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## **Europeanization of Poland and Turkey – Comparative Analysis**

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Poland and Turkey are different states in many ways, including the stage of relations with the European Union. The former country has been an EU member for more than ten years now, the latter – still an associate member. However, in case of Poland and Turkey many similar phenomena can be observed within their European integration process as well. The research goal of the paper is the comparative analysis of the impact of the EU on both states – first of all in the context of some dilemmas. The main hypotheses are that the similarities of problems within the Europeanization process are mainly a result of common systemic and ideological features of Poland and Turkey, despite the different cultural and national settings. The existing differences in turn are not only a result of objective dissimilarities but also the determinants of the enlargement process at a given time. The following questions will be posed to support the hypotheses: What is the extent of impact the EU has on the Polish and Turkish state and society? What limits this impact in terms of Europeanization mechanisms and scope conditions? What are differences and similarities concerning the factors limiting the Europeanization of both states? These questions are important because they enable also to raise the question of the change of the EU impact on particular states with reference to subsequent enlargement rounds (here the Eastern enlargement and the current round).

### **Introduction**

Poland and Turkey are different states in many ways, including the stage of relations with the European Union. The former has been an EU member for more than ten years now, the latter – still an associate member. However, despite many differences between Poland and Turkey with reference to the European integration, similar issues can be observed as well. It is worth investigating them, particularly a very important and complex issue, i.e. the EU impact on these states – first of all on their political, economic and legal systems.

The main research goal of the present study is then to make a comparative analysis of the Europeanization process of Poland and Turkey in order to explain the existing similarities. The additional aim is to better understand the differences between the states in this context.

The Europeanization will be defined mainly as a top-down process within which the European integration is considered as a causal factor changing the domestic structures and policies (Saurugger 2014, 124-126). However, the author will go sometimes beyond this “downloading” approach, taking into consideration the interaction between the EU and domestic levels, i.e. the fact that not only the European Union affects the national structures and policies but the feedback process can be observed as well (a circular understanding of Europeanization) (Radaelli 2001).

Although the attention of many scholars has been paid in recent years to the results of the Europeanization of both countries (Grigoriadis 2009; Paczeński and Riedel 2010; Nas and Özer 2012), this text will concentrate on its obstacles in various areas. The outcomes of the Europeanization process are then the starting point of the analysis. The initial diagnosis, based on existing documents and literature is that we can observe a clear impact of the European Union on the Polish and Turkish polity (here: elements of the political, economic and legal system - political institutions, intergovernmental relations, judicial structures, public administration, state traditions, economic institutions, state-society relations and collective identities) as well as policy (as the outputs of the system; here: first of all economic policy and legislation connected with it), apart from the influence on politics which is not the research topic here (Börzel, Risse 2003, 60). However, the changes caused by the EU impact are often limited, to a different degree in the case of Poland and Turkey. The reasons should be found within the mechanisms of Europeanization as well as the scope conditions – the factors enabling the EU influence. They will be outlined in the theoretical chapter of the paper.

Apart from the initial assumption about the limits of the EU impact on Poland and Turkey the main research hypothesis is that the existing similarities within the Europeanization process of both states are mainly a result of common systemic and ideological features of Poland and Turkey, despite the different cultural and national settings. Differences – in terms of their number as well as scope, are in turn not only a result of objective dissimilarities but also the determinants of the enlargement process at a given time (including the state of the EU). While the research on the differences can be done using among others the content analysis of EU documents, the similarities require the use of a kind of process tracing method to analyse the legacy impact on the outcome of Europeanization. The following questions will be posed to support the hypotheses: What is extent of impact the EU has on the Polish and Turkish state and society? What limits this impact in terms of

Europeanization mechanisms and scope conditions? What are similarities and differences concerning the factors limiting the Europeanization of both states?

The paper consists of four parts. After presenting the necessary initial remarks the author will outline the theoretical framework to date concerning the mechanisms and scope conditions of Europeanization as well as the role of legacy in the outcome of this process. The next chapter will be about the dilemmas of the EU impact on Poland and Turkey. In the last part the author will compare the reasons for the limits of the EU impact on the Polish and Turkish political, economic and legal systems (polity and policy).

### **Initial Remarks**

Before beginning the analysis, it is necessary to explain or underline some important issues.

First of all, the subject of comparison is the Europeanization process that occurs within the pre-accession process of Poland and Turkey. It is not possible to compare Poland more than ten years after the EU accession and Turkey which still negotiates the entry to the Union. The Europeanization process of candidate countries and members is connected with different mechanisms and scope conditions which are the crucial elements of the analysis (Ladrech 2010, 38-40). The paper is then about different time periods but the same stage of the integration process of both countries. Actually, the periods of the pre-accession process of Poland and Turkey are not completely detached. The first pre-accession strategy for the Polish candidate started in 1993 and accession negotiations were completed at the end of 2002. Turkey was included in a specific strategy after 1997, which was transformed into the full pre-accession strategy in the 1998-1999 period. The accession negotiations in the latter case were still continued in 2015.

The goal of the paper is then a kind of cross-time analysis which is conducted quite often in political science. The same kind of research concerns e.g. the contemporary problems of democratization and modernization of countries of Central and Eastern Europe and their equivalent in the late nineteenth century in Western Europe (Peters 2013, 26).

Secondly, the author realizes that other factors than the Europeanization also have an impact on the domestic changes in both countries. The political and economic transformation of Poland took place in the 1990s, although the beginning we could observe already in the 1980s (Błuszkowski 2007). In Turkey the democratization process has been developed gradually since the end of 1940s, with some clear steps back due to the military coups in the

1960s, 1970s and 1980s. The development of market economy is connected with Turgut Özal's era which started in the 1980s (Kalaycioğlu 2005). The globalization process has also an impact on the political or economic systems of both states. However, the research question in the paper is not if the Europeanization or something else occurs. It focuses on the cases of diagnosed EU impact within the pre-accession process.

