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Table of Contents

Severin Hornung
Research on idiosyncratic deals: A selective review and synthesis 7

Isabela Battistello Espíndola
The Union of South American Nations (UNASUR) and the environment 17

Ayse Ozcan, Eric J. Strauss
Ecological modernization on Turkey's energy policy and renewable energy cooperatives suggestions for Turkey from the USA policy perspective 27

Amal Abdelmordi Elgamal
Evaluate the effectiveness of social services to address violence against women 43

Sayan Shilmambetov
History and characteristics of presidential system debates in Turkey 53

Korhan Arun, Canan Koçer
Does the response of the top level management to organizational culture affect financial performance? 61

Ali Alagöz, Metehan Ortakarpuz
Corporate wisdom and reporting based on informal knowledge 69

Seda Bayrakdar
Assessment of globalization success: Azerbaijan, Uzbekistan, Kazakhstan, Kirghizstan, Turkmenistan 81

Cengiz Aytun, Cemil Serhat Akin
Interaction of institutions and environmental degradation 93

Turgut Bayramoglu
Renewable energy production potential and development relationship: The case of Turkey 103

Mehmet Soytürk
The European Union's refugee and asylum policies in the perspective of the Syrian refugee problem 113

Özgür Oğuz, Emre Karabacak
Right to strike and its live issues in Turkish positive law 123

Ibrahim S. Canbolat
The European Union as an alternative security system and Turkey's relations with this system 135

Seval Yaman
Libertarian understanding of abortion and its critics 147

Ljubica Kordić, Željko Rišner, Dubravka Papa
New media in formal and informal higher education in social sciences 155

Gulzar Ismayil
Effect of the Immigration Policy of Great Britain on Its Relationships with the European Union 167

Ali Şahin, Yasin Taşpınar
Citizens' Perception of Local Government and Their Level of Satisfaction with Local Services in the Context of Political Preferences: The Case of Konya 177

Yasin Taşpınar, İbrahim Uğur Erkış, Ali Şahin
The Relationship between the Components of Psychological Capital and Job Satisfaction in Public Organizations: The Case of Karapınar Public Hospital 187

Fatih Gultekin, Ozge Gizem Yasa
Problems and Solutions Related to the Structure of the Labour Courts in Turkey 197

Aydin Aydin
A Saudi Arabia Review under the Framework of the Gramsci's Hegemony 205

Mehmet Tosuner, Hakan Bay
Death and Its Results in Turkish Tax Law 217

Huseyin Bal
Human Freedom in Thomas Aquinas' Thought 231

Sanem Berkün
The Development of The Environmental Right and Its Reflection On Turkey's Legislation 241

Mehmet Demir, Neşe Şenel, Emrah Inalpolat
Ideologization of Ecology or Ecologization of Ideologies: A Case Study on Ideological Articulation of Ecofeminism 251

Şenay Eray
Feminist Institutionalism: An Effective Collaboration of New Institutionalism and Feminist Theories 261

Süheyla Erikli, Bülent Bayat
Labor Market Regulation of Turkey in Context of the National Employment Strategy 271

Enes Yalçın, Yasin Taşpınar
Environmental Protection Oriented Transportation Policies Of The European Union 279

Senem Ertan, Fatma Yol
Comparative Analysis of Women's Rights in Turkey, Tunisia and Iran 289

Tuğba Yolcu,
A Solution Suggestion To A Modern-Day Disease, Political Corruption: Farabi's Political Approach 301

Mustafa Cin
Social Security Rights of Foreign Employees in Turkey 309

Gürol Baba
Turkey and the Shanghai Cooperation Organization: Prospects and Reality 321

Betul Aydogan Unal
Measurement of Strategic Voting: A Systematic Review 331

N. Şebnem Sayhan
Alternatıve Dıspute Resolutıon In Admınıstratıve Dısputes 341

Gökhan Çapar, Onur Ayda
Are Conspiracy Theories Deconstruction of Constructed World Model of Liberalism in International Relations?..... 351

Selçuk Aydın, Atıl Cem Çiçek, Hüseyin Baran
A "Turkization" Political Movement Sacrificed to the Conjuncture: Halkların Demokratik Partisi (HDP-Peoples' Democratic Party)..... 365

Foreword

The scope of the 21st century's political changes and challenges are already identified as well as those that are just only taking place. The highest level of professional requirements associated with these phenomena stimulates new scientific and methodological searches, attempts of new breakthroughs, including the ones in the field of political and social studies.

The history of the conception and development of ideas about society is determined by the complexity of the real political world, and also reflects the relationship between human and state in each particular epoch.

The 20th century (especially its second half) has made important adjustments to real political relations and theoretical models of politics. A new stage in the development of views on the political environment began when the ideas of pluralism, coordination of interests of different social groups which share the influence on the society and the state took the place of the statement of monopoly on the unified supreme and sovereign authority.

On the beginning of democratic system formation in the most countries of the world the main paradigm of the political world view starts transforming: from state monocentricity to social polycentricity, from the single and indivisible sovereignty of the state to direct participation of all major groups of citizens in the social life.

In addition, it's necessary to keep in mind that at the beginning of the twenty-first century political and social sciences actually developed as a branch of knowledge which changes rapidly and successfully overcomes the obstacles that are used to differentiate its separate sections. Such intellectual interpenetration brings closer certain areas of research within the political and social sciences. It can be said that studies of various aspects of the society viability have received a distinct interdisciplinary nature.

The study of social relations should, first of all, provide basic knowledge of the following terms meanings: "citizen", "civil society", state", "management" and "political system", how the latter function, what the relationship between politics and management of social processes is, and finally, in which way everything mentioned correlates to world events.

The articles presented in this collection are dedicated to these problems. They highlight a wide range of problems of international relations, military and political security, globalization, migration, law and social relations, ecology and the energy resources policy. In the end such approach should contribute to the understanding that each person's life, security and quality of life are interconnected with the lives of others – around us, in neighboring regions, in other countries, throughout the world.

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Research on Idiosyncratic Deals: A Selective Review and Synthesis

Severin Hornung

1. Introduction

The relatively recent construct of idiosyncratic deals (i-deals) is becoming increasingly established in organizational research (Liao, Wayne, & Rousseau, 2016; Rousseau, 2005). I-deals describe personalized arrangements on non-standard work and employment conditions negotiated between individual employees and employer agents, such as supervisors or higher-level managers. Contents of i-deals are diverse, including extra flexibility in work hours, special job tasks, and customized training opportunities. In contrast to organizational micro-politics or "playing favorites", i-deals are based on procedural justice and yield advantages for both workers and organizations (Rousseau, Ho, & Greenberg, 2006). In the first part of this contribution, these and other assumptions and conceptual distinctions made in i-deals research will be reviewed. The second part presents a synthesis of eight survey studies, conducted in the context of a research program pursued by the author. The majority of results refer to flexibility and development i-deals. Antecedents included individual, interpersonal, and organizational factors. Outcomes captured individual and organizational benefits as well as mediating processes. The quality of evidence regarding different correlates as well as implications and limitations are discussed.

The widespread uptake of i-deals relates to broader trends in theorizing about organizations, described as surges of dominant ideological paradigms (Barley & Kunda, 1992). The classics of industrial administration and bureaucratic management have portrayed organizations as abstract and stable entities, based on formalized structures and standardized processes. For the sake of efficiency and legitimacy, the principle of "formalistic impersonality" (Weber, 1968) demanded equal treatment of constituents without regard of the individual person. This mechanistic-technocratic view of organizations was softened in the subsequent institutional era under the influence of human relations movement, socio-technical systems theory, and quality of working life initiatives. Based on the insight that organizations are social systems, the new paradigm discovered an emergent informal organization in the relationships among working individuals, emphasized social-psychological processes, and envisioned new forms of management infused with humanistic values (Roethlisberger & Dickson, 1939). Going one step further, proponents of organizational individualization have argued that employees are not passive job recipients, but actively shape working structures and conditions through their own actions and interactions with others. This paradigm emphasizes a more "organic" view, including flexibility, improvisation, emergence, and procedural over distributive justice (Lawler & Finegold, 2000). Symptomatic for these developments, i-deals direct attention to complex and dynamic social interdependencies in organizations. Accordingly, the interplay between employees and their jobs is embedded in interactions among organizational members, some assuming the role of agents to represent employer interests in negotiating deviations from standard practices.

2. Theoretical Considerations

I-deals have been defined as "personalized agreements of a non-standard nature negotiated between individual employees and their employer regarding terms that benefit each party" (Rousseau et al., 2006, 978). Starting point for their study is the observation that job features vary, not only across organizations and positions, but also depending on job incumbents.

General features, based on formalized HR practices, are either standardized (e.g., facilities for all employees) or position-based (e.g., status privileges). Person-specific features result from self-enacted and negotiated modifications. Layers of variability are influenced by numerous factors, such as labor laws, market standards, HR philosophy, job type, and actions of the job incumbent. I-deals explain person-specific variability through individualized bargaining. In the following, individual negotiation (authorization), mutual benefits (functionality), and idiosyncratic forms (heterogeneity) will be discussed as three distinctive and interrelated core properties of i-deals (Rousseau, 2005, Rousseau et al., 2006).

Individual negotiation is among the most central features of i-deals. Typically, i-deals are initiated by employees and authorized by employer agents (e.g., supervisors, HR managers) after some compromise, concession, or alignment of interests. Employee initiation relates to voluntariness. Acknowledging imbalanced power-dependence relationships and pressures on employees to consent to agreements that are not in their best interests, voluntariness is an important prerequisite of i-deals, operationalized in employee initiation. As such, i-deals combine characteristics of formal organizational and self-enacted individualization. HR practices and programs promoting individualization are implemented "top-down" by the employer; examples are part-time work, working time accounts, training budgets, individual goal setting, and cafeteria benefit plans. At the other end of the spectrum are changes that are enacted "bottom-up" by employees through self-discretionary proactive and deviant behavior. In these cases, person-specific variability results from individual interpretations, use, and expansion or overstepping of one's zone of autonomy; examples are differences in how job duties are performed, compliance with rules and regulations, use of working time arrangements, or involvement in training and learning.

Another defining feature, i-deals are assumed to benefit both sides. For employees, they offer ways of modifying work and employment conditions to better fit personal needs, goals, and preferences. Employers can use i-deals to increase flexibility and responsiveness in HR practices and improve their position in the "war for talent" to attract, retain, develop, and motivate increasingly diverse workforces. Mutual benefits distinguish i-deals from dysfunctional authorized arrangements of organizational micro-politics, such as favoritism, cronyism, or "old boy" networks (e.g., rewards based primarily on personal relationships rather than contributions and needs). Whereas i-deals are grounded in procedural justice and imply mutual benefits, illegitimate preferential treatment violates social fairness and is detrimental to organizational interests (e.g., employee grievances and cynicism). Endorsed by employer agents entitled to authorize the resources bargained for, i-deals are also distinct from behavioral concepts, capturing autonomous or "self-discretionary" actions of employees. I-deals share some similarities with functional proactive behavior, which contributes to organizational goals (e.g., productivity and innovation) and may involve adopting a broader job role or engaging in active performance (e.g., making suggestions or improvements). In contrast, dysfunctional counterproductive behavior or deviance is exemplified by withheld contributions, neglect of duties, or illegitimate appropriation of workplace resources.

The idiosyncrasy of i-deals comprises several elements. Often used synonymously with idiosyncrasy, heterogeneity implies a broad range of possible contents, such as work schedule, workload, job characteristics, and training opportunities, as well as variability with regard to the number of customized job features and the extent of deviations from applicable standards. Particularity refers to the personal meaning and value of i-deals (e.g., personally interesting job content; work schedule suited to family situation) and is closely related to uniqueness, which means that i-deals are limitedly applicable to universally valued and scarce resources (e.g., pay or promotions). Further, i-deals are person-specific and, therefore, generally not suitable for increasing competition or creating tournament situations among employees. The need for unbiased, consistent, transparent, understandable, and considered

decision processes underlying i-deals signals adherence to principles of procedural justice. Aligning i-deals with procedural justice lends legitimacy to constrained distributive justice (i.e., equal treatment), resulting from consideration of broader individual contributions and efforts as well as needs and circumstances. Authorization by agents acting in good faith on behalf of the employer and granting i-deals according to principles of procedural justice is considered critical to ensure advantages for both sides.

