception of law-making among the students. However, there are examples demonstrating that some legal scholars publish monographs focusing on the technicalities of some aspects of the EU Law (see Reçber 2016, Akdoğan 2020, Güneş 2011, Bayram 2011 and Özcan 2005). Such inclination suggests that at least part of the law community is academically interested in the EU Law, mostly for promotion purposes.

This is quite understandable since the EU Law and a number of EU-related subjects are listed as academic fields for the applicants by the Inter-University Board, responsible for the administration of granting associate professorship that is considered a remarkable milestone in the career path for the academic community. The European Union Law, in this list, appears as a field of the legal studies, for which legal scholars may publish their works to get promoted. The European Union is listed as field of the Social, Humanistic and Administrative Sciences, and features the European Law as a sub-field. The European Union Law as a sub-field is also listed under the field of Public Administration. Interestingly, the field of International Relations does not list the European Union Law as a sub-field.

Table 1: EU-related academic subjects/fields listed by the Inter-University Board of Turkey to grant associate professorship

Area of studies	Main field	Sub-field
Legal Studies	European Union Law	European Union Law
Social, Humanistic and Administrative Sciences	European Union	Economics of the EU

Area of studies	Main field	Sub-field
		European Union Law EU-Turkey Relations History of Europe European and Area Studies Turkish Foreign Policy
Social, Humanistic and Administrative Sciences	Public Administration	European Union Law
Social, Humanistic and Administrative Sciences	Political Processes and Institutions	European and Area Studies
Social, Humanistic and Administrative Sciences	Political History	EU-Turkey Relations History of Europe
Social, Humanistic and Administrative Sciences	International Relations	EU-Turkey Relations European Studies

Source: Official webpage of the Inter-University Board of Turkey, https://www.uak.gov.tr/Documents/docentlik/2021-mayis-donemi/2021M_BilimAlanlariAnahtarKelimeler_08052021.pdf, accessed 29 October 2021.

Overall, there are more than 20 fields/subfields of specialization, officially designated by a central administrative body, for which academics would seek promotion. In other words, those academics and scholars who develop interest in the European affairs have a diverse set of opportunities to build a professional career. The increased number of career options in European studies is a direct outcome of the Europeanization in Turkey which has an impact upon the content of the list cited above. It is a potentially useful insight to underline that the list remained almost unchanged despite de-Europeanization in politics.

Additionally, it is striking to note that the EU Law is referred to in the list as a main field of legal studies, thus holding an equal status of International Relations. However, this is not the actual case in the teaching domain. Despite that it is a main field designated for academic promotion, the European Law is taught at law schools (not all of them) mostly as an elective course; and where it is taught as a compulsory course, the European Law still does not constitute a salient part of the law curriculum. The status of the EU Law as a teaching module is even bleaker and less accentuated in the IR departments. Not only the EU Law is not listed as a sub-field by the Inter-University Board, but also it is not part of the IR curriculum in the higher education institutions of Turkey.

Therefore, it is only expectable to see growing number of publications, mainly in form of monographs, addressing different aspects of the EU Law within the legal community in Turkey. Even though the initial enthusiasm to include EU-related fields in the list referred to above is attributable to the constructive sentiments towards the EU and the membership process, this enthusiasm has never been translated into an initiative to revise the curriculum in a way to offer EU Law-related courses for the college students. A plausible explanation would suggest that because the EU membership process and Europeanization has been conceived in reference to an intergovernmental perspective in Turkey, the higher education administration, as a public institution, acted in consistency with the overall interpretation of the bureaucratic and political elites, and thus revised the administrative outlook accordingly. And since Europeanization has not been understood as a process of norm-diffusion and dissemination, the curricula in the Law Schools and the IR programs have not been dramatically altered to offer a wide range of the EU Law-related courses.