The author follows the recent research which combines, within the theoretical framework, the processes of Europeanization and diffusion. However, it is only about direct mechanisms – from coercion to persuasion (more about them later). The paper puts aside the indirect mechanisms, i.e. the ones that take place even without any EU effort to transfer policies or promote certain norms or regulations. It is here about different types of emulation, i.e.: competition involving the unilateral adjustment of behavior towards “best practices” and lessons drawing - from others whose policies or rules enable solving similar problems (functional emulation) as well as mimicry - imitating others basing on the logic of appropriateness (normative emulation) (Börzel and Risse 2012, 9-10).

Another important aspect is the treatment of the Europeanization as the dynamic process. It means that in different periods of time the EU impact within the pre-accession process can be different. The reasons should be again found within the Europeanization mechanisms. Their changing effectiveness determine the scope of the Union's influence. It is particularly noticeable in case of Turkey. Until 2005 the mechanism of conditionality (external incentive to change) worked quite efficiently because of the EU membership prospect for this country. However, after 2005 the situation has changed. The conditionality lost its effectiveness due to increasingly unclear membership prospect for Turkey (Usul 2011).

At the end of this part it is also important to explain the choice of the case of Poland and Turkey for a comparative research. The first issue is a choice of Turkey. Although it can be argued that it is a special case among all current candidates because of the specificity of the country in many terms, including the cultural dimension as well as a scope of problems it faces within the pre-accession process. However, the author of this article agrees with Tanja A. Börzel who claims that Turkey is not *sui generis* case in the context of the Europeanization process. Importantly, the German scholar points out rightly that the same scope conditions can be applied to Turkey and all other current candidates (although there are of course differences between them when it comes to the significance of particular conditions) (Börzel 2012, 17-8).

The comparison of the Europeanization process of Poland and Turkey can be explained taking into consideration the research to date and the purposes of this choice. There are more and more comparative works concerning Poland and Turkey – in these and other countries. Apart from PhD theses, e.g. on the state-religion relations in Poland and Turkey, the role of the military or democratization process in both countries as well as some articles on current and historical political issues concerning Turkey and Poland/Central and Eastern Europe (Kula 1994; Kubicek 2002; MacDonald 2012), there are works on the Polish/Central and East European and Turkish relations with the EU (Öniş 2004; Szymański 2006, 2015; Pridham 2007; Taraktaş 2008; İçener, Phinnemore and Papadimitriou 2010). The reason is that although there are many substantial differences between both countries – be it the culture, history or society, there are also many similarities. This concerns also the pre-accession process of Poland and Turkey. Both countries faced or still face a number of similar problems within the integration with the European Union. The comparison of the Europeanization of Poland and Turkey is not a new topic then. It is just the continuity of the comparative research on the Polish and Turkish relations with the EU, with focus on the Union's impact on changes in these countries.

The comparative analysis in political science is usually aimed at testing the general assumptions concerning political life. It refers also to “the most different cases” approach, taken while comparing Poland and Turkey (Burnham et al. 2008, 73-83). This paper is to analyze a similar issue (problems with the Europeanization) that repeats in the researched cases and test the assumption about the causal relationship between the limited impact of the EU and the role of the historical and cultural legacy.

The comparative research of the Europeanization process of Poland and Turkey enables also to test the theoretical concept of Europeanization as a circular process. Taking this approach to the process the Europeanization of Poland and other Central and East European states has an impact on the European integration through the feedback mechanism and consequently on further impact on other countries, including new candidate states (Saurugger 2014, 125-6).

Moreover, the choice of the Polish and Turkish case enables the active contribution to the academic debate about Europeanization within the EU enlargement process. It creates the opportunity to present the polemics concerning the validity of scope conditions of the Europeanization. Many authors argue that the “classical” factors enabling the domestic change within the EU did not work partially in the case of the candidates from the Central and

Eastern Europe and are not valid any more in case of the current candidates – Turkey and Western Balkan states (Ladrech 2010; Börzel 2012; Börzel and Risse 2012). The author of the paper will prove that at least some of them still play a role in the changes in the candidates states. It will be possible thanks to development of the legacy argument which was pointed out rightly by some scholars a few years ago within the Europeanization debate (Cirtautas, Schimmelfennig 2010). The author of this article shares the point of view of such scholars as Frank Schimmelfennig and Arista Maria Cirtautas that most analyses on this process are focused on contemporary structures, institutions and actor dispositions. However, the comprehensive research on the mechanisms, scope conditions as well as outcomes of the Europeanization requires taking into consideration the cultural or historical legacy that can influence directly or indirectly (through the impact on contemporary scope conditions) the possible domestic change in countries as a result of the EU impact (Cirtautas, Schimmelfennig 2010, 423-6).

The comparative research on the Europeanization process of Poland and Turkey is a very good opportunity to find out what is changing within the process (and what remains unchanged) during the subsequent enlargement rounds. This is the reason why the analysis focuses additionally on differences which are treated as spurious and intervening variables in the “most different cases” comparative research design (Burnham et al. 2008, 77). One of the main goals of the comparative analysis is to contextualize knowledge (Burnham et al. 2008, 80). This paper refers to the knowledge of the EU enlargement process.

### **Outline of Theoretical Framework to Date**

In order to challenge some scholars’ opinions about the Europeanization mechanisms and scope conditions as well as to be able to use the legacy arguments, it is indispensable to present more details concerning the theoretical framework – before starting the empirical, main part of the paper.

In the Europeanization literature there is a talk about the initial mechanism – a trigger for domestic change, i.e. “misfit”. For instance, Thomass Risse, Maria Green Cowles and James Caporaso argue that the causal mechanism for domestic change is a process labeled “goodness of fit”. The lack of compatibility between the European institutions and domestic structures (misfit) generates the pressure (the lower the compatibility the higher the pressure) on domestic actors from the European Union that leads to the adaptational change (Risse, Green Cowles and Caporaso 2001, 6-9). However, it is not enough to answer the question

why the Europeanization at the end occurs or not. The presence or absence of domestic mediating factors – different state structures, policy styles or political cultures determine whether Europeanization pressure result in actual change. Risse, Green Cowles and Caporaso identified in this context five factors concerning both agency and structures. Within the rational and sociological institutional approaches they point out: the multiple veto players (the degree of power dispersal), facilitating formal institutions (thanks to them the domestic actors can exploit EU opportunities), political and organizational culture (e.g. the presence of the consensual culture, the attitude to law, etc.), different empowerment of actors and learning process (reassessment leading to changes) (Risse, Green Cowles and Caporaso 2001, 9-12). Börzel and Risse wrote within the similar framework (rational and sociological institutional approach) about four factors: multiple veto players and formal structures as well as norm entrepreneurs (“change agents” who persuade actors to redefine interests and identities – e.g. norm entrepreneurs or advocacy networks) and informal institutions facilitating domestic changes (e.g. already mentioned consensual culture) (Börzel and Risse 2003, 63-9).