Numerous psychological constructs are related to i-deals and have been discussed in detail elsewhere (Hornung, Rousseau, Glaser, Angerer, & Weigl, 2010b; Hornung, Glaser, Rousseau, Angerer, & Weigl, 2011; Rousseau et al., 2006). Only some can be briefly mentioned here. For instance, reciprocal interdependencies likely exist between the psychological contract (transactional vs. relational) and the type of negotiated i-deals. Further, social exchange and negotiation are suggested by Leader-Member Exchange Theory (LMX) as mechanisms through which shared role definitions and differentiation of status in work groups develop. The Job Characteristics Model posits that performing work assignments requires psychological processes of task redefinition. Organizational Role Theory has clarified that this includes renegotiating job duties with colleagues, clients and/or supervisors, such that work roles reflect emergent social constructs. Negotiation of job changes has also been identified as a proactive socialization tactic of organizational newcomers. Discretionary, autonomous, or self-enacted (proactive) modifications of task, relational, and/or cognitive work boundaries are components of the influential construct of job crafting (Wrzesniewski & Dutton, 2001). Proactive behavior includes a range of constructs, all emphasizing the active role of individuals in shaping their work (Parker & Collins, 2010). For instance, personal initiative, the self-starting, future-oriented, and persistent pursuit of personal and organizational goals (Fay & Frese, 2001), is an important correlate of ideals. Conceptually, i-deals are most closely related to the category of proactive person-environment fit behavior, focusing on changes in the work situation and/or oneself to improve fit with the job. Note, however, that, whereas initiation and negotiation of i-deals are behavioral, this does not apply to the agreed upon personalized conditions, which are the results of successful negotiation.

Theorizing has emphasized the positive role of i-deals to accommodate individual needs and preferences. However, functional and fair "in theory" does not guarantee that this is necessarily the case in reality. The boundaries between legitimate i-deals and unfair preferential treatment are blurry. Moreover, there are concerns about the systematic misuse of individualized arrangements in the context of broader trends in employment politics and labor utilization strategies (Allan, O'Donell, & Peetz 1999). Not only could i-deals aggravate workplace inequalities due to differences in bargaining power (e.g., core vs. peripheral employees), but employers may distort and abuse "i-deals" for a cost-efficient and case-by-case upgrading of "no frills" work contracts stripped of employee benefits (Hornung, Glaser, & Rousseau, 2010a; Hornung et al., 2011). Reasons for such a critical assessment are connected to observed tectonic shifts in risks and responsibilities from employers to individual employees. These include the erosion of labor laws and collective bargaining systems, recurring rounds of cutting benefits, mass layoffs, new forms of precarious employment, and marginalization of whole labor market segments (Kalleberg 2003). In the context of labor market politics, it is hard not to suspect that the current interest in i-deals is connected to the neoliberal rollback of employee rights and employer responsibilities (Rust 1999). Indeed, there is a real danger that i-deals could be assimilated into a class warfare campaign of dividing and dominating employees. Research needs to address these concerns by paying special attention to potential "dark sides" of i-deals under the real-world conditions of diverging interests and imbalanced power-dependence relationships. This includes theoretical considerations and empirical investigations of the boundary conditions that support the intended positive use of i-deals.

3. Empirical Studies

Next, a review and synthesis of eight empirical studies is presented. Studies were published between 2009 and 2015 as the products of research program on employee-oriented flexibility and synthesizing results served evaluation purposes. A widely shared study feature is the analysis of cross-sectional survey data through structural equation modeling with a focus on antecedents and/or outcomes of i-deals at the individual level. An exception was the process-based regression approach to examine moderator effects in Study 8. Studies 5 and 6 included supplementary longitudinal (time-lagged) analyses. Data were gathered in Germany, the United States, and China. Six studies used original data sets, obtained in five distinct (organizational, occupational and/or cultural) settings. Studies 2 and 3 shared the same context (rank-and-file employees and supervisors). Studies 4 and 5 reanalyzed data from two other studies in different configurations and with different focal constructs. Overall, ten cross-sectional and two longitudinal samples were included, comprising 2779 and 165 observations, respectively, based on the responses of N = 1990 persons in total. Scales for measuring i-deals were continuously revised, resulting in psychometric improvements, but also reducing comparability. Studies differed in the included dimensions of i-deals. Most common was the distinction between time-based flexibility and learning-based development i-deals. Study contents are summarized in the following. A listing of study variables is provided in Table 1.

Study 1, authored by Rousseau, Hornung, and Kim (2009), tested propositions on the interdependence of negotiation timing and content as well as on the differential effects of associated dimensions on employee perceptions of social and economic employment exchange. It included ex ante (i.e., at the time of hire) versus ex post (i.e., in ongoing employment) timing and contents related to the number and distribution of paid work hours (i.e., increases or decreases) versus development and learning opportunities (e.g., special training or work assignments). The data base consisted of N = 265 hospital employees from all areas of a general hospital in the United States (e.g., nursing, engineering, security, kitchen, etc.). The sample was a composite of two cross-sectional survey waves with repeat responders removed. Aside from quantitative results, this study also reports qualitative interviews, conducted to explore the phenomenon and to develop survey measures of i-deals.

Study 2, by Hornung, Rousseau, and Glaser (2008), examined organizational and individual antecedents (e.g., work structures and employee initiative) and outcomes of i-deals (e.g., affective commitment and work-family conflict) in the context of a telecommuting program in the public administration of a German Federal State. Scales on i-deals elaborated on the distinction between working time flexibility (i.e., scheduling of work hours without affecting take home pay) and support for professional development (e.g., job content, training opportunities, and performance goals). Analyses were based on N = 887 public employees doing clerical and accounting work in different types of flexible work arrangements, including home-based telecommuting, external assignments with clients, and part-time work.

In Study 3, Hornung, Rousseau, and Glaser (2009) tested a model of antecedents and outcomes, which was comparable to that in Study 2, but reflected the managerial perspective of supervisors authorizing i-deals. The sample consisted of N = 263 public managers, who were the supervisors of telecommuting employees in Study 2. Aside from flexibility and development i-deals, this model also included agreements regarding workload reductions, which, however, showed only marginal relationships with antecedents and outcomes.

Study 4 was conducted by Hornung et al. (2010a) and introduced the construct into the work design literature. This study focused on task i-deals as a specific form of developmental arrangements. It reports the development and test of a model of i-deals, work characteristics (complexity, control, and stressors), and indicators of performance and well-being (personal initiative and work engagement). Comparable models were tested in two independent

samples; the first included N = 189 hospital employees from the US, obtained in Study 1 (wave 2); the second sample consisted of N = 135 German hospital physicians, overlapping with data gathered in wave 1 of Study 6.

In Study 5, Hornung et al. (2010a) established job autonomy and distributive justice as mediators between successful ex post negotiation of i-deals and job satisfaction. Differing from the other studies, ex post negotiation was investigated as a general indicator of i-deals, such that the content of these arrangements was inferred from relationships with outcomes. This study was based on cross-sectional data of N = 373 hospital employees pooling both waves of Study 2 (including repeat responders). Additionally, a smaller longitudinal subsample of N = 74 permitted the re-examination of cross-sectional relationships in manifest-variable cross-lagged panel models.

Study 6 refers to the article by Hornung et al. (2011), which replicates and extends previous findings. Analyses were based on survey data of physicians from two hospitals in Germany, including two (non-independent) cross-sectional waves of N = 159 and N = 142 as well as a smaller longitudinal sample of N = 91. This study strengthens the links between i-deals and leadership research by establishing associations between employee-oriented leader behavior of individual consideration, flexibility and development i-deals, and the outcomes of work-family conflict and work engagement as indicators of work-life quality. Similar to Study 5, longitudinal data were used to validate cross-sectional results.

Study 7 was authored by Hornung, Rousseau, Weigl, Müller, and Glaser (2014) and suggested a more differentiated assessment of i-deals as well as an extended model of work redesign via individual negotiation. The refined measure introduced in this study distinguishes between task, career, and flexibility i-deals. The tested model includes specific outcomes (job performance, occupational self-efficacy, and irritation) and intermediate processes (higher job autonomy and skill acquisition and reduced work overload) connected to these three content dimensions. Underlying hypotheses were tested in a sample of N = 187 clinical employees of a psychiatric-neurological hospital in Germany (e.g., nurses, therapists, counselors, etc.) and included supervisor ratings of job performance as an additional data source.

In Study 8, Tang and Hornung (2015) developed a model of employee initiative, flexibility and development i-deals, extrinsic and intrinsic work motivation, and positive spill-over between the work and family domain. This study used a convenience sample of N = 179 working parents from China, recruited during a school information event. Despite sample limitations, this study makes important contributions in transferring the construct of i-deals into a new sociocultural context and addressing some unresolved issues with regard to the positive function of flexibility arrangements. This study employed broader measures of development and flexibility i-deals, based on a larger number of items and, for instance, including flexibility regarding the number and distribution of work hours and work location.

Table 1. Summary of Study Variables

#	Controls	Antecedents	I-deals	Mediators	Outcomes
1)	- Gender - Age - Tenure - Education - Part-time		- Ex Ante - Ex Post - Work Hours - Development		- Social Exchange - Economic Exchange
2)	- Gender - Age	- Personal Initiative - Telecommuting - Fieldwork - Part-time	- Flexibility - Development		- Work-Family Conflict - Affective Commitment - Voluntary Overtime - Performance Standards
3)	- Gender - Age - Tenure	- Employee Initiative - Employer Obligations - Unit Size - Fieldwork	- Flexibility - Development - Workload Reduction		- Employee Work-Life Balance - Employee Motivation - Performance Standards
4)	- Gender - Age - Job Level - Part-time	- Leader-Member Exchange	- Task	- Job Control - Job Complexity - Work Stressors	- Personal Initiative - Work Engagement
5)	- Gender - Age - Tenure Education - Part-time		- Ex Post	- Job Autonomy - Distributive Justice	- Job Satisfaction
6)	- Gender - Age - Tenure - Education - Part-time	- Leader Consideration	- Flexibility - Development		- Work Engagement - Work-Family Conflict
7)	- Gender - Age - Tenure - Education - Part-time - Temporary Contract	- Leader-Member Exchange	- Flexibility - Task - Career	- Job Autonomy - Skill Acquisition - Work Overload	- Job Performance - Occupational Self-efficacy - Emotional and Cognitive Irritation
8)	- Gender - Age - Family Situation	- Personal Initiative - Family-Work Enrichment	- Flexibility - Development	- Intrinsic Motivation - Extrinsic Motivation	- Work-Family Enrichment - Work Engagement

4. Summary of Results

Study results were synthesized in several steps following a predetermined protocol. First, structured summaries were created for all studies, including condensed information on samples, control variables, antecedents, measurement of i-deals, mediating constructs, outcomes, and main (quantitative) results as well as their (qualitative) interpretation. Second, statistical parameters and other relevant information were extracted, categorized, evaluated, and aggregated into a depository of tables. In a third step, results were organized in a conceptual meta-model of antecedents and outcomes of individualized employee-employer negotiations. Finally, the quality of evidence with regard to different correlates was evaluated

according to methodological considerations (e.g., singular versus replicated results). In the following, main results of this process of aggregation and synthesis are outlined.

Personal initiative, a prominent form of employee proactivity (Fay & Frese, 2001), was the most substantiated individual antecedent of i-deals, predicting both flexibility and development i-deals in Studies 2, 3 and 8. Defined as the self-starting, future-oriented, and persistent pursuit of personal and organizational goals, personal initiative not only predisposes worker to seek out ways to affect positive changes in their jobs, but likely also plays a role in the decisions of employer agents to grant special arrangements. Study 8 established an interactive effect of initiative and family-work enrichment, such that proactive workers with a supportive social background negotiated more i-deals. As initiative can be developed through complexity and control at work, Study 4 included this construct as an outcome of renegotiated job design. This is consistent with the notion that relationships between personal initiative and development or task i-deals are most likely reciprocal. Although some studies have found effects of other personal attributes, such as gender and age, these results were less consistent and appear to be more context-dependent.

The most critical interpersonal or social factor for the successful negotiation of personalized arrangements was the quality of the work relationship with the direct supervisor (Hornung et al., 2011). Evidence was found in Studies 4, and 7 with regard to leader-member-exchange and in Study 6 for the employee-oriented leadership dimension of individual consideration. Study 3 further suggests that supervisor decisions to grant i-deals are influenced by fairness considerations (employer obligations) and span of control (unit size). Results on the organizational factors facilitating or constraining the use of i-deals were mixed. Structural forms of de-standardization, such as part-time work and telecommuting, primarily supported flexibility arrangements, however, in some settings this also extended to development i-deals. In Study 7, negotiation of career i-deals was not only facilitated by a higher standing in the organizational hierarchy, but was also more common among temporary workers. Individual negotiation, thus, appears to be used by less privileged (peripheral) workers to compensate disadvantages or counter threats of marginalization.