This review suggests that the EU Law courses offered in Turkish universities fail to grasp the supranational and normative elements in the EU Law and tend to present the intergovernmental aspects as the legal basis of full membership in fulfilment of the Copenhagen Criteria. However, this goes against the very core of the EU Law which places emphasis upon the values and standards as objective benchmarks that have generated legal/normative obligations safeguarded under the EU Law for the member states and prospective members as well. An intergovernmental characterization of the Europeanization, however, misses the foundations of the EU institutions and law-making.

The values upon which the EU is founded (also referred to above) are more than nonbinding standards (see Çakmak 2021: 20-45). In fact, the EU, under its own laws and regulations, is expected to take action in case these values have been violated by its members which agree to comply with objective legal obligations associated with them. Compliance with these supranational values is supervised in two different forms. First, membership in the EU requires full observation of and respect for these values; second, the member states are also required to honor their obligations as they relate to the values and norms of the EU Law. Article 7 of the Treaty on European Union spells out the measures and sanctions to be enforced in case of violation as follows:

1. On a reasoned proposal by one third of the Member States, by the European Parliament or by the European Commission, the Council, acting by a majority of four fifths of its members after obtaining the consent of the European Parliament, may determine that there is a clear risk of a serious breach by a Member State of the values referred to in Article 2…The Council shall regularly verify that the grounds on which such a determination was made continue to apply.

2. The European Council, acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the consent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of the values referred to in Article 2, after inviting the Member State in question to submit its observations.

3. Where a determination under paragraph 2 has been made, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of the Treaties to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council.

4. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken under paragraph 3 in response to changes in the situation which led to their being imposed.

In addition to the core values, the EU Law is also based on recognition and strengthening of participatory democracy. In other words, a strong institutionalized democracy that ensures direct participation of people in government is specified as an objective obligation for both member states and the prospective members, as underlined in Article 10 of the Treaty on European Union:

1. The functioning of the Union shall be founded on representative democracy.

2. Citizens are directly represented at Union level in the European Parliament.

Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens.

3. Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.

4. Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union.

The EU Law curricula, however, overlook the values and democratic norms enshrined in the EU legislation and the fact that certain legal obligations, as well as concrete measures and sanctions in case of their violation by member states, have been identified and enforced as part of the broader EU Law. A review of the EU Law courses reveals that the content does not make any significant attempt to properly identify a legal dimension attached to the norms and values of the EU Law and the democratic standards it is set to achieve. Overall, this refers to a major intergovernmentality/supranationality divide in the EU-Turkey relations, and how this divide reflects upon the teaching of the EU Law in Turkish universities.

CONCLUSION

An analysis on teaching the EU Law in Turkey allows us to draw conclusions that are consistent with the overall intergovernmental stance of the Turkish political elites and the bureaucracy vis-à-vis the EU membership bid, and also with the analysis of the "anchor/credibility dilemma" (Uğur 1999). Our discussion refers to how Turkey has understood this bid and how it has formulated its reform processes and recalls that Turkey's engagement with the EU has often been driven by pragmatic considerations rather than normative adaptation. Moreover, this pragmatic stance has also been endorsed by the administrative bodies that govern and regulate the higher education domain. The vast majority of the universities in Turkey, being influenced by the official narrative and interpretation of the Europeanization, adopted a teaching approach on the EU Law that did not attempt to address the supranational/normative elements as the basis of the EU law-making, and of requirements for full membership.

In other words, the way "Europe," and more particularly the EU Law, has been taught in Turkey concurs with what is being criticized in the introduction of this Special Issue, (Alpan and Diez 2022) that European studies is extremely Eurocentric. The modality by which the EU Law is taught and presented in Turkish higher education system is far from being Eurocentric, instead exhibiting domestic elements of concern and priorities. However, as opposed to what is being proposed in the same introduction, the content of the EU Law education in Turkey cannot be properly characterized as an endeavor of critical engagement. Overall, the EU Law curricula in Turkish universities reveal strong emphasis and consideration of intergovernmental priorities and pragmatic tendencies.