Scholars working on Europeanization argue that “misfit” and facilitating factors suit well the EU member states. However, their validity is limited in case of non-EU states, including the EU membership applicants. “Misfit” mechanisms are already not transferable to the candidates from the Central and Eastern Europe because of transformation processes, different meaning of adoption of *acquis communautaire*, the requirement to conduct most reforms before the accession and different position than in case of “old” member states (Ladrech 2010, 38-9). The most important mechanism was instead of “misfit” a conditionality which already at the time of the Eastern enlargement had some deficits (Kochenov 2006).

As far as the current member states are concerned (Turkey, Western Balkans), even the list of facilitating factors has limited use. At least some of the factors are not valid any more. For example veto players and formal supporting institutions are categories that became within the enlargement process after 2007 round ambiguous. As Börzel writes: “the EU can empower not only liberal but also non-liberal forces and, second, that EU incentives or persuasion efforts have to align with domestic incentives, political preferences and survival strategies of ruling elites, so that the latter can use the EU policies and institutions to push their own agenda, please their constituencies or consolidate their power.” (Börzel 2012, 15-6).

Because of the characteristics of the current candidates Börzel proposes four main scope conditions for EU-induced domestic change: 1) power (a)symmetries – degree of interdependence determines the possibility of resisting the adaptational pressure; 2) regime

type – EU-induced domestic changes are more likely in case of advanced democracies than authoritarian regimes; 3) already mentioned domestic incentives and 4) degrees of limited statehood - (Börzel 2012, 14-6; Börzel and Risse 2012, 10-14).

Additional factors facilitating the domestic change or being an obstacle concern the perception of domestic actors of the EU policies, mechanisms and institutions, e.g.: the expectations regarding the policies, understanding of EU institutions' requirements, clarity of policy objectives as well as fit of policies with domestic priorities (Mendez et al. 2008, 294).

The existing mechanisms of Europeanization also determine the domestic change and its scope. Taking into consideration the concept of diffusion the following mechanisms can be named: coercion (force or legal imposition) – applied only to certain degree in case of the candidate countries; manipulating utility calculations (instrumental rationality) - external incentives (conditionality) and financial/technical assistance (capacity-building); socialization (normative rationality) and persuasion (communicative rationality) concerning rather other EU partners than candidate countries (Börzel and Risse 2012, 6-8). A lack of their effectiveness weakens the possible EU impact. The best example is the conditionality which loses its effectiveness whenever the EU membership prospect becomes more unclear or distant (Schimmelfennig, Engert and Knobel 2006).

The existing theoretical framework concerning the Europeanization mechanisms and scope condition will be verified through the comparative analysis of the Polish and Turkish case. At the end of this part it is necessary to outline the possible types of legacy which will be useful in the following analysis. The type of legacy which is connected with the indirect influence on the outcomes of Europeanization (and enlargement) is “legacy as deep condition.” In this case the current scope conditions, which are factors facilitating or hinder the domestic change, are a result of the historical or cultural legacy. The second type is “legacy as enduring condition”. It is the situation of changing impact of legacies and current scope conditions. They influence simultaneously the Europeanization outcome but to a different degree in different periods of time. The third type is “legacy as encompassing condition”. In this case legacies influence directly both the current scope conditions and outcomes of Europeanization (Cirtautas, Schimmelfennig 2010, 431-37).

### **EU Impact on Poland and Turkey and Its Limitations**

The Europeanization of Poland and Turkey can be observed within the pre-accession process. Different aforementioned mechanisms take place, i.e. legal imposition, external

incentives (conditionality - in case of Turkey with changing effectiveness), capacity building and socialization. These mechanisms work through different Europeanization routes, being parts of the pre-accession strategy which embraced both countries (though not during the same time period). It is about: financial aid and technical assistance, policy documents for domestic implementation (first of all Accession Partnerships), legally binding agreements (association agreements), institutional contacts (e.g. association institutions, different kind of dialogue mechanisms, in case of Turkey – enhanced political dialogue), bureaucracy-to-bureaucracy contacts (e.g. TAIEX, twinning) (Grabbe 2006, 58-59).

However, there are three substantial problems with the EU impact in general terms. Firstly, the main domestic changes taking place as a result of the EU influence were quite modest. The adaptation mechanism dominated and the change were to a large extent gradual. Therefore, using Börzel's and Risse's classification, the accommodation was the main outcome of domestic changes as result of Europeanization (Börzel and Risse 2003, 69-70). Obviously, the lack of more extensive changes was not only connected with the Europeanization's deficits but also with the previous transformation processes. Secondly, the transfer of norms and policies was in many areas low – Turkey had in this context more difficulties than Poland. Thirdly, there were problems with the implementation and enforcement of the changes being a result of the Europeanization. It limited first of all a change of the domestic actor's behavior.

However, it is more helpful to point out more concrete issues which show the limits of EU impact on both states. The aforementioned instruments of the pre-accession strategy – being routes of Europeanization serve first of all the fulfilment of the Copenhagen criteria of the Union's membership. They are about the adoption of the EU standards in the political, economic and legal area, i.e. about democratization, development of market economy and adoption of the EU law.

Both Poland and Turkey went through the transformation processes before the beginning of the EU path. However, they conducted substantial reforms under the EU influence in order to fulfil the membership criteria.