Reduced conflict between work and family or personal life was the best established outcome of flexibility i-deals (Byron, 2010). Specifically, results of Studies 2, 3, and 6 confirmed that flexibility arrangements are negotiated to offset overburdening job demands and support employees' work-life balance. Moreover, flexibility i-deals related to a lower number of overtime hours in Study 2 and less time pressure and associated psychological strain in Study 7. Study 8 demonstrated that flexibility i-deals can lead to positive spillover of work-family enrichment via more extrinsically motivating working conditions. Although there is some concern that flexibility i-deals may lead to lower quality treatment by the employer (e.g., work assignments, training opportunities, promotions, etc.), only Study 2 provided some indication for such negative side-effects. However, in Study 1, i-deals on the number of paid work hours affected employment quality negatively, triggering lower perceptions of social exchange and a higher salience of economic aspects. This finding was taken as support for the assumption that i-deals should not be applied to the basic monetary aspects of employment. Whereas flexibility i-deals appeared to benefit more directly the individual worker, developmental arrangements related to outcomes of particular organizational interests, such as employee attachment (affective commitment and social exchange), intrinsic motivation (work engagement), and performance (personal initiative, supervisor expectations, overtime hours, and performance evaluations). All eight studies provided some indication for the positive effects of developmental i-deals for both employers and employees. Differentiating between task and career i-deals allowed a more specific allocation of outcomes related to performance and learning. As this distinction was based on a

single study, however, it needs to be interpreted with caution. The same is true for potential negative side-effects of elevated work-family conflict, found only in Study 2.

Some evidence suggests that relationships between i-deals and positive outcomes are mediated by changes in extrinsic (e.g., distribution of rewards) and intrinsic (e.g., job autonomy) job features, respectively the activation of extrinsic and intrinsic motivational processes. Specifically, this concerns Studies 4, 5, 7, and 8. Most substantiated was a mediating role of work characteristics, specifically higher control (autonomy) at work, more complex (challenging) work tasks, and reduced work stressors (hindrances). Accordingly, i-deals have been advocated as an instrument for differential and dynamic approaches to work redesign and broader HR practices. Nonetheless, results on the mediating roles of extrinsic and intrinsic processes require further investigation and substantiation.

5. Discussion

Idiosyncrasy implies abundance in the manifestations and formation of i-deals (Rousseau, 2005). The main focus here was on flexibility and development. Flexibility i-deals generally refer to customized working time schedules, but can include the number of work hours, workload reduction, or work location. Development i-deals broadly refer to learning and advancement opportunities and have been differentiated into personalized work tasks and career support. I-deals on pay or material rewards were not explicitly investigated, but implied in Study 1 (work hours), Study 5 (distributive justice), and Study 8 (extrinsic work motivation). In terms of processes, the focus was on employee-initiated arrangements, negotiated (ex post) in ongoing employment relationships. Examined antecedents and outcomes were selective, reflecting goals of the respective studies.

At the outset, empirical evidence on i-deals was mostly indirect and anecdotal. Reviewed studies represent an initial wave or "first generation" of quantitative research. Some indication for mutual benefits was found, while negative side effects appear to be limited. If i-deals can fulfill the promise of humanizing organizations by transforming technocratic "Tayloristic" work structures into "custom-tailored" jobs, however, is still unclear. Theorizing suggests that benefits can best be realized if i-deals are used as supplementary "secondary elasticities" to increase the responsiveness and flexibility of a well-designed HRM system, but not as a substitute for formalized HR practices and processes. Researchers are cautioned not to overestimate and "oversell" the applicability and positive effects of i-deals.

Results suggest practical relevance of i-deals. Evidence for their occurrence was found in all settings, although scale means tended to be low. The perspectives of employees and supervisors on i-deals converged, thus validating each other. Outcomes confirmed the importance of i-deals for the subjective experience of work. Both employees and managers need to pay attention to specific implication and possible side effects of different types of i-deals. One way to avoid negative consequences is to balance flexibility and development by tying time arrangements to learning opportunities–and vice versa. Managers are reminded that individual negotiation as an instrument of employee-oriented leadership is contingent on prerequisites, most importantly, adherence to principles of procedural justice.

Lacking a "strong theory" or integrating framework, i-deals research has evolved in a pragmatic way. Studies have drawn on social exchange, work design, leadership, role theory and models of motivation. The presented synthesis has tried to organize results in a data-supported conceptual meta-model. This model is still limited in scope, focuses only on antecedents and outcomes of successful negotiation at the individual level, and neglects failed negotiations or unfulfilled agreements as well as possible systemic effects (e.g., on organizational climate). Methodological constraints arise from cross-sectional single-source data, context-specific assessment of i-deals, opportunistic data access, overlapping samples,

and the merging of (deductive) theorizing and (inductive) data analysis (MacCoun, 1998). Many of these issues, however, apply to field research in general, which often unfolds in an iterative, stepwise, and retrospective, rather than a linear, planned, and prospective process.

6. Conclusion

Heterogeneity notwithstanding, i-deals on working time flexibility and professional development appear to be the most common and exert clear-cut differential effects. Developmental i-deals are associated with higher work motivation, affective commitment, and increased job performance, while flexibility can improve work-life balance, reducing work overload and job strain. Thus, the former relate to intrinsic and the latter to extrinsic job features. Development arrangements imply higher investments of both employer and employee (e.g., extra time, effort, and dedication), whereas flexibility reduces coupling with temporal work patterns and time-related demands. Combining both may be "ideal" to create a dynamic balance between involvement at work and personal life. However, such a "personal equilibrium strategy" assumes high flexibility and responsiveness on both sides. In practice likely more relevant is the prevention of negative side effects, for instance, when requests for i-deals are turned down or special arrangements lead to tensions among employees. These problems are especially pertinent in workplaces emphasizing competition rather than solidarity. Advocating i-deals as a "magic bullet" to resolve the contradictions employees in contemporary organizations are exposed to would be misleading. Concerns from an industrial relations perspective have been discussed above and require close attention if benefits of i-deals are not to be undermined by negative side-effects. Few if any positive stimuli can be expected from deals that are based predominantly on a market logic. Arrangements made in good faith to accommodate particular needs and situations of individual employees, however, may indeed be a step towards developing more human-centered organizations.

7. References

Allan, C., O'Donell, M., & Peetz, D. (1999). Three dimensions of labor utilization: Job broadening, employment insecurity and work intensification. *Current Research in Industrial Relations*, 1, 13-24.

Barley S. R., & Kunda, G. (1992). Design and devotion: Surges of rational and normative ideologies of control in managerial discourse. *Administrative Science Quarterly*, 37, 363-399.

Byron K. (2010). A meta-analytic review of work-family conflict and its antecedents. *Journal of Vocational Behavior*, 67, 169-198.

Fay, D., & Frese, M. (2001). The concept of personal initiative: An overview of validity studies. *Human Performance*, 14, 97-124.

Hornung, S., Glaser, J., & Rousseau, D. M. (2010a). Interdependence as an i(-)deal: Enhancing job autonomy and distributive justice via individual negotiation. *Zeitschrift für Personalforschung / German Journal of HRM*, 24, 108-129.

Hornung, S., Glaser, J., Rousseau, D. M., Angerer, P., & Weigl, M. (2011). Employee-oriented leadership and quality of working life: Mediating roles of idiosyncratic deals. *Psychological Reports*, 108, 59-74.

Hornung, S., Rousseau, D. M., & Glaser, J. (2008). Creating flexible work arrangements through idiosyncratic deals. *Journal of Applied Psychology*, 93, 655-664.

Hornung, S., Rousseau, D.M., & Glaser, J. (2009). Why supervisors make idiosyncratic deals: Antecedents and outcomes of i-deals from a managerial perspective. *Journal of Managerial Psychology*, 24, 738-764.

Hornung, S., Rousseau, D.M., Glaser, J., Angerer, P., & Weigl, M. (2010b). Beyond top-down and bottom-up work redesign: Customizing job content through idiosyncratic deals. *Journal of Organizational Behavior*, 31, 187-215.

Hornung, S., Rousseau, D. M., Weigl, M., Müller, A., & Glaser, J. (2014). Redesigning work through idiosyncratic deals. *European Journal of Work and Organizational Psychology*, 23, 608-626.

Kalleberg, A. L. (2003). Flexible firms and labor market segmentation: Effects of workplace restructuring on jobs and workers. *Work and Occupations*, 39, 154-175.

Lawler, E. E., III, & Finegold, D. (2000). Individualizing the organization: Past, present, and future. *Organizational Dynamics*, 29, 1-15.

Liao, C., Wayne, S. J., & Rousseau, D. M. (2016). Idiosyncratic deals in contemporary organizations: A qualitative and meta-analytical review. *Journal of Organizational Behavior*, 37, 9-29.

MacCoun, R. J. (1998). Biases in the interpretation and use of research results. *Annual Review of Psychology*, 49(1), 259-287.

Parker, S. K., & Collins, C. G. (2010). Taking stock: Integrating and differentiating multiple forms of proactive behavior. *Journal of Management*, 36, 633-662.

Roethlisberger, F. J., & Dickson, W. J. (1939). *Management and the worker*. Cambridge, MA: Harvard University Press.

Rousseau, D. M. (2005). *I-deals: Idiosyncratic deals employees bargain for themselves*. New York, NY: Sharpe.

Rousseau, D. M., Ho, V. T, & Greenberg, J. (2006). I-deals: Idiosyncratic terms in employment relationships. *Academy of Management Review*, 31, 977-994.

Rousseau, D. M., Hornung, S., & Kim, T. G. (2009). Idiosyncratic deals: Testing propositions on timing, content, and the employment relationship. *Journal of Vocational Behavior*, 74, 338-348.

Rust, K. G. (1999). The effects of financial conditions and managerial ideologies on corporate downsizing: Some evidence from the U.S. investor-owned electric utilities industry, 1992-1995. *M@n@gement*, 2, 89-126.

Tang, Y., & Hornung, S. (2015). Work-family enrichment through i-deals: Evidence from Chinese employees. *Journal of Managerial Psychology*, 30, 940-954.

Weber, M. (1968). *Economy and society: An outline of interpretive sociology*. New York, NY: Bedminster Press.

Wrzesniewski, A., & Dutton, J. E. (2001). Crafting a job: Revisioning employees as active crafters of their work. *Academy of Management Review*, 26, 179-201.

The Union of South American Nations (UNASUR) and the environment

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1. Introduction

The UNASUR (Union of South American Nations) is considered one of the most important initiatives of regional integration (Karg, 2015), and it just started on 2008 with the signature of the Brasilia Treaty, aiming as a regional organization to transcend all the previous attempts to integrate and converge the South American countries (Moreira, 2012; Díaz, 2015). Besides being a privileged space for the concerns of its members, the Union is a reference to political discussions, economic, social, cultural and even environmental, representing a new phase of regional integration in the South American region (Simões, 2011), which Karg (2015) highlights that the Union transcends the traditional assumptions of integration process, mainly economic and commercial uneasiness, caring and developing counsels for defense, health, energy, science and technology. To Campos (2015) this demonstrate that UNASUR searches for the strengthening of social development, as well as economy and finance, security and justice, education and culture. Costa (2009) and Serbin (2009) concludes that UNASUR possess a multilateral characteristic, which result in positive impacts for all the countries that are part of this regional integration process.

It is important to note that at the same time that the South American integration process grow fiercer, the environmental issue also became more present in most of international forums, especially after the decade of 70-80 with the Stockholm Conference and the publication of the Bruntland Report in 1897 (Lorenzetti & Carrion, 2012). According to Gurski, Caldeira and Souza-Lima (2016) this intensification of the environmental debate is based upon the fact that the environmental damage increased worldwide, due to technological development, agricultural expansion and industrialization (Díaz, 2015)

Ribeiro (2010) points out that this growing concern about environmental issues has enabled the development of environmental regulatory mechanisms, resulting in the signing of agreements, protocols and other documents that recognizes the relation between all the aspects of life, the environmental and our economy sectors (Gurski, Caldeira & Souza-Lima, 2016). Another reason is pointed out by Senhoras et al. (2009) and Rodrigues (2013) and is related with the link that the security subject has with the environmental agenda. Security is one of the main topics in every State agenda, and according to Senhoras et al. (2009) the South America region is strategically placed in the international and geopolitical context and it may eventually become true war arenas due to its richness of natural resources. As stated by Altomonte and Sánchez (2016), natural resources conflicts directly affects the development and well-being of any region, dropping the life quality and harming even more the environment. In agreement with this argument Lorenzetti and Carrion (2012, p. 728) emphasizes that the environment is a global resource, and because of that the possibility of occurring conflicts are higher, and can be due to competition, waste, production or consumption.

Moreira (2012) argues that in any cooperation or integration processes the environmental protection should be a key part, because it is not possible, to this author, to achieve a sustainable economic development without considering and having a concern for the environment. In this context, for UNASUR these worries are even bigger, particularly for the reason that the region, as previously stated is this paper, holds extensive mineral reserves, almost 30% of the worlds fresh water reserve and nearly 8 km2 millions of forests (Moreira, 2012; Díaz, 2015; UNASUR, 2015).

It is true that there is a great debate about the environment and how it affects our daily lives, and this discussion is even greater in UNASUR considering all the natural resources that this region possesses, and how they are essential and indispensable tools for the fruitful realization of the development and means to ensure all fundamental rights for the South American population (Simões, 2011).
Considering this scenario that presents that the environmental issue should be key in all integration processes and the development of all nations is linked to the environmental protection, this paper, theoretical in nature, aims to discuss the representation of the environment for UNASUR and their members.