In times of strongly perceived Europeanization, the universities have introduced a number of initiatives, mostly in forms of launching EU-related projects, or exchange programs, as well as sponsoring publications. But this interest in the EU affairs has not been translated into a rich teaching agenda that focused on the very core of the EU values and principles. Courses on general EU politics and Turkey-EU relations have been incorporated in the IR curricula which remained almost unchanged despite the currents of de-Europeanization within the political circles and the general public. However, these courses did (and still) discuss the superficial legalities and structural outlook of the EU as an institution, or the linearity of the bilateral relations between Turkey and the EU as a political process. Such a discussion is devoid of references to the normative core that contributed to the evolution of the EU as a supranational political/legal entity.

The authors, in this article, suggest that the disparity between Turkey's interpretation of the EU Law with particular reference to the case of teaching the EU, and the normative objectives enshrined in the EU institutional and legal setting is attributable to the failure of the political and bureaucratic elites to recognize the supranational inclinations and evolution of the EU and to their imagination and characterization of the relations with the EU from an intergovernmental perspective, despite that even by late 1980s, the EU "has progressed far beyond the essentially intergovernmental nature of most international organizations and has incorporated many supranational characteristics into its structure and operation" (Nugent 1989: 320). This may also be relevant to the general outlook of the determinants of Turkish foreign policy (see Aydın 1999, 2000, 2003 and Müftüler-Baç 2011) which mainly seek to maintain territorial integrity and enhanced national security

through a sense of Westernization that recognizes Turkey's security concerns and contributes to the consolidation of its strategic interests.

Some peripheral factors that are of secondary salience to explain the state of teaching the EU Law may also be cited. For practical reasons, law school students do not find the EU Law courses appealing and useful since, unlike the case in member states where the EU Law "becomes a mandatory requirement for those intending to enter the legal profession" (MacLean 1994: ix), they are not an essential part of what they should study extensively to become a good lawyer or a prosecutor/judge serving in the public offices. For this reason, the EU Law courses, if offered at all, may only serve the purpose of receiving extra credits to fulfill graduation requirements.[7]

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ENDNOTES

[1] The 'polity' domain covers national governance systems, administrative structures and the executive, legislative, and judicial authorities of the country in question. The 'policy' domain refers to the broader legislative framework, such as the economy, agricultural, justice, and home affairs policies of the country in question. Finally, the domain of 'politics' concerns the political parties, political actors, elections, and public opinion of the country (Bache and Jordan 2006, cited in Alpan 2021).
[2] The Cyprus issue stands in the heart of Turkey's accession process with the EU, for the rich account on this issue, see (Christou 2003, 2013).
[3] In the latest survey conducted by the Turkish Statistical Institute (TUIK), public support for EU membership has decreased around 25 % between 2004 and 2012. While 70.2% of people supported the EU membership in 2004, this has decreased to the level of 45.4% in 2012. For more detail see 'Life-Satisfaction Survey of 2012', www.tuik.gov.tr.
[4] Only one chapter, Science and Technology, has been so far closed. Twelve Chapters are open but still under observation. Two Chapters were invited to be presented and Turkey has presented its negotiation position. Eight chapters are reserved as the additional protocol with Cyprus the opening criterion for these chapters. 10 chapters are still being discussed in the Council.
[5]For the summary of PM Erdoğan's speech, see the Journal of Turkish Weekly, http://www.turkishweekly.net/news/14088/erdogan-copenhagen-criteria-would-become (accessed on 1st March, 2013).

[6] It should be noted, however, that there are, may be very few, Political Science and Public Administration Dept. (such as at METU) where EU Law has long been one of the elective courses offered.
[7] The authors would like to point out that Turkey is sui generis with its circumstances that regardless of the discrepancies stated above, probably it is the only non-member country where the EU Law has long been in the curriculum of the law schools (in some public universities such as METU, Ankara University, Marmara University, and in some private universities such as Yeditepe, Bilkent and Bilgi universities).

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