It is particularly noticeable in the case of Turkey. The candidate status obtained by this country in December 1999 was a strong incentive to adopt many reforms. Particularly in the years 2001-2004 Turkey conducted many political and legal reforms aimed at meeting the Copenhagen criteria. Many provisions of the constitution were changed and in-depth changes in the legal codes (including almost new civil and criminal codes) and in many important

legal acts were conducted. Some of these revisions broke certain taboos. Specifically, the right to study the Kurdish language at private courses and to broadcast radio and television programmes in this language (subject to certain limitations) was guaranteed, and the death penalty was finally abolished (Özbudun 2007). The uncertain prospects for obtaining the attractive rewards, i.e. the Union's membership after 2005 led to a much slower pace of reforms. The conditionally did not work properly and the democratic changes that occurred after the beginning of the accession negotiations had other sources than the EU (the reform process started to be detached from the pre-accession process), although it still plays a role through capacity building mechanisms or socialization (Szymański 2012a, 543-52). In the economic field the clear EU impact could be observed in the second half of the 1990s due to the entering into force of the customs union (1996). However, in 2001-2004 the economic reforms were conducted in order to improve the financial situation of the state and its banking sector. The following sectors were liberalized: energy industry, telecommunications, sugar and tobacco industry. The reforms led to the better working of the market economy, decreasing inflation (to 9,3 per cent in 2004) and the economic growth – in 2001-2004 period 5-9 per cent (Nas 2011, 50-9).

Thanks to the EU impact (starting from the Europe Agreement signed in 1991) Poland could make progress in consolidation of the democratic order and improve working of the state institutions and the rule of law. A considerable progress has been made also in the economic field: the currency became strong, commodities markets functioned without limitations, the state withdrew control over economy to a certain degree, foreign trade has been deregulated and privatized, etc. (Wojtaszczyk 2001, 23-5).

Although the pre-accession process of Poland and Turkey led to substantial domestic changes due to the EU impact (in case of Turkey with much more noticeable dynamics and change), the limitations of this influence could be observed as well. There were some problems of transfer of structures, norms and policies. Their scope was much bigger in Turkey than in Poland.

Turkey certainly had or still has a lot of democracy and human rights problems which Poland has never had. This is a reason why the former state had to wait until 2004 to have the EU confirmation that it fulfills the political Copenhagen sufficiently to open the accession negotiations while Poland got the similar opinion already in 1997 - three years after the entering into force of the Europe Agreement. The most important Turkish problems were or in some cases still are: excessive role of the army in the Turkish political system (diminished in

recent years), a lack of full respect for rights and liberties of ethnic and religious minorities (including the Kurdish issue), violation of freedom of speech and a problem of torture and force used by security officers.

However, in both countries the EU standards were not transferred sufficiently in some areas. The 2002-2004 period (in the Turkish case also 2004-2008) is in this context a good example. The European Commission in its regular reports emphasized three important issues related to administration, the judiciary and the problem of corruption. It must be admitted that there were some positive steps made by both countries in the two first areas. There were three main issues worth mentioning: 1) reorganization of systems of administration and the judiciary, 2) amendments of respective laws, 3) initiatives in the education area (European Commission 2002, 22-6; European Commission 2003, 17-22).

However, as far as administration is concerned, both Poland and Turkey found it difficult to adjust their laws and procedures to the European standards. The administration of a new EU member works not only on the basis of the national law, but the European law as well. They cooperate with the EU institutions and the administrations of other EU states. However, in both countries there were problems with administration capacity in specific sectors of *acquis*, development of coordination mechanisms and building a modern civil service – with the institutional stability and transparency as well as with well skilled staff and code of conduct based on the European standards (Szaban 2000, 91-2). In Turkey (and in the initial period in Poland) the additional problem was the relationship between the central and local administration as well as the empowerment of the latter in terms of competences and decision making (Çelenk 2009, 57).

When it comes to the judiciary, it is important to emphasize the ineffective work of Turkish and Polish courts – cases were carried on for many years, irrespective of the their importance. There were a lot of problems concerning the competence and independence of judges (very important issues from the rule of law perspective). The process of building a cadre of Turkish and Polish judges, very well trained in the Community law, was slow. Judges should act without any political pressure. In the case of the two analyzed countries it was (and still is) sometimes not true. The influence of the military and Kemalist ideology (currently also conservatism) was a problem in Turkey. In the former case it concerned especially the so called State Security Courts, which were finally abolished. In Poland judges were under the political pressure as well as the pressure of media which for many political scientists are the fourth power (see e.g. the case of FOZ conducted by judge Barbara Piwnik)

(Wentkowska 2003, 303-15; Faucompret, Konings 2008, 158). The rule of law issue seems to be the common problem for Turkey and Poland going beyond the independence of the judiciary and concerns the general dilemma of full obedience of many state institutions – both state and private as well as individuals - to legal regulations.

As far as corruption is concerned, there was a progress in this area in the 2002-2004 period as well. Both countries have ratified the Council of Europe Civil Law Convention on Corruption. They took legal measures (e.g. law on public information) and established some bodies and institutions fighting with corruption (e.g. in Poland General Inspectorate of Financial Information, in Turkey – among others the Council of Ethics for the Public Service and later Prime Ministry Inspection Board) (European Commission 2002, 26-7; European Commission 2003, 22-3; Ömürgönülşen and Doig 2012, 8-9). In the Polish parliament worked a commission, very active in the so called “Rywin Gate” and the case of “PKN Orlen” (petrol company). Turkey took also after 2004 a number of legal measures in this field, e.g. it signed in 2004 the UN Convention Against Corruption, ratified Council of Europe Criminal Law Convention on Corruption and adopted the Law on the Foundation of an Ethical Board for Public Servant. In 2005 the new penal code contained bribery related provisions and in 2006-2008 period important laws on money laundering were adopted (Olsson 2014, 114-17). New control institutions (legislative, judicial and administrative control) were established and a kind of anti-corruption strategy was adopted after 2004 as well (Ömürgönülşen and Doig 2012, 10-14). However, there were problems in both countries with full implementation of EU standards in this field. As a result of the existing corruption many political parties have lost elections in both countries. The results of the survey conducted by Transparency International in 2003 showed that in both countries corruption was still a very serious problem – Poland was ranked 64<sup>th</sup> with the mark 3.6 (together with Mexico), Turkey got 3.1 and was in the 77<sup>th</sup> place (Transparency International 2003). In Turkey the situation has improved since this time but for instance in 2014 it was located in the 64<sup>th</sup> place (Transparency International 2014).