2. Method

For the theoretical development of the present research it was used traditional bibliography, accessing official public websites, analyzing the applicable law and consulting official database, social and political activities reports from UNASUR.

3. Findings and Discussions

The concern with the environment and its problems are supranational, and in recent years several institutions and international organizations have emerged to meet this growing demand (Ribeiro, 2010). This represents a tough challenge, especially for the South American countries, where natural resources act with great emphasis for the economy, welfare or development of the area (Domingues, 2006; Altomonte & Sánchez, 2016). Campos (2015, p. 121) states that "the environmental issue is not new, but took great relevance today due to the harmful climate change," and Lorenzetti and Carrion (2012) share this position, assuming that the environment and its problems are cross-border or even global, and need a true international coordination to address them. For these authors, "it is a problem that challenges the borders and the States sovereignty, because for the environment there are not geopolitical boundaries*"* (Lorenzetti & Carrion, 2012, p. 728).
To Senhoras et al. (2009) and Carvalho (2013) the South American region is marked since its colonial period by the exploration of the natural resources that existed in their territories, basing their economy on minerals, oils, agricultural and livestock products. This demonstrates the importance of primary and extractive products for the South American countries (Altomonte & Sánchez, 2016). This finding shows how urgent is for these countries to seek together a solution that minimizes the impacts via cooperation. In this sense, according to Culpi (2014) there would be a common interest and concern for the environmental protection. And in this scenary, UNASUR emerges as a possibility and a perfect place to occur and held debates about the environment between the countries members, and also a opportunity to show how it can affect on the region development. In consonance, Domingues (2006) states that the Union is born with the role to promote experiences related to arts, education, health, security and environmental protection.
For this to happen, Campos (2015) defends that a lot of things must change, speccially since some of the previous regional integration attempts in South America already have adressed the environment and its issues in their own political standards. MERCOSUR is one of the examples, because it has specific guidelines connected to environmental policies (Oliveira & Espíndola, 2015). Senhoras *et al.* (2009) says that this change resides in the construction of new dialogues and speeches, which would act as pillars for the protection and appreciation of the environmental agenda in South America. To Bruckmann (2013) this discussion would put

the spotlight upon central themes for the region, such as sovereignty, natural resources, biodiversity, the Amazon and the environmental protection itself.
According to the Economic Commission for Latin America and the Caribbean (ECLAC), the UNASUR member countries face serious environmental problems, such as biodiversity loss, soil degradation, water pollution, among others. As reported by some data published by ECLAC in 2014, the UNASUR member countries have lost more than 8.7% of its forests since 1990 and increased carbon dioxide emissions by 7% since the Union's emergence in 2008 (CEPAL, 2014). This scenario of eminent increase of environmental impacts shows that during the time of building and consolidating the South American integration, conserve the natural environment must be a guiding principle, not only for its magnificence but also for its influence and effect in all the members of UNASUR. As Rodrigues (2014) defends there is a need for the South American countries in combine the environmental issues to other topics of interest of UNASUR, such as security, telecommunications and intellectual property. In addition to this domestic and internal demand, there is a whole international context that charges for new positions, one that includes the environment in the institutional and legal framework.

3.1 The establishing of UNASUR

Formed by twelve countries of the South American region (Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela), the UNASURs territory covers almost all of the environmental space of South America. UNASUR had its Constitutive Treaty signed in 2008 in Brasilia, during the Extraordinary Meeting of the Council of Heads of State and Government (UNASUR, 2008). However, the treaty only came into full effect in March 2011, when Uruguay became the ninth country to ratify it. Due to the variety of member countries, the organization adopted four official languages: Spanish, Dutch, English and Portuguese (ISAGS, 2015).
Since its birth UNASUR was presented as an international legal entity. Martins (2011) recognizes this as one of the first steps to advance and develop an integration process because with this status the Union has the capacity to generate agreements, contract obligations and enter into treaties with other organizations or States. The Union also established twelve councils seeking a permanent meeting of ministers and experts on various topics linked to priority areas for cooperation and integration (Simões, 2011), as follows: (1) South American Defense Council, (2) South American Council on Health, (3) Electoral Council of UNASUR, (4) South American Energy Council, (5) South American Science, Technology and Innovation Council, (6) South American Council of Culture, (7) South America Council of Social Development, (8) South American Economy and Finance Council, (9) South American Education Council, (10) South American Council of Infrastructure and Planning, (11) World Drug Problem Council, (12) South American Council on Safety, Justice and Coordination of Action against Transnational Organized Crime (UNASUR, 2008). The definition of its statutes, principles and objectives are based on the values and arguments presented in the UNASUR Constitutive Treaty (Nafalski, 2010).
To Rodrigues (2014) these 12 councils are one of the most enriching experiences of UNASUR, are they are of extreme importance to demonstrate and return all the Union work to its population. It is imperative to note that when it comes to the environment, some of these councils already stated it in their specific objectives, showing that the environment is starting to gain space and representation inside UNASUR. As an example, Rodrigues (2013) recorded that in 2012 the Council of Heads of State and Government approved an action plan for the protection and defense of biodiversity and regional natural resources, thus also demonstrating

that this natural wealth is strategic and essential to South America. Another illustration is that the South American Energy Council presented in its objectives that they seek for the management of the region natural resources (UNASUR, 2016), and the South American Council of Infrastructure and Planning stated that they aimed to build "networks, transportation and telecommunication infrastructure according to criteria of sustainable social and economic development, while caring for the preservation of our ecosystems" (UNASUR, 2016). At the same time, the South American Economy and Finance Council defined the "construction of an economic system built on fairness, social justice and true harmony for sustainable development of our societies" is one of their goals (UNASUR, 2016).

3.2 UNASURs Constitutive Treaty and the environment

UNASUR Constitutive Treaty acts like a guide to all the Union members. In the preamble of this document the Union members affirms "their determination to build a South American identity and citizenship and to develop an integrated regional space in the political, economic, social, cultural, environmental, energy and infrastructure dimensions, for the strengthening of Latin America and Caribbean unity" (UNASUL, 2008, p.7). And the preamble is the first place that the States ratified that inside their guiding principles it is included the "reduction of asymmetries and harmony with nature for a sustainable development" (UNASUL, 2008, p.7).
To Díaz (2015) these are the first mention that the environment is part of UNASUR goals, being recognized as intrinsic for the integration process. Nevertheless, the Constitutive Treaty presents others passages that refer to the environment and how it is prioritized inside the integration:

> Article 2 – Objective: The objective of the South American Union of Nations is to build, in a participatory and consensual manner, an integration and union among its peoples in the cultural, social, economic and political fields, prioritizing political dialogue, social policies, education, energy, infrastructure, financing and the environment, among others, with a view to eliminating socioeconomic inequality, in order to achieve social inclusion and participation of civil society, to strengthen democracy and reduce asymmetries within the framework of strengthening the sovereignty and independence of the States. (UNASUL, 2008, p. 7).

Another reference about the environment, its protection and development is exposed in the specific objectives of the Constitutive Treaty:

> Article 3 – Specific Objectives
> The South American Union of Nations has the following objectives: (...) (d) Energy integration for the integral and sustainable use of the resources of the region, in a spirit of solidarity; (...) (g) The protection of biodiversity, water resources and ecosystems, as well as cooperation in the prevention of catastrophes and in combating the causes and effects of climate change; (UNASUL, 2008, p.10)

Based on these indications it is possible to infer that the Constitutive Treaty considers the environment as fundamental to accelerate and expand the integration processes in the region and also to fully achieve the regional development. Despite that, it should be mentioned that as the MERCOSUR Constitutive Treaty (Asunción Treaty), the UNASUR Constitutive Treaty does not explicit argue about the environmental preservation, and it does not establish the necessary routes and legal standards that would ensure the protection and safeguard of the environment. To Ventura and Baraldi (2008 *apud* Costa, 2010) the UNASUR Constitutive Treaty fails due to this lack of clarity and specification, being open to criticism for not explain how it will achieve the objectives of the Union.

Since the Treaty does not stablish legal standards for the environmental protection, it can be said that the Treaty does not prioritize the environment. In spite of that, the Treaty considers the preservation of the environment and its resources as central to the integration process. Thus, the environment is presented as a concern connected both to its preservation and related to a more efficient use of all the natural resources found in the region. Though to Dìaz (2015) this also presents the possibility that the inclusion of environmental issues in the context of UNASUR may have been influenced by trade and others economic requirements.
Regardless of the reasons behind, UNASUR with its desire for regional integration and for building a place and synergy of several areas (energy, education, health, environment, infrastructure, security and democracy), was responsible for some remarkable changes in its members regarding environmental issues, especially for the increase of projects linked with cross-border goods. Rodrigues (2013) concluded that UNASUR incorporate the aspiration expressed in agreements of previous reginal integration processes in South America, as CAN and MERCOSUR. And according to this author, UNASUR has been acting positively in relation to deals that aimed to preserve shared natural resources.

3.3 The legal protection of the environment in the UNASUR members

The concern for the environment has increased significantly since the publication of the Brundtland Report in 1987, showing that the human society need to change in order to survive (CAMPOS, 2015). The environment was recognized as a common and fundamental right of all the human beings, and the environmental problem becomes a responsibility shared with all, not being, by this, limited to one nation (Domingues, 2006). A lot has changed since the publication of the Brundtland Report and the critics contained in it. In response to these harsh criticism, many States have undergone reforms in order to add the environmental issue to areas already considered relevant to a country.
The South American nations should be included is this movement as they started to include the environmental factor in their respective legislation, showing that the environment is an indispensable factor for the integration processes that occur in the region (Díaz, 2015). According to Bruckmann (2013) the changes that are happening in South America are favored due to the development of visions committed to the preservation of nature, most of them based to the principles of the original peoples of the region, which cherish the deep connection between the land and the community.
The Brazilian legislation is considered to be as one of the most advanced around the World (Júnior, 2013), and Ecuador was the first country to recognize that the nature has constitutional rights (Castro et al., 2011). To Moraes and Júnior (2013), Ecuador and Bolivia are perfect examples when it comes to the environment and how it is a common heritage that seeks to be protected. Following these authors statements, the constitutions of Ecuador and Bolivia translates the construction of an environmental paradigm in the South American region, providing "*the right of the population to live in a healthy and ecologically balanced environment that ensures sustainability and welfare*" (Moraes & Júnior, 2013, p 60) and stating that it is a public interest to protect the environment as well as the conservation of ecosystems, biodiversity protection and prevention of environmental damage.
Besides Brazil, Ecuador and Bolivia, the other members of UNASUR also have their respective laws and regulations related to the environmental protection. It is important to remember that in the last twenty-five years, all the member enacted new constitutions that contains specific chapters about the environment. The table below demonstrates that the UNASUR members and their respective environmental laws.

Table 1. UNASUR member states laws in environmental matters

Country	Law
Argentina	Environmental General Law nº 25.675
Bolivia	Law nº 1333 General del Medio Ambiente promulgada el 27 de abril de 1992 y publicada en la Gaceta Oficial de Bolivia el 15 de Junio 1992 y su Reglamentación
Brazil	LEI Nº 6.938, DE 31 DE AGOSTO DE 1981: Política Nacional do Meio Ambiente, seus fins e mecanismos de formulação e aplicação, e dá outras providências
Chile	Ley sobre Bases Generales del Medio Ambiente Ley Nº 19.300 publicada en el Diario Oficial del 9 de marzo de 1994
Colombia	Ley General Ambiental de Colombia Ley 99 de 1993. Diario Oficial Nº 41.146, del 22 de diciembre de 1993 Código Nacional de Recursos Naturales Renovables y de Protección al Medio Ambiente. Decreto 28 11 del 18 de diciembre de 1974
Ecuador	Texto Unificado de la Legislación Ambiental Secundaria Decreto Presidencial Nº 3516, 31 de marzo de 2003, Edición Especial Nº 2 del Registro Oficial
Guyana	The Environment Protection Act, 1996
Paraguay	Ley Nº 816, que adopta medidas de defensa de los recursos naturales Ley 1095 que amplía la Ley Nº 816, que adopta medidas de defensa de los recursos naturales Ley Nº 1561/00 que crea el sistema nacional del ambiente, el consejo nacional del ambiente y la secretaria del ambiente
Peru	Ley General del Ambiente, Septiembre 2005
Suriname	Nature Conservation Act (1954)
Uruguay	Ley General de Protección Ambiental Nº 17.283. Publicada D.O. 12 dic/000 - Nº 25663
Venezuela	Ley Orgánica del Ambiente (2006)

Source: adapted from Hernández (2015)

Campos (2015) argues that the region still lacks common policies that aimed at the protection, preservation and sustainable use of resources in South America. In the same side, Castro et al. (2011) noted that UNASUR members still needs to develop integrated programs, hoping to reduce the discrepancy between themselves, especially when it comes to knowledge and development level. Senhoras et al. (2009) in UNASUR region is still common to lead the valuation of their natural resources only based on geopolitical and strategic characteristics, illustrating that a scarce natural resource can be easily converted into a key piece of disputes and conflicts between States and other internationals actors.