The economic transformation started in both countries in a similar period of time, i.e. in the 1980s. The market economy began to be developed at this time. The result was that Poland and Turkey were assessed as functioning market economies by the European Commission in quite a short period of time after the beginning of the pre-accession process, although the Polish government had waited for this shorter than the Turkish authorities. Agenda 2000 confirmed the Polish state of economy (European Commission 1997). Turkey

has made significant progress in this area since 1999 and the European Commission gave this state the functioning market economy status in 2008 (European Commission 2008).

However, the European Commission in its reports at the beginning of the 21<sup>st</sup> century underlined in both cases excessive state interventionism. There are many sectors of economy where the state is still playing an important role. In case of Turkey it is e.g. the banking sector, in case of Poland the heavy industry. It must be admitted that there were some improvements within the privatization process in the 1990s, even in these sectors. In Turkey you could observe the privatization of public banks (Sümerbank, Anadolu Bank, Denizbank) (Karataş 2001, 98). The Polish government introduced the reform of the heavy industry, which was connected with the closure of many unprofitable enterprises. Nevertheless, there were still some problems with the extensive role of the state in the economy at the beginning of the 21<sup>st</sup> century. In the case of Poland it was reflected in problems with monopolies in energy, coal mining, steel and heavy chemicals sectors as well as state aid in private and state-owned firms (European Commission 2002, 42-4). The disputes with the European Commission on the state intervention appeared in Poland even long after the EU accession – see e.g. the shipyard industry. Turkey had problems with monopolies still in banking and e.g. in telecommunication, although they were solved in subsequent years to a large extent (European Commission 2004, 64). Moreover, the introduction of neo-liberal models of privatization - in Turkey earlier than in Poland - had some side effects. Scandals in the banking sector in both countries were only one example.

This situation had a direct impact on the problems of both countries with the transfer of certain economic policies of the EU as well as with adoption of the EU law within negotiating chapters concerning these policies. The following areas should be mentioned in the first place with reference to Poland: competition policy (problem of law enforcement - state aid), freedoms of internal market (e.g. the issues of public procurement, market surveillance – free movement of goods; banking and insurance legislation – free movement of services, free movement of capital – restrictions for foreigners), company law (the intellectual property issue) and industrial policy (restructuring of steel industry) (European Commission 2002, 135-8). Turkey had also problems with the adoption and implementation of EU legislation within the competition policy chapter – regarding not only state aid law and control institutions (with particular emphasis on steel industry) but also anti-trust law. Apart from very similar deficits concerning the internal market freedoms, company law and industrial policy to the Polish ones, Turkey had much more difficulties with reference to

access for foreigners to the market (free movement of capital and services) and to restructuring the telecommunications - which was done in subsequent years , at least to certain extent (European Commission 2004, 160-1).

Moreover, both states had to cope with low transposition of *acquis* concerning other economic sectors, thus the transfer of certain EU norms – e.g. agriculture (particularly adoption of veterinary and phytosanitary regulations) or environment (adoption of legislation with regard to water quality, waste management, industrial pollution control and risk management) (European Commission 2002, 137-8; European Commission, 161-3).

To conclude, the EU impact appeared to have some limitations in political, economic and legal changes in Poland and Turkey. The transfer of EU structures, norms and policies depended on the issue or sector or negotiating chapter. Poland and Turkey had a lot of similar transfer dilemmas. However, there were also clear differences. They concerned both the number of problematic issues - bigger in case of Turkey than Poland as well as scope of the transfer of the EU standards (much more extensive in Poland than in Turkey - with reference to the transposition of *acquis* among others). Turkey managed to cope with many of these problems later on (when Poland was already the EU members) but there are still noticeable limits of EU impact on this state, concerning first of all a transfer of the democratic norms. Particularly in this area the Union's influence on Turkey has even decreased after 2005.

### **Reasons for Limited EU Impact**

The crucial question is what factors limit the transfer of the EU structures, norms and policies to the political, economic and legal system of Poland and Turkey as well as why there are noticeable similarities and differences between both states regarding the Europeanization problems.

Starting from the easier, latter issue, i.e. the differences, two groups of reasons can be indicated. Both of them confirming the assumptions of the theoretical framework do date (though with some limitations) concerning the Europeanization mechanisms and scope conditions valid for both states. The first group of reasons concern the objective and subjective differences between Poland and Turkey. The latter state is a Muslim country (97 percent of the population) with a large area and population (more than 779,000 km<sup>2</sup> and 75 million people), situated only partially in Europe. Poland was also the biggest candidate within the “big bang” group with the large population (312,679 km<sup>2</sup>, more than 38 million people). However, the substantial difference was that the Polish candidate was the Catholic

country being geographically in Europe. The cultural and geographical proximity helped the EU to have an impact on Poland and the transfer of Union's norms connected with these areas, including the adoption of the EU law (Szymański 2015, 168-9). The difference in size and population was also significant for the capacities of both states to adopt some Union's standards – e.g. with reference of the working of administration (central and local – particularly in terms of introduction of coordination mechanisms) or adoption of *acquis* in such areas as: freedoms of internal market, social policy and employment, economic and monetary union, agriculture and rural development, regional policy, etc.

Moreover, although Poland and Turkey had experiences in transformation processes, their outcomes were different in Poland and Turkey. When it comes to the economic transformation, although Turkey started it earlier than Poland, the former state went through a serious economic crisis at the turn of 20<sup>th</sup> and 21<sup>st</sup> century, which did not create favorable determinants for the quick adoption of EU rules regarding e.g. the functioning of the market economy. The shock therapy in Poland cost the Polish society a lot but it was better prepared to adopt the rules of the internal market. Another systemic difference concerned the disproportionate economic development of regions in Turkey and Poland. The differences have been much more serious in the former country. For instance in 2001, in the Marmara region in the West part of Turkey, the income *per capita* was \$14,000 a year but in the East about \$800 (in South East even \$600). The problem was not so serious in the case of Poland, although it did exist (and is still present but to a different degree). There was for example a big difference between Masovia in the central part of Poland and Warmia/Mazury in northern Poland; the latter used to be the area of state collective farms (Szymański 2006, 253-5).

The differences concerned also the issue of democratization. As it has already been mentioned, while Poland could consolidate the democratic system within the pre-accession process (having still many deficits), Turkey could first start its democratic consolidation after reaching the procedural democracy model (Szymański 2012a, 533).