Among these arguments, Domingues (2006) shows that the environmental concerns can be easily understood as it is fundamental to the preservation of life, or through an economic dimension, approaching what Senhoras et al. (2009) stated above about the sparse characteristic of natural resources. In the case of South American countries, Domingues (2006) includes this economic logic to justify the concern for the environment and also for the concretization of the regional integration.

Among the recent experiences of UNASUR related to the environment, it can be said that these are almost incipient. Castro et al. (2011) and Campos (2015) defends that the South American region lacks a multidisciplinary, inclusive and adaptive environmental program focused on the development of a true environmental governance among countries. However, UNASUR is revealed as a legal space to develop relevant issues on the international environmental agenda, fundamental to the evolution of the integration process at the regional

level. Thus, for Castro et al. (2011), we can enhance a greater understanding of the environmental challenges of the region, adapting the local and regional specificities.

4. Conclusion

This article aimed to examine the inclusion of the environment in the construction of UNASUR, one of the most recent integration processes in South America. It also intended to describe how much the environment represent to UNASUR members and all the existent struggles for the environmental preservation during the search for the regional development. UNASUR does not possess an exclusively commercial and economic agenda, showing since its birth a broad agenda, with diverse approaches such as social, political, cultural and environmental. Despite being a recent integration process, UNASUR does not qualify as a simple sum of the old regional integration processes in South America.

The present analysis concluded that the environment is characterized as an objective in the UNASURs Constitutive Treaty, and its preservation is considered as one of the premises for the full achievement of regional integration. It was not an objective of this paper to judge the reasons that result in the inclusion of the environment in the UNASURs Constitutive Treaty, nevertheless, the goal was to highlight that the Union recognizes the environmental preservation as critical to the very maintenance of life and the States development, emphasizing the environmental debate as a premise for the policies processes of South American and the Union itself.

Unfortunately, UNASUR still lack an institution exclusively dedicated to environmental issues. As is was demonstrated, the environment is a main component of this integration process, being discussed inside the Unions councils. In this sense, it is concluded that the UNASUR needs a structure to channel and prioritize the environmental component in its processes, regulating the actions of the Union when the topic is the environment.

It is urgent to construct and implement this structure, and in addition to protect the environment it also aim to ensure the equal participation of all members in decisions regarding the development of policies, environmental laws and regulations. This institution is decisive for the strengthening of UNASUR, especially when it is presented that the region is rich in strategic natural resources, such as water, minerals and oil. It is noteworthy that such institution must act in symbiosis, dialoguing with other councils and articulating to improve and accelerate the region.

It is recognized that the protection of the environment has gained significance as a public policy in all countries. However, it is essential that States start to exercise their obligation to ensure the best living conditions for its population, involving all the needed actors and sectors to reach a consensus and establish the necessary agreements. UNASUR already has conditions for this to occur, coordinating the interests and actions to address the threats, aligning the development agenda with environmental protection. But for this to happen, the UNASUR environmental policies needs to be clear and precise, with no significant differences in relation to environmental issues in order to avoid possible instabilities and conflicts given the lack of harmonic common standards.

5. References

Altomonte, H.; Sánchez, R. J. (2016). *Hacia una nueva gobernanza de los recursos naturales en América Latina y el Caribe*. Santiago del Chile: CEPAL, 2016. 258 p. Retrieved at May 30, 2016, from: <http://www.cepal.org/es/publicaciones/40157-nueva-gobernanza-recursos-naturales-america-latina-caribe>.

Bruckmann, M. (2013) *Recursos naturales, biodiversidad y medio ambiente en UNASUR: Una visión estratégica*. Paper presented at *Conferencia de la Unión de Naciones Suramericanas sobre Recursos Naturales y Desarrollo Integral de la Región Caracas*, May 27-30 2013. Retrieved at May 18, 2016, from: < http://www.ceedcds.org.ar/Espanol/09-Downloads/PRESENTACION_BRUKMANN.pdf >.

Campos, R. P. (2015). *Amazônia, UNASUL e Desenvolvimento sustentável: o papel do Brasil (2003-2010)*. (Doctoral dissertation). Universidade Estadual Paulista "Júlio de Mesquita Filho", Faculdade de Ciências e Letras, Campus de Araraquara, Araraquara, São Paulo, Brasil, 2015. Retrieved at April 12, 2016, from: <http://base.repositorio.unesp.br/bitstream/handle/11449/132767/000855908.pdf?sequence=1&isAllowed=y>.

Carvalho, G. C. (2013). *A América do Sul em processo de transformação: desenvolvimento, autonomia e integração na UNASUL*. (Master dissertation). Universidade Federal do Rio de Janeiro, Instituto de Economia, Programa de Pós-Graduação em Economia Política Internacional, Rio de Janeiro, RJ, Brasil. Retrieved at April 2, 2016, from: <http://www.ie.ufrj.br/images/pos-graducao/ppge/Dissertao_-_Glauber_Carvalho.pdf>

Castro, F. D., Hogenboom, B., & Baud, M. (2011). Governança ambiental na América Latina: para uma agenda de pesquisa mais integrada. *Revista Ambiente & Sociedade*, v. XIV, n. 2, 1-13, jul-dec, 2011>

CEPAL (Economic Commission for Latin America and the Caribbean). (2014). *UNASUR: un espacio de cooperación e integración para el desarrollo.* Santiago del Chile: CEPAL, 2014. 75 p. Retrieved at May 30, 2016, from :< http://www.cepal.org/es/publicaciones/37353-unasur-un-espacio-de-cooperacion-e-integracion-para-el-desarrollo >.

Costa, N. P. (2010). A UNASUL como instrumento de solução pacífica dos conflitos: o caso boliviano. *Cadernos de Direito*, v. 10, n. 18, Jan./Jun. 2010, p. 69-87. Retrieved at March 21, 2016, from: <https://www.metodista.br/revistas/revistas-unimep/index.php/direito/article/download/562/166 >.

Costa, W. M. (2009). O Brasil e a América do Sul: cenários geopolíticos e os desafios da integração. *Confins [Online]*, v. 7, out. 2009. Retrieved at April 10, 2016 from: < http://www.uel.br/cce/geo/didatico/omar/brasil_america_sul.pdf >. Doi: 10.4000/confins.6107

Culpi, L. A. (2014). A Construção de Políticas Ambientais Internacionais: O caso do Mercosul. *Revista Conjuntura Global*, vol.3, n.1, 13-20. Retrieved at March 15, 2016, from: <http://www.humanas.ufpr.br/portal/conjunturaglobal/files/2014/04/A-Constru%C3%A7%C3%A3o-de-Pol%C3%ADticas-Ambientais-Internacionais-O-caso-do-Mercosul.pdf>

Díaz, G. L. (2015). *La protección del medio ambiente en los procesos de integración de América Latina.* Retrieved at May 2, 2016, from PANGEA: <https://pangeaupr.org/2015/02/03/la-proteccion-del-medio-ambiente-en-los-procesos-de-integracion-de-america-latina/>

Domingues, L. F. (2006). Influência do meio ambiente na União Sul-Americana: a consolidação de uma nova. *Rev. Jurídica da Presidência*, v. 7, n. 7, 92-102, feb-mar 2006. Retrieved at May 10, 2016, from: < https://revistajuridica.presidencia.gov.br/index.php/saj/article/view/462 >.

Gurski, B. C., Caldeira, V. S., & souza-lima, J. E. (2016). A judicialização da política na tutela do direito ao meio ambiente. *Revista Jurídica,* v.1, n.42, p.419-438, jan-2016. Retrieved at April 15, 2016, from: < http://revista.unicuritiba.edu.br/index.php/RevJur/article/view/1515/1039>.

Hernández, F**.** *Federalismo ambiental em América Latina: uma revisión*. Santiago del Chile: CEPAL, 2015. 47 p. Retrieved at May 30, 2016 from: <http://www.cepal.org/es/publicaciones/39661-federalismo-ambiental-america-latina-revision>.

ISAGS (Instituto Sul-Americano de Governo em Saúde). (2015). *Sobre a Unasul*. Retrieved at February 6, 2015, from ISAGS: <http://www.isags-unasur.org/unasul.php?lg=>.

Júnior, V. Z. (2013) Legislação Ambiental. In: KRAKHECKE, E (eds.). *Sustentabilidade Ambiental.* São Paulo: Editora Fundação Perseu Abramo, 2013. 200 p.

Karg, J. M. (2015). Oito anos de Unasul: a nova integração. *Carta Maior*. Retrieved at April 12, 2016, from: <http://cartamaior.com.br/?/Editoria/Internacional/Oito-anos-de-Unasul-a-nova-integracao/6/33310>

Lorenzetti, J. V., & Carrion, R. M. (2012). Governança Ambiental Global: Atores e Cenários. *Cadernos EBAPE.BR*, v. 10, n. 3, 721-735. Retrieved at May 3, 2016, from: <http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1679-39512012000300014&lng=en&nrm=iso>. http://dx.doi.org/10.1590/S1679-39512012000300014.

Martins, J. R. (2011). *O Brasil e a UNASUL: um processo de construção de liderança e integração regional*. (Master Dissertation) - Curso de Pós-Graduação em Sociologia, Departamento de Ciências Sociais, Setor de Ciências Letras e Artes, Universidade Federal do Paraná. CURITIBA, Paraná, Brasil. Retrieved at May 10, 2016, from: <http://www.pandia.defesa.gov.br/en/e-library/11-entorno-estrategico/541-o-brasil-e-a-unasul-um-processo-de-constru%C3%A7%C3%A3o-de-lideran%C3%A7a-e-integra%C3%A7%C3%A3o-regional,-por-jos%C3%A9-ricardo-martins>

Moraes, G. d., & Júnior, W. P. (2013). A Construção do paradigma ecocêntrico no novo constitucionalismo democrático dos países da UNASUL. *Revista de Direito Brasileira*, ano 3, vol.5, p. 42-69, maio-ago 2013. Retrieved at May 30, 2016, from: < http://www.rdb.org.br/ojs/index.php/rdb/article/view/95 >.

Moreira, A. C. (2012). La protección ambiental em los procesos de intregración regional. Aportes para cubrir un déficit del Mercosul. *Anuario Mexicano de Derecho Internacional*, 211-232. ISSN 1870-4654

Nafalski, G. P. (2010). *Unasul: Uma perspectiva política de integração sul-americana.* (Master Dissertation) São Paulo, São Paulo, Brasil: Programa de Pós Graduação da Universidade de São Paulo. Retrieved at January 20, 2015, from: <http://www.dhnet.org.br/direitos/sip/unasul/mono_nafalski_unasul.pdf>.

Oliveira, C. M.; Espindola, I. B. (2015) Harmonização das normas jurídicas ambientais nos países do MERCOSUL. *Revista Ambiente e Sociedade,* São Paulo, v. 18, n. 4, p.1-18, dez. 2015. Retrieved at May 30, 2016, from: <http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1414-753X2015000400002&lng=pt&nrm=iso>.

RIBEIRO, W. C. (2010). Geografia política e gestão internacional dos recursos naturais. *Estudos Avançados,* v. 24 (68), p. 69-80. Retrieved at May 30, 2016, from: <http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0103-40142010000100008&lng=en&nrm=iso>. http://dx.doi.org/10.1590/S0103-40142010000100008.

Rodrigues, B. S. R. S. (2015) Por uma integração político-estratégica na América Latina. *Revista do Imea*, v. 2, n. 2, p. 156-168, 2015. Retrieved at May 29, 2016, from: <https://ojs.unila.edu.br/ojs/index.php/IMEA-UNILA>.

Rodrigues, G. M. (2013). A Amazônia como foco da integração: a convergência entre a UNASUL e a OTCA. *EXTRAPRENSA (USP),* ano VII - n.13, 54-61. Retrieved at

April 12, 2016, from: <http://www.revistas.usp.br/extraprensa/article/viewFile/77279/81146>.

Senhoras, E. M., Moreira, F., & Vitte, C. d. (2009). *A agenda exploratória de recursos naturais na América do Sul: Da empiria à teorização geoestratégica de assimetrias nas relações internacionais*. 2009. Retrieved at May 1, 2016, from: <http://observatoriogeograficoamericalatina.org.mx/egal12/Geografiasocioeconomica/Geopolitica/16.pdf>.

Serbin, A. (2009). A América do Sul em um mundo multipolar. A Unasul é a alternativa? *Nueva Sociedad,* n. 219, 1-2, 4-16. Retrieved ar April 10, 2016, from:< http://nuso.org/articulo/a-america-do-sul-em-um-mundo-multipolar-a-unasul-e-a-alternativa/>. ISSN: 0251-3552

Simões, A. J. (2011). *Integração - sonho e realidade na América do Sul.* Brasília: FUNAG - Fundação Alexandre Gusmão. Retrieved at April 7, 2016, from: <http://funag.gov.br/loja/download/943-Integracao_Sonho_e_Realidade_na_America_do_Sul.pdf>.

UNASUL. (2015). *El consejo de jefas y jefes de estado y de gobierno.* UNASUL - União das Nações Sul – Americanas, Quito-Equador, 03 fev. 2015. Retrieved at May 5, 2016, from: <http://www.unasursg.org/node/14>.

UNASUL.(2008). *Tratado Constitutivo da UNASUL*. UNASUL, Quito-Equador, 23 mai. 2008. Retrieved at April 20, 2016, from: <http://www.unasursg.org/images/descargas/DOCUMENTOS%20CONSTITUTIVOS%20DE%20UNASUR/Tratado-UNASUR-solo.pdf>.

UNASUR. (2015). *UNASUR, PNUD y MAE se comprometen a trabajar a favor del medio ambiente con miras a la COP21*. Retrieved at April 16, 2016, from UNASUR: <http://www.unasursg.org/es/node/368>.

UNASUR. (2016). *Consejo Energético Suramericano de UNASUR*. UNASUR, Quito-Equador, 2016. Retrieved at May 3, 2016, from: <http://www.unasursg.org/es/node/22>.

UNASUR. (2016). *Consejo Suramericano de Economía y Finanzas de UNASUR*. UNASUR, Quito-Equador, 2016. Retrieved at May 3, 2016, from: < http://www.unasursg.org/es/node/32>.

UNASUR. (2016). *Consejo Suramericano de Infraestructura y Planeamiento de UNASUR*. UNASUR, Quito-Equador, 2016. Retrieved at May 10, 2016, from: <http://www.unasursg.org/es/node/24>.

Ventura, D. & Baraldi, C. (2008). A UNASUL e a nova gramática da integração sul-americana**.** *Revista Pontes entre o Comércio e o Desenvolvimento sustentável*, v. 4, n. 3, p. 14-16, jul. 2008.

Ecological Modernization On Turkey's Energy Policy And Renewable Energy Cooperatives Suggestions for Turkey from the USA Policy Perspective

Ayse Ozcan, Eric J. Strauss

1. Introduction

Every energy generation and transmission method affects the environment and ecosystem. In recent years, growing imbalance trends in global oil markets and ecological concerns over climate change have become major challenges all over the world. In this regard, renewable energy has been utilized by the world energy industry as a key actor or player. Renewable energy is also considered to be an important component for creating a sustainable future and ensuring sustainable socio-economic development due to ecological concerns on fossil fuels. Parallel with the developments in the world, Turkey's energy policy has been changing based on the goal of increasing the use of renewable energy sources and EU energy policy over the last 10 years. The paper discusses the changing face of renewable energy policy of Turkey in terms of ecological perspective.

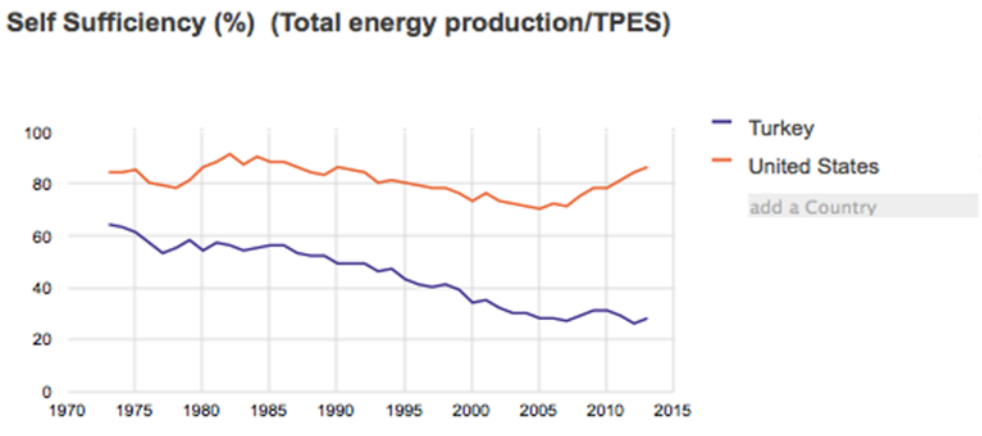
Energy cooperatives occupy a very crucial role in ecological transformation of energy policy. Ecological transformation of energy policy has a pivotal role to manage the relationship between development and environmental protection. Ecological modernization as a concept means that economic development and environmental protection are both desirable objectives for the welfare of both present and future generations (Toke, 2011, p. 8-9), and this includes the concept of ecological transformation.

1.1. Turkey's Energy Policy: General Overview

Turkey has faced growing demand for energy since 2000 especially, and also primary energy demand was projected to reach 220 Mtoe in 2020 which means 92 percent increase from current level (114.5 Mtoe) (MENR, 2014; IEA, 2015).

According to the IMF Reports (2013 and 2014), historically, Turkey purchases approximately 75 percent of its energy, and the net energy import bill has been accounted for over two-thirds of the country's current account deficit (IMF, 2013, p.23). Turkey has an economy challenging by growing demand for energy while its self-sufficiency rate in primary energy sources is very low (see Fig.1.1.1). Total primary energy production met about 28 percent of total primary energy demand in 2011. In 2013, this deficit totalled over $65 billion USD, amounting to 8 percent of gross domestic product. Statistics of the Ministry of Energy and Natural Resources show that natural gas, coal and petroleum products constitute the main bulk of the energy consumption (89.3 %). Turkey has no significant oil and natural gas reserves and the country is highly dependent on imported primary energy resources. Dependency rate for natural gas, oil and hard coal has been 98 %, 92 % and 91 %, respectively (MENR, 2014).

Figure.1.1.1: Self-Sufficiency in Total Production (Turkey and United States)

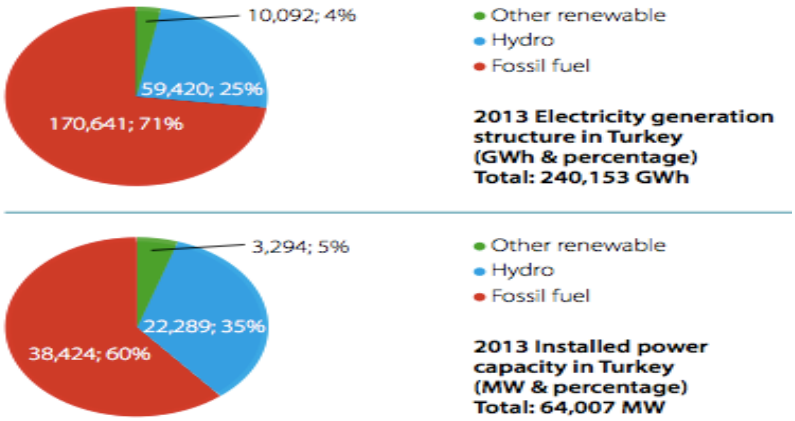


Source: IEA Energy Atlas (2015), "Turkey's Energy Balance"

Turkey's primary energy production has grown from 81.2 Mtoe to 109.3 Mtoe with an increase of 34.6 % in the years between 2000 and 2010 (ETKB, 2014; MMO Report, 2014, p.2, 9). Between 2000 and 2013, Turkey's installed capacity of electricity production has grown from 124.9 billion kWh to 239.3 billion kWh with an increase of 91.55 %. In terms of electricity generation, 19 % was from renewable energy sources in 2009, and hydropower constitutes 98 % of the renewable energy in Turkey (TMMOB-MMO Report, 2014, p.9).

As shown in below Figure 1.1.2 the renewable energy share in electricity production was 29% of the total production and 40 % of the installed capacity in 2013 (TEIAS, 2014; EUAS Sector Report, 2014).

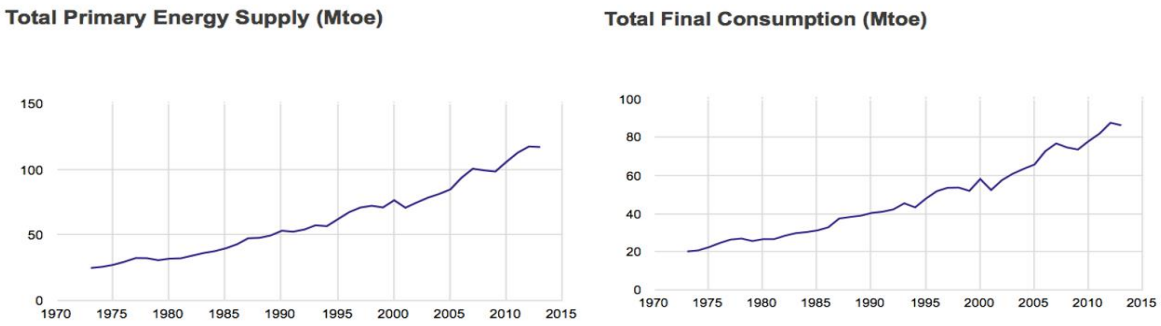
Figure 1.1.2: Electricity Generation Structure in Turkey: Production and Installed Capacity



Source: (EUAS Sector Report, 2014, p.15; IEA, 2015)

As seen below Fig.1.1.3, the total energy consumption in Turkey is increasing exponentially, while the increase in total energy production (supply) is relatively much slower. Reducing energy dependence, historically, more than two thirds of the country's current account deficit has been accounted for by the net energy import bill.

Figure 1.1.3: Total Energy Supply and Consumption (Turkey)



Source: (MENR General Energy Balance Tables, 2015; IEA Energy Atlas, 2015)

The level of import dependence, which comes up to 98% on natural gas and 94% on oil, and the possibility of continuation of import dependency in the future creates a risky option for Turkey. The share of importing energy resources in the finances has risen up to 22.46 %, spending 54.113 billion $, an increase of 40.56% compared to 2011 (Institute of Energy, 2012). Finally, the problem constitutes a system that does not have the ability to deal with important changes and persist (see Fig.1.1.1 and 1.1.3). Turkey's share of energy imports has been steadily increasing over years, it reached 22% of total imports in 2011. Although Turkey is self-sufficient in terms of energy sources the country is not self-sufficient in total energy production (see Fig.1.1.1). Turkey imports around 90% of its oil supplies. In 2015, Turkey imported 25 million tons of crude oil mainly from Iraq (45.6%), Iran (22.4%), Russia (12.4%), Saudi Arabia (9.6%), Colombia (3.5%), Kazakhstan (2.6%) and Nigeria (2.1%). Turkey is trying to increase the share of renewable energy sources with the purpose of reducing the energy dependence, maximizing the use of domestic resources, and combating climate change (MFA Turkey's Energy Profile.., 2015).

This situation related to the issue may bring security concerns to the attention of the government. The current government is planning to install 33 lignite, 27 natural gas, 12 coal, 2 nuclear power plants, and 113 hydroelectric energy plants, to double its energy supply for reaching to 2023 goals. The renewable energy sources are aimed to be increased to a share of at least 30%, by utilizing the economically feasible hydro, wind and geothermal potentials and encourage and expand the utilization of solar energy until 2023. The authorities' have undertaken large-scale privatizations of the energy distribution system, are encouraging expansions of renewables, and have signed a tender for a second nuclear plant as part of an ambitious agenda to limit energy dependence (MENR, 2015).

Considering these issues, according to the main official documents and regulations (10^{th} Development Plan, strategic plans, energy action plan, general balance analysis) there are four main concerns of Turkey's energy policy in terms of achieving economic and social targets for 2023 and 2030: (1) Energy security, (2) Sustainable energy supply, (3) The development of renewable energy sources and (4) Decreasing greenhouse gas emission.

Partially driven by energy security concerns and partially to follow EU principles, especially regarding environmental standards, Turkey started promoting renewable energy technologies and energy efficiency, passing the Renewables Law in 2005 and the Energy Efficiency Law in 2007 (IEA, 2009; Toke, 2011).

In the early 2000s we can see that an ecological perspective has been added to Turkey's energy policy with new regulations and applications such as renewable energy cooperatives, unlicensed electricity generation and feed-in tariff system.