Here appears the issue of scope conditions and the Europeanization mechanism mentioned above that are crucial factors influencing the EU impact on candidate states. It is very important to distinguish in the Turkish case the period before 2005 and afterwards. Before this date the conditionality mechanism worked due to the real EU members prospects. It led to the working of the “classical” factors facilitating the EU impact on domestic changes. There were favourable state structures that were able to exploit the EU opportunities. The cabinet of Justice and Development Party (AKP) took over the power at the end of 2002. The

EU membership incentive legitimized the reforms conducted by this government. It had the support of the majority of the society. Moreover, there was no influential political force that opposed the EU membership, including the army (Szymański 2012a, 542). Exactly the same situation was in Poland, whose subsequent governments could justify sometimes socially costly changes reminding about the EU membership goal.

In both cases there were some veto players lobbying against the EU. In Poland it was first of all League of Polish Families, in Turkey - the Nationalist Action Party. Politicians of these parties use the same emotional (not rational) language to manipulate electorates. They talk about the loss of the national sovereignty (a very difficult issue both in Poland and Turkey, because of historic events and a role of nation state), partition of the land (in Turkey as a result of recognition of minorities, in Poland because of the sale of the Polish land to Germans) and the status of slaves in the European Union (Szymański 2006, 253). However, in this case arguments, having a lot to do with the historical legacy, did not have the substantial influence on the Europeanization process. The government institutions were empowered due to the EU bid that enabled them to conduct reforms despite some opposition.

The situation has changed in the case of Turkey since the beginning of the accession negotiations in 2005. The conditionality mechanisms lost its effectiveness due to the increasingly unclear and distant EU membership prospects. It was a time when the new scope conditions presented by Börzel became fully valid, making the difference between the outcomes of the Europeanization of Turkey and Poland bigger than before. The aforementioned different stage of democratization of both states began to play a substantial role. For more democratic regime it is much easier to transfer the EU political standards than in the case of the state with authoritarian tendencies (Börzel, 2012, 15). Turkey belongs to the countries in which such tendencies appear from time to time, among others due to the relatively short periods of the military rule after coups in the 1960s, 1970s and 1980s (McLaren 2008, 260). It has been reflected since the beginning of the second decade of the 21<sup>st</sup> century first of all in the strengthening of the executive power at the cost of the legislative and judiciary power together with the plans of the introduction of the presidential system *à la AKP* as well as in the existence of the strong leadership model having influence on the decision making mechanisms (on the state and governing party level) with the involvement of the limited number of people (Heper 2013, 145). This issue questioned partially the Börzel's proposal concerning the Europeanization scope conditions. She wrote about the role of regime type in the EU impact on domestic changes. However, it is noticeable, not for the last time,

that when you take the legacy factor into consideration (here: the legacy as deep condition) you can explain fully the analyzed phenomenon. The problem with democratic regime seems to be a result of the functioning of the particular aspect of the Turkish political culture – therefore the classical factor facilitating (or not) the Europeanization process.

However, the other scope conditions pointed out by Börzel suit (to different degree) the Turkish case after 2005 well, making the difference with the Polish case bigger than before. Although the statehood issue plays in this context a limited role (the Kurdish problem is not enough to talk about the limited statehood in Turkey) still the power asymmetry as well as domestic incentive factors have the substantial influence on the Europeanization of Turkey. As Börzel put it, “Turkey’s size, economic strength and self-understanding as a regional power render its relations with the EU far less asymmetrical” (Börzel 2012, 14) than in case of other candidates. This limits the EU influence on domestic changes in Turkey. The issue of domestic incentives is even more crucial in the analyzed context. The case of AKP politics shows clearly that it uses the EU bid to push its own agenda, including the consolidating of its power (Börzel 2012, 15-6). It serves the Union’s influence on the changes in the country only to a limited degree, particularly in the democratization field. At the same time this issue makes such factors as facilitating structures, veto players or empowerment of actors not valid any more (in comparison to Poland).

In the context of ineffective conditionality mechanism in the Turkish case after 2005 some additional factors contributing to it and being simultaneously the reasons for the different problems of the EU impact on Poland and Turkey must be mentioned – in order to present the full picture. It is generally about the changing EU approach to both countries. While in the case of Poland there was a consensus among member states on the EU membership of this state supported by the narrative about the end of divisions in Europe and “coming back” to it as well as a quite supportive attitude of EU institutions and no strong opposition of the European societies towards the enlargement, the situation looked different as far as Turkey is concerned. After the Eastern enlargement the enlargement strategy has been modified – more attention began to be paid to the absorption/integration capacity of the EU – the Copenhagen criterion on the Union’s side which was at the background during the “big bang” round. The EU member states are divided over the EU membership of Turkey with such countries as France or Germany skeptical about it. There is a negative attitude of many European societies towards the Turkish accession and less supportive attitude of the EU institutions. The narrative which accompanied the Polish pre-accession process is not present

any more (İçener, Phinnemore and Papadimitriou 2010, 210-19; Szymański 2015, 168-80). These factors are unfavorable for the strong EU impact – also through contributing to the lack of effectiveness of the EU conditionality and detachment of the domestic changes in Turkey from the EU membership bid.

While the differences of reasons for the Europeanization problems of Turkey and Poland are, with exceptions, in accordance with the framework proposed among others by Börzel, the similarities, being the main subject of this comparative analysis, do not confirm it. The analysis leads to the main conclusion that first of all the “classical” facilitating factor is still valid, namely the political and organizational culture. The reason is that many scholars take into consideration the current processes and do not look at history to find the factors that decide about the EU impact or its lack. Here appears again the role of legacy to analyze the Europeanization process and its outcomes. In the analyzed cases it will be first of all the legacy as deep conditions because the current factors determining the domestic change as a result of EU impact (including the political and organizational culture or regime type) have the historical roots.