2. Renewable Energy Status and Policies: An Overview of the Last 10 Years

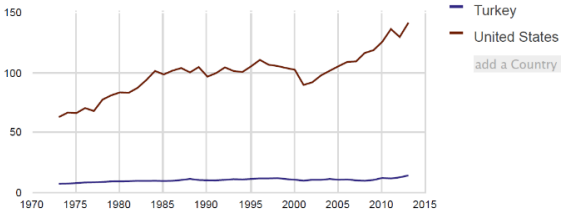
Renewable energy has been one of the important topics on Turkey's energy agenda in 2000s. The Turkish Government has made the last decade significant energy reforms, and started a new period in the electricity market in 2001 with Electricity Market Law (EML) in order to ensure the privatization of the market. Turkey's ambitious vision for 2023, envisages especially interesting targets for the renewable part of the energy sector. Within the last 15 years, exploitation of renewable energy resources in Turkey has been restricted to hydropower plants (approximately 20 GW of capacity in 2012) and some recently constructed wind generation projects (approximately 2 GW of capacity in 2012). Since 2000, generation from hydro sources has almost doubled to reach 58 GWh in 2012 and generation from other renewable sources has increased exponentially from a very low base to reach over 7 GWh in 2012 (MENR, 2015; EPDK, 2015). Turkey has the highest potential for geothermal energy in Europe, and one of the highest potentials for wind energy and solar photovoltaic (PV), and useful resources of biomass and small hydro power.

Applied policies in the energy sector have been described by five-year national development plans prepared since 1963. Basically energy production is made by the state until 1984, and after 1984 it was stated that foreign capital and private sector initiatives in the energy market would be supported.

Today, the development of renewable energy sources and the promotion of energy efficiency measures are two of the priorities of Turkish energy policy, supporting a sustainable industrial development under environmental considerations (Renewable Energy Action Plan, 2014, p.9). It was planned that the share of renewable energy resources in electricity production would be at least 30% by 2023 and government ensured some incentives such as feed-in tariff, investment incentives etc. for renewable energy. Moreover, EMRA (Energy Regulatory Authority) announced that biofuel blending would be mandatory starting from 2013 and 2014 for bioethanol (2%) and biodiesel (1%), respectively (MENR, 2015).

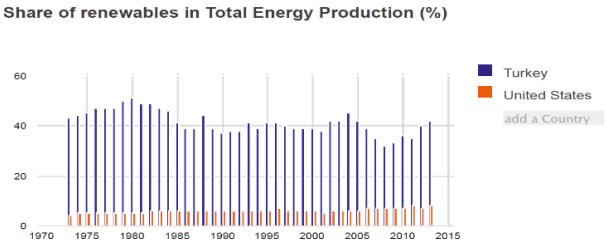
As can be seen below figures (Fig. 2.1 and Fig.2.2.), over the last 40 years, the contribution of renewables to world Total Primary Energy Supply (TPES) had more or less been stable around 12.5%. Although solid biofuels (mainly fuel wood) are by far the largest renewable energy source, representing three quarters of global renewables supply, recent dramatic developments in solar and wind due to supporting policies have started to change the energy renewables mix, especially for electricity production (IEA Energy Atlas, 2015).

Figure 2.1. Total Production of Renewables Energy (Turkey)



Source: (IEA, 2015)

Figure 2.2 Share of Renewables in Total Production (Mtoe) (Turkey)



Source: (IEA, 2015)

Turkey added 804 MW of new wind power in 2014 for a total installed capacity of 3,763 MW. As of the end of 2014, the Aegean region had the highest installed wind capacity with a total of 1,486 MW, followed by Marmara region with 1,359 MW and the Mediterranean region with 543 MW (Global Status Report, 2014, p.72; TUREB, 2015; REAP, 2014).

3. Ecological Concerns on Turkey's Energy Policy

Energy is considered to be a key actor or player in the generation of wealth and also an important component in economic and social development for all over the world (Dincer and Zamfirescu; 2011, p.51). Every energy generation and transmission method affects the environment. As it is obvious conventional generating options can damage air, climate, water, land and wildlife, landscape, as well as raise the levels of harmful radiation. Because energy generation process (generation of the electricity, heating, cooling, or motive force for transportation vehicles and other uses) is polluting and harmful to ecosystem (Dincer and Zamfirescu, 2011).

The IPCC compares nonrenewable sources such as natural gas and coal with renewables (wind, solar, geothermal and hydroelectric energy) and finds out the following: Natural gas emits between 0.6 and 2 pounds of CO_2 equivalent per kilowatt-hour. On the other hand, coal emits between 1.4 and 3.6 pounds of CO_2 equivalent per kilowatt-hour. Oil emission is right in between the amounts of coal and gas. On the contrary, the wind power only emits 0.02 to 0.04 whereas solar emits between 0.1 and 0.7 pounds of CO_2 equivalent per hour (IPCC, 2013).

Environmental concerns such as pollution, ozone depletion, and global climate change became major issues in the new energy policy. Decreasing greenhouse gas emission is one of the main issues of the new policy. For this reason, interest in the link between energy utilization and environment also became more pronounced. Early 2000s the energy analysis and legal control instruments were concentrated on generating the electricity from renewables in Turkey.

In this context, there are two aspects of the Turkey's renewable energy policy: (3.1) The transformation of the institutional and legal structure, (3.2) The establishment of renewable energy cooperatives.

3.1. The Transformation of the Institutional and Legal Structure

Turkish energy policy has made important progress with the Helsinki Summit of 1999 where Turkey declared a candidate for accession to the EU. EU accession guided regulatory reform

in a wide range of policy areas, including network industries such as electricity, gas, and telecommunications. The legal and regulatory frameworks adopted for electricity and gas in the early 2000s were already consistent with those in the EU. The EMRA as an independent regulator has been established to be in charge of regulation and supervision of the electricity, gas, petroleum and LPG markets (Turkey's Energy Strategy, 2013, p.7). Turkey has started a new period in the energy market, especially electricity market in 2001. The legal basis of the new period was the EML, which came into effect in 2001. Later in 2013, a new law - Electricity Market Law No. 6446 - came into effect in March 30, 2013 while Law No. 4628 was amended as the organization law of EMRA. Law No. 6446 is a framework law regulating electricity market structure, market participants, third party access, market entry, monitoring, and auditing (Gozen, 2015, p.1-2). The EML provided a fairly broad and detailed framework for the organization of markets and activities in the electricity sector (EML, 2013; EPDK, 2016).

Turkey has stipulated that renewable energy sources (RES) will have at least 30% share in electricity generation by 2023. To reach this target, a renewable energy promotion law (*Law No. 5346*) was enacted in 2005 and later amended in 2011. Through Law No. 5346, Turkey has launched a feed-in tariff (*FIT*) for RES-based electricity with additional premium for the use of local equipment.

As mentioned above, a structural changing to deal with environmental problems emerged after 2001 in Turkey. The government have adopted a number of laws on environmental and management policies that were related to economic development and environmental impact. In 2001, Turkey enacted its Electricity Market Law (Law No. 4628) which introduced two measures relating to renewable energy: First, it reduced costs related to licensing by cutting costs associated with obtaining the license and annual fees, and second, it obliged the Turkish Electricity Transmission Company (TEIAS) to give priority status for renewables facilities' systems connection. Turkey enacted its first law specific to renewable energy in May 2005 (Law No. 5346), providing feed-in tariffs (FITs) for electricity generated from renewable energy sources for 10 years (MENR, 2015).

The renewable energy goals of Turkey are described in a number of strategy papers, which form the basis for the expected trends discussed in the 2010-2014 Strategic Plan published by the MENR, and Electrical Energy Market and Supply Security Strategy Paper issued in May 2009.

Stated strategic plan addresses three main energy policy concerns: Energy supply security, its regional and global influence in energy market and environmental protection. According to the 2010–2014 Strategic Plan, in 2015, installed wind energy power will be 10.000 MW and installed geothermal energy power will be 300 MW. The Electricity Energy Supply and Security Strategy Paper sets out more comprehensive and ambitious targets including the share of renewable energy based generation to 30% of the overall generation (MENR Strategic Plan 2010-2014, 2015). According to the Energy Strategy Paper renewable targets set out in the energy policy are; (a) 30% of total electricity production from renewable energy until 2023, (b) the whole economically usable hydropower potential of Turkey will be provided for generating electrical energy until 2023, (c) 600 MW geothermal energy will be implemented by 2023, and (d) 20.000 MW wind energy will be in operation in 2023 (Saygin and Cetin, 2011; MENR, 2010).

All related regulations that reflect ecological perception on energy policy are shown in below Fig.3.1.

Figure 3.1: The Ecological Perception in the Turkey's Energy Legislation

Regulations	**Date**
1. **Electricity Market Law- No.6446** (This law came in effect in March 30, 2013 while Law No. 4628 was amended as the organization law of Energy Market Regulatory Authority)	14/03//2013 published in the Official Gazette on 30/03/2013 No. 28603
2. **Law on Utilization of Renewable Energy Resources for the Purpose of Generating Electrical Energy Law No. 5346 (Renewable Energy Law)**	10/05//2005 published in the Official Gazette on 18 May 2005 No. 25819
3. **National Renewable Energy Action Plan (NREAP)**	December 2014
3. Energy Efficiency Law, No. 5627.	18/04/2007 published in the Official Gazette on 2 May 2007 No. 26510
4. Electricity Market License Regulation (License Regulation) (This regulation has been prepared based on EML No. 6446. The License Regulation introduces a new licensing regime, intended to reform and stimulate the market.	published in the *Official Gazette* on 2 November 2013, No.28809
5. Regulation on Unlicensed Electricity Generation in Electricity Market	published in the Official Gazette on 2 October 2013 No. 28763
6. Electricity Market Export and Import Regulation,	published in the *Official Gazette* on 17 May 2014 No. 29003.
7. Electricity Grid Regulation,	published in the *Official Gazette* on 28 May 2014 No. 29013.
8. Electricity Market Connection and System Utilization Regulation,	published in the *Official Gazette* on 28 January 2014 No. 28896.

9. Regulation on Distribution in Electricity Market,	published in the *Official Gazette* on 2 January 2014 No. 28870.
10. Geothermal Energy Law, No. 5686.	03/06/2007 published in the *Official Gazette on* 13/06/2007 No.26551
11. Law on Establishment of Nuclear Power Plants and Energy Sales, No. 5710.	09/11/2007
12. Energy Efficiency Strategy Plan-2012-2023	
13. Turkey Wind Energy Potential Atlas (REPA)	
14. Turkey Solar Energy Potential Atlas (GEPA)	
15. Co-Ops Act-No.1168	24/04/1969 published in the Official Gazette on 10 May 1969 No. 13195
16. Turkey Co-Ops Strategy and Action Plan 2014	

The important legal and structural tools or factors associated with the development of renewable energy in Turkey are as follows: (1) Financing and incentive mechanism, (2) Renewable energy cooperatives.

Figure.3.2. Incentives Applicable to Renewable Energy in Turkey ruled out by Law No: 4628, 5346, 6094

Incentive Mechanism	**Law**	**Incentives**
Investment Incentive	Electricity Market Law (No.4628) Renewable Energy Law (No.5346)	Licensing • Installed capacity of 1MW is exempted from licensing and setting up a company. • Only 1% of licensing cost is paid by corporate entities applied to get a license and these entities do not pay annual licensing cost for 8 years. • Priority is ensured for system connection. Priority for system connection enabled access to government land Facilities<1MW exempt from licensing

	Electricity Market Licensing Regulation (No.24836)	Licensing cost set at %1 of value Land appropriation • 85 % discount on land use and rent fees (85 % discount is given to rent, right of easement and usage permits and Forest Villagers Development Revenue, Forestation and Erosion Control Revenues are not demanded during the first 10 years of operation). • Use of national parks, nature parks, natural protection areas, preservation forests, wildlife cultivation areas, and special nature preservation areas with necessary permits.
Feed-in Tariff	Law No. 6094	Government guarantees to buy electricity generated for 10 years offering a feed-in tariff
Tax Incentives (exemptions and cuts)	Cabinet Decree on State Aid Investments (No.2009/15199)	• VAT exemption for domestic equipment for Investment Support Certificate holders (ISC holders) • VAT, Customs Tax, Resource Support Utilization Fund payment exemptions in imports for ISC holders.
	Law Regarding the Support of Research and Development (No. 5746)	• Income tax exemption (80% of salary income for eligible R&D and support personnel), Social Security Premium support for 5 years, Stamp Tax exemption. • R&D deduction (deduction of R&D expenditures from corporate tax base at a rate of 100 %). • Special consumption tax exemption is applied for biodiesel blending.
Premium		• Premium is given for oil seeds.

Source: Fig.3.2. was prepared by authors based on the related regulations, IISD Report and MENR website.

3.2. The Establishment of Renewable Energy Cooperatives (RES Co-ops)

The history of modern cooperatives in Turkey starts alongside the foundation of the Turkish Republic, with the creation of the "Agricultural Production and Trade Cooperatives" in 1923. Newly formed laws had put importance on the idea of cooperative as the new economic idea of the Republic began to settle with private industrialization, free export and import, and banking systems (Serinikli & Inan, 2011).

Cooperatives in the energy sector are not a new phenomenon in the world, but it is a fairly new issue for Turkey's energy policy. The legal basis of renewable cooperatives in the electricity market is the Law No. 6446. In Turkey, an article of association for electricity

generation and consumption cooperatives was published in the Official Gazette No. 28855 dated December 18, 2013.