The common problems of Turkey and Poland in the adoption of the EU standards concerning first of all the work of administration, corruption dilemma and respect for rule of law reveals the importance of the historical legacy - as deep conditions that influence the scope condition concerning the regime type. The problem of the Polish and Turkish administrations consists in their bureaucratic structures which had existed for many years – thus they were resistant to change. The structures were dysfunctional and ineffective because of specificity of institutions, many of them existing solely on paper (Grabbe 2006, 105-6) as well as long, slow procedures and lack of transparency. A number of problems concerned the administrative staff. For many years its features were: a lack of transparent recruitment procedures, sufficient qualifications and stability due to the influence of political/party factors. The last issue is the crucial dilemma in both countries until today. There are problems with management and policy making due to lack of institutional continuity – there are changes on many posts together with the change of central and local governments (Szaban 2000, 92). The other problem is that many posts are taken not because of the qualifications of people but belonging to a particular party.

Moreover, in Poland it was very difficult to change the behavior and mentality of administration built in the time of socialism. The Polish officials were not used to the EU’s behavioral logic and working methods applied by their Brussels counterparts (slow pace of

work, lack of definite deadlines, etc.). Clerks often treated customers as intruders who were not at the same level as the administration staff. The same situation could be observed in the Turkish administration whose officials were under the ideological influence and perceived themselves as the superior elite representing the state. The citizens' interests were not as important as these of the state (Szymański 2006, 251).

The obstacles to adopt the EU norms in Turkey and Poland as far as corruption is concerned have again a lot to do with the legacy issue. In the former country we can observe the particular historical legacy of the Ottoman Empire that was a rent-seeking and rent-providing state in which the state employees got their income from users of public services. However, in both countries the corruption was not morally condemned and was a result of a kind of patron-client relationship. The custom to give gifts to the public officials was present in both countries. Although in Turkey it had deeper roots (existence of collective culture: loyalties are given to family, religion, village), in both cases the need for going through the complex bureaucratic procedures which requires obtaining many permits generated corruption. In Poland it was a topic of some films showing e.g. the state officials who decided about distribution of some goods such as flats and had in their cupboards impressive collections of alcohol bottles, including the Western ones. Another factor was in this context the "wild privatization" which also generated many cases of corruption (Olsson 2014, 104-9).

The problems concerning the rule of law again reflect the factors connected with the legacy issue. One problem is the already mentioned political factor – here: the influence of party and ideology on the judiciary. However, the general attitude towards the law of the societies of both countries must be underlined as well. This is a problem going beyond the rule of law because it makes the adoption of many EU regulations and their implementation difficult. The common feature of the societies from the Central and Eastern Europe, Turkey and Western Balkans has been an excessive flexibility of approach to legal compliance. It means that although the regulations were respected, they were treated as guidelines which do not have to be fully obeyed and can be modified or evaded (Szymański 2012b, 126).

Many problems of Turkey and Poland with adoption of the economic standards and EU law concerning the economic policies are also a result of the historical and cultural legacy. The problems with the impact of the state on the economy of both countries is a result of strong influence of ideologies on the Turkish and Polish economies in the past. In Turkey "etatism" as one of the Kemalist principles played the main role. According to it the state plays a crucial role in economy (minimalist interpretation) or in the whole economic, social

and political system (maximalist interpretation) (Dumont 1984, 39-41). In the economic field some changes began first in the 1980s, as it has been mentioned before. The interventionist model of economy reflected a traditionally strong position of the state and its elites. In Poland there existed a centrally planned economy in the time of socialism. As in case of Turkey the strong role of the state had then the roots in the ideological factor and was not easy to be changed in a short period of time (Szymański 2006, 254).

Many problems with adoption of the EU norms and policies were a result of the next factor having a lot to do with the historical and cultural legacy. It is about the role of nationalism and nationalistic feelings of both societies. Although in Turkey and Poland we can observe different types of nationalism, the historical events (the end of Ottoman Empire and the “independence war” leading to the establishment of the Republic of Turkey as well as the partition period – 123 years and the establishment of the independent state after the end of the First World War respectively) led to a particular attention paid to the nation state as well as its independence, integrity and sovereignty. In the Turkish case nationalism (*milliyetçilik*) and the material rule of the integrity of the state and nation became one of the main principles of the ideology of Kemalism but also the constitutional system of Turkey. The additional aspect connected with the nationalistic feelings was the lack of trust to foreign countries, including first of all neighbors (the phenomenon which was strengthened in Poland due to the Second World War and communist times) and their citizens. The nationalism and nationalistic feelings had or still have an impact on the adoption of the EU structures, norms or policies. Apart from the general opposition towards giving competences to the supranational level (depending on the party) there was a noticeable impact of this phenomenon on adoption of the EU law and rules concerning the foreigners – in case of Poland – within the free movement of capital chapter (first of all selling the land to foreigners), as far as Turkey is concerned - within the free movement of goods, capital and services mentioned above. The difference between the Polish and Turkish cases was the negative impact of the nationalism on the democratization process. While in Poland it was not a substantial problem, also because of the lack of numerous minorities, for Turkey first of all a very difficult Kurdish issue is generated by the nationalism.

To sum up, it is noticeable that in all presented cases different aspects of historical and cultural legacy - both elements of structure and agency - had an influence on the presence of factors hindering the change of the political system of Poland and Turkey and its outputs, which results in the limited EU impact. It reflects the particular causal mechanism  $X \rightarrow Y \rightarrow Z$

(where X is an aspect of the historical and cultural legacy, Y – contemporary scope conditions, i.e. factors facilitating or hindering the domestic change and Z – outcomes of Europeanization). The role of historical and cultural legacy in shaping the Europeanization process of the political system of Poland and Turkey has been summarized in the Table 1 below.