Even though it has problems, the cooperatives are still an important part of the rural economy in Turkey. There are 13.384 agricultural cooperatives, which constitutes the 2% of all cooperatives in the world, with 2.003,037 members. With agricultural production, rising since 2000 with an economic capacity of 79 billion TL (~ 33 billion €) in 2009, the agricultural cooperatives numbers are also rising with an increase of 1082 cooperatives during the time between 2006 and 2010. (Deloitte, 2010; Ministry of Customs and Trade Directorate General of Cooperatives, 2012).

Turkey's energy self-efficiency is gradually decreasing (see Fig.1.1.1). However, Turkey has opened a new era with renewable energy cooperatives to increase the use of energy from renewable energy. The primary aim of Turkey is to realize its own energy security. To this end, Turkey has four objectives as follows:

- diversify its energy supply routes and source countries,
- increase the share of renewables and include the nuclear in its energy mix,
- take significant steps to increase energy efficiency,
- contribute to Europe's energy security.

At present, Turkey does not have an organized commercial and domestic photovoltaic (PV) program, because the government has no intention in promoting PV technology with existing energy policies. On the other hand, there is a good potential for PV applications in the local market since the country is enormously suitable due to high rates of solar radiation and available land for PV applications (Cıcek, Ozturk & Ozek, 2009).

Renewable energy cooperatives have 8 main points as being central to ecological transformation:

- The main idea of renewable energy cooperatives system is coinciding with the outcomes of ecological growth approach,
- Sustainable development is desirable objective for the welfare of both present and future generations. Co-ops system, especially at local level, encourages to use the renewables.

Recently, cooperatives have been created to promote the use of renewable energy (RE) most notably in Canada, the US, UK, Denmark or Germany. In order to develop the adoption of RE, the cooperatives have to seek to influence the behavior of their members so that they switch from the use of traditional fossil energy to RE.

- The cooperative system supports the implementation of the "polluter pays" principle,
- Environmental protection policies need to be deal with in a market context, but accompanied by government intervention (Toke, 2011, p.8). RES Co-ops have a very crucial role to collaborate with this approach.
- RES Co-ops are very important tools to adopt ecologically sustainable policies, and to solve climate change issues.
- RES Co-ops also have positive view of the use of technology to deal with environmental problems,
- RES Co-ops mean a green approach to economic development, by having a positive attitude,
- RES Co-ops can also be defined as "a social constructionist". Because, RES Co-ops system initially give to their members some opportunities to use the renewables.

Every country has developed a different cooperative perspective and a cooperative culture based on its own experience. Financial support mechanism, feed-in laws, land use policies, planning systems, legal structure and process for cooperatives, and environmental perception of society (especially the level of perception ecological movements) are the main determinants of the system. In this regard, it is difficult to summarize any successful policy about the renewable energy cooperatives. However, general approaches for the energy cooperative system can be explained briefly. Most of the energy cooperatives are including some promotional measures. In general, state-led promotional measures can be divided into direct promotion of energy cooperatives and a more general promotion of renewable energy, which may indirectly encourage and support the establishment of cooperatives. In both cases, cooperatives should not be seen as tools in the hands of government, to be used to impose a particular solution to energy access (ILO, 2013).

An example of a direct promotional measure is a specific loan or guarantee scheme for energy cooperatives. The United States presents a good historical example of this (NRECA, 2016). The Rural Electrification Administration (REA) of the United States was created in 1935 to implement a federal rural electrification program based on cooperatives, and the US Congress authorized US$ 410 million for a ten-year program to electrify American farms. The REA provided subsidized loans to private companies, public agencies or cooperatives for the construction of electrical supply infrastructure in rural areas. The loans were guaranteed by the federal government and had a very low interest rate and a generous repayment schedule (ILO, 2013, p.25). By the end of 1938, just two years after the inception of the REA program, 350 cooperative projects in 45 states were delivering electricity to 1.5 million farms (Schurr, S., et al, 1990, p.234). Most US rural electrification is the product of locally owned rural electric cooperatives that got their start by borrowing funds from the REA to build lines and provide services on a non-profit basis. The program not only brought electricity to rural households, but also new communication media, such as radio and television, telephone and, more recently, the internet, and the program created new green jobs (Brown, 1980, p.114; ILO, 2013, p.25-26).

Finally, there is no one model for promoting energy cooperatives that responds to all needs and situations for Turkey. Turkey should to improve an original and new model that is based on its own experience. The new cooperative system can be a community-based cooperative system. In general, in all countries, people are choosing the cooperative way of generating and distributing energy. The trend is likely to be upward, given increasing environmental concerns, the competitive advantage of decentralized renewable energy technologies, a growing interest in community ownership and control, and the need to promote rural development and reduce poverty. Policy-makers should therefore consider the energy cooperative option, as this has the potential to make energy accessible for all (ILO, 2013, p.28).

4. Conclusion and Suggestions

In terms of current public policy, ecological modernization or ecological transformation and sustainability are the main objectives of any reasonable energy policy.

In general, the main environmental concerns on energy policy are as follows: (a) Global warming (greenhouse gas) effect: It is potentially the most important energy-related environmental problem. (b) Acid precipitation, (c) Impact of energy efficiency: Increased energy efficiency reduces energy-related environmental issues. (d) Other environmental impacts.

Since the 1970s and 1980s renewable energy has been accepted into the mainstream energy agenda in an increasing number of countries in the world (Toke, 2011, p.3).

Today, the development of renewable energy sources and the promotion of energy efficiency measures are two of the priorities of Turkish energy policy, supporting a sustainable industrial development under environmental considerations (REAP, 2014, p.9). It was planned that the share of renewable energy resources in electricity production would be at least 30% by 2023 and government ensured some incentives such as feed-in tariff, investment incentives etc. for renewable energy.

Energy policy in Turkey is often discussed in certain platforms. There are many reasons behind of the discussion. First of all, Turkey does not keep up with the developments in the field of energy at international level. Energy system is not established well and also not stable in Turkey. In addition, energy policies have some weaknesses and deficiencies in Turkey such as lack of adequate supporting mechanism for renewable energy sector. The strategies of energy management change with every new government. The universities and other R&D institutions are not integrated enough in the decisions and programs taken for energy system. All of them cause energy system to become unbalanced. Within the scope of this issues it can be said that energy and its safety in Turkey should be provided in a cost effective and sustainable way while investigating the environmental effects. The economic importance of Turkey in regional and global energy trade should be increased. The current situation in energy efficiency should be improved, and RES Co-ops should be considered as an important tool to increase the use of renewable energy.

Finally, there is no one model for promoting energy cooperatives that responds to all needs and situations for Turkey. Turkey should to improve an original and new model that is based on its own experience. The new cooperative system can be a community-based cooperative system. In general, in all countries, people are choosing the cooperative way of generating and distributing energy. The trend is likely to be upward, given increasing environmental concerns, the competitive advantage of decentralized renewable energy technologies, a growing interest in community ownership and control, and the need to promote rural development and reduce poverty. In Turkey, policy-makers should therefore consider the energy cooperative option, as this has the potential to make energy accessible for all (ILO, 2013, p.28).

There is an evidence that the Turkish government would support renewable energy cooperatives. In 2013, The Turkish Ministry of Customs and Trade stated that there should be governmental incentives to promote renewable energy production via co-operatives (Ministry of Customs and Trade, 2015). As a result, if this tool is very well evaluated by the all actors in energy policy and incentive mechanism works also well, Turkey in near future will provide most of its renewable energy needs from the renewable energy cooperatives which will help reduce local poverty and greenhouse gas emissions, energy dependency.

5. References

Akan, Mahmure O.A., A. Aycim Selam, et al. (2015). "*A Comparative Analysis of Renewable Energy Use and Policies: Global and Turkish Perspectives*", *Sustainability*, Vol.7, pp.16379-16407.

Brown, D. C. (1980). *Electricity for Rural America: The fight for the REA*, Westport, CT: Greenwood Press.

Cicek, B., Ozturk,N., Ozek, M.(2009). "Renewable energy market conditions and barriers in Turkey", *Renewable and Sustainable Energy Reviews 13*: 1428–1436. Turkey.

Daniel, Dombey (2014). "Turkey Posts Larger Than Expected Deficit of $65 bn," *Financial Times*, February 13, 2014, http://www.ft.com/cms/s/0/bf0fd17c-94c8-11e3-af71-00144feab7de.html#axzz2wy1lVuUA (March 24, 2014).

EC (1995). "Externalities of Energy" Externe Project, Report No EUR 16520, bookshop.europa.eu/.../externe-externalities-of energy...pbCGNA16520/.../CGNA165.. (December 22. 2015).

EC (1997). *Energy for the future: Renewable Sources of Energy. White Paper*, European Commission, DG XVII.

EIE-General Directorate of Renewable Energy (2016). *GEPA (Solar Energy Potential Atlas-Güneş Enerjisi Potansiyel Atlası)*, Available at: http://www.eie.gov.tr/MyCalculator/Default.aspx (April 24, 2016)

Energy Charter Secretariat (2014). "In-Depth Energy Efficiency Policy Review of the Republic of Turkey", Available at: http://www.energycharter.org/fileadmin/DocumentsMedia/IDEER/IDEER-Turkey_2014_en.pdf (October 26, 2015).

EUAS (2014). *Energy Sector Report*, Available at: http://www.euas.gov.tr/Documents/Sektor_Raporu_2014.pdf p.15 (December 22, 2015).

Global Status Report (2014). *Renewables 2014*, Available at: http://www.ren21.net/Portals/0/documents/Resources/GSR/2014/GSR2014_KeyFindings_low%20res.pdf (May 12, 2016)

Global Status Report (2016). *Renewables 2016*, Available at: http://www.ren21.net/wp-content/uploads/2016/06/GSR_2016_Full_Report_REN21.pdf (June 12, 2016)

Gozen, Mustafa (2015). "Unlicensed Renewable Energy Generation: A Review of Regulation and Applications in the Context of Turkey", *International journal of Energy Economics and Policy*, Vol.5, No.1. pp.1-13, http://www.econjournals.com/index.php/ijeep/article/view/938 (May 12, 2016).

IEA (International Energy Agency) (2009). *Energy Policies of OECD Countries: Turkey 2009 Review*, OECD Economic Surveys, IEA/OECD, Paris.

IEA (2015). *Renewables Information 2015*, Available at: http://energyatlas.iea.org/?subject=-1076250891# (June 24, 2016)

IEA Energy Atlas (2015), "Turkey's Energy Balance", http://energyatlas.iea.org/?subject=-1002896040 (June 24, 2016)

IISD (International Institute for Sustainable Development) (2015). *Subsidies to Coal and Renewable Energy in Turkey, Written by* Sevil Acar, Lucy Kitson and Richard Bridle, IISD Report, March 2015, Geneva, Switzerland. https://www.iisd.org/gsi/sites/default/files/ffsandrens_turkey_coal_eng.pdf (May 12, 2016).

ILO (2013). *Providing clean energy and energy access through cooperatives, ILO* Cooperatives Unit, Green Jobs Program-Geneva, Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/documents/publication/wcms_233199.pdf (November 13, 2015)

IMF (2013). *IMF Country Report-Turkey 13/363 (December 2013)*:23, Available at: http://www.imf.org/external/pubs/ft/scr/2013/cr13363.pdf (April 23, 2014).

IPCC (Intergovernmental Panel, and Climate Change) (2013). *Renewable Energy Sources and Climate Change Mitigation: Special Report of IPCC*, Vol.49., Chapter.9.

MENR (Ministry of Energy and Natural Resources) Strategic Plan (2014). *The Republic of Turkey Ministry of Energy and Natural Resources Strategic Plan (2010–2014),* Available at: http://www.enerji.gov.tr/yayinlar_raporlar_EN/ETKB_2010_2014_Stratejik_Plani_EN.pdf (April 24 April, 2016).

MENR (2015). *General Energy Balance 2015*, http://www.eigm.gov.tr/tr-TR/Denge-Tablolari/Denge-Tablolari (November 13, 2015)

MFA (Ministry of Foreign Affairs) (2015), *Turkey's Energy Profile and Strategy*, Available at: http://www.mfa.gov.tr/turkeys-energy-strategy.en.mfa (December 2, 2015).

Ministry of Customs and Trade: Directorate General of Cooperatives (2012). *Turkish Cooperatives Strategy and Action Plan 2012-2016,* Ankara: Ministry of Customs and Trade: Directorate General of Cooperatives.

Ministry of Customs and Trade (2015). "*Enerji İhtiyacına Kooperatif Çözümü*" (December 16, 2013), Available at: https://www.gtb.gov.tr/haberler/enerji-ihtiyacina-kooperatif-cozumu (June 22, 2016).

NRECA (2016), *Our Mission and History*, Available at : http://www.nreca.coop (June 22, 2016).

Ozturk, M., Bezir, N.C. and Ozek, N. (2009). "Turkey's Energy Production, Consumption, and Policies