Table 1 – Impact of Legacy as Deep Conditions on Europeanization of Poland and Turkey

ELEMENT OF POLITICAL SYSTEM OR ITS OUTPUT	LEGACY	SCOPE CONDITIONS	LIMITED DOMESTIC CHANGE (EUROPEANIZATION OUTCOME)
Administration	<i>Structure:</i> intransparent bureaucracy resistant to change <i>Agency:</i> Inefficient, unqualified clerks under the ideological influence with unfriendly attitude towards costumers and mentality based on superiority	Ineffective and dysfunctional administration having problems with managing capacities, development of coordination mechanisms and establishment of modern civil service	Slow process of administration reform; limited implementation of legal changes
Judiciary	<i>Structure:</i> politicization of judiciary being under ideological influence <i>Agency:</i> people's behavior based on the flexibility of approach to legal compliance	Inefficient judiciary; deficits concerning the rule of law	Limited fulfillment of the Copenhagen political criteria with reference to the judiciary bodies and rule of law
Corruption	<i>Structure:</i> patron-client relationship; culture of gifts giving; complex bureaucratic procedures; "wild" privatizations <i>Agency:</i> people's mentality based on consent regarding corruption	Many cases of corruption in political and economic sphere; low place in rankings	Partial adoption of EU standards – mainly in legal and institutional sphere; substantial problems with implementation
Economic policy and related law (outputs)	<i>Structure:</i> substantial role of the state in economy and	Problems with working of the market economy and	Limited fulfillment the Copenhagen economic criteria; partial and

	nationalism <i>Agency:</i> political elites using the ideological factor	adoption of EU law in many negotiating chapters	slow adoption of the <i>acquis communautaire</i>
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Source: author's work.

However, it must be admitted that apart from the cultural and historical legacy, there is another group of factors that generate similar problems with the Europeanization of Turkey and Poland. The theoretical part of the paper indicates the role played by the domestic actors' perception of EU policies, institutions and mechanisms. Poland and other countries from the Central and Eastern Europe had problems with the adoption of the EU laws and policies because of uncertainties concerning the pre-accession process. It was not clear what benefits were connected with the fulfillment of particular task. The same referred to the hierarchy of tasks (question of priorities) and the policy agenda (in such policies as social policy or justice and home affairs). Moreover, the uncertainties concerned the timing, e.g. with reference to costs and benefits, fulfillment of particular criteria, etc. The candidate countries faced also the uncertainties about whom to satisfy and about the standards and thresholds, e.g. when the certain criteria were met and when they were not (Grabbe 2006, 91-4). These uncertainties made the full adoption of the EU standards difficult. Although the procedures and mechanisms of the pre-accession strategy and accession negotiations were modified after the 2004 enlargement to increase their effectiveness (e.g. the benchmark system was introduced to give more clear criteria to be fulfilled by candidates), the uncertainty factor has remained. Turkey is included in the benchmark system in the accession negotiations but they are very often not clearly defined. It reflects the general problem in talks with Turkey that there is a lack of clear expectations on the side of the EU institutions. The uncertainty concerning the timing increased as a result of emphasis put by the member states on the "open-ended process" (Szymański 2012b, 135). These uncertainties, led by the aforementioned unclear membership prospects after 2005, are dysfunctional for the adoption of the EU policies and laws.

## Conclusions

The main purpose of the paper was to compare the Europeanization of the Turkish and Polish political, economic and legal systems in the context of problems and constraints of the process. The analysis confirms to a large extent the hypotheses presented in the introduction. Although the EU has had an influence on both states and societies, it is limited – more

extensively in the Turkish case - by a number of factors. The reasons for the Turkish and Polish problems with the Europeanization can be found to some degree within the theoretical framework concerning the mechanisms of Europeanization and factors facilitating the change.

The differences of problems were, firstly, a result of impact of objective features of both countries and various outcomes of transformation processes (though some of them, e.g. different stage of democratization had its roots in the historical and cultural legacy) which made the Europeanization of Poland easier. They were key factors behind more extensive problems of Turkey than Poland with adoption of the EU standards before 2005. At the turn of 20<sup>th</sup> and 21<sup>st</sup> century similar mechanisms of Europeanization worked quite effectively in both cases (led by conditionality) and “classical” factors facilitating the domestic change were present to a large extent.

However, because of ineffective work of conditionality with reference to Turkey after 2005, an enhanced role, in this case, of other scope conditions such as domestic incentives, regime type and asymmetry of relations with the Union as well as the change of the approach of the EU and member states towards the enlargement in general and the Turkish candidacy in particular, the gap between Turkey and Poland in terms of the number and scope of problems with Europeanization within the pre-accession process became noticeably bigger.

When it comes to the similarities of problems of Turkey and Poland with the adoption of the EU norms, structures and policies, although an important role was played invariably by the uncertainties within the pre-accession strategy and accession negotiations, the main reasons for common problems (existing often to a different degree in Turkey and Poland) can be found mainly in the historical and cultural legacy of both states (mainly as deep conditions), despite different cultural or social settings. Particularly the problems with adoption of EU standards concerning the administration, judiciary and rule of law, coping with corruption as well as transfer of EU law regarding the freedoms of internal market, competition or industrial policy have its roots in systemic and ideological characteristics of both states that were developed within the 20<sup>th</sup> century (sometimes even earlier). This is a challenge to the argument of scholars working on the Europeanization that the “classical” factors facilitating the domestic change as a result of the EU impact lost their validity. Most factors connected with the historical and cultural legacy of both states can be classified as those belonging to the cultural and organizational culture. This proves that it is not enough to analyze the EU impact basing only on current issues – the historical processes are equally important.

The analysis conducted in this paper leads also to other interesting conclusions. It shows clearly that the EU impact on candidate countries is changing in subsequent enlargement rounds. The reasons for decreasing impact on political, economic and legal systems of candidates can be found within the exogenous factors, i.e.: the characteristics of candidates, changes in the enlargement policy and EU/member states approaches towards the candidate countries. However, it seems that key factors directly concern the Europeanization. The cases of Turkey and Poland shows clearly that this process has some endogenous deficits, at least with reference to the possible impact on candidate countries. Firstly, important mechanisms of Europeanization can lose their effectiveness (see conditionality). Secondly, there is a general problem with extensive EU impact on the elements of political, economic or legal system of a country, which results from long-term historical processes and ideological influence. This is the EU dilemma concerning the Union's impact on all countries, including the member states. Particularly in the case of non-EU states there is a lack of effective tools that could generate the change of the elements having deep historical and ideological roots.

It must be admitted at the end that this paper obviously does not include all the dilemmas of Europeanization of Turkey and Poland. Further research is needed indeed. It is worth developing the studies particularly on the role of legacy in the Europeanization process. The cases of Turkey and Poland/Central and Eastern Europe can be used in further research regarding e.g. the role of consensual culture as well as religion and conservatism in the adoption of the EU norms.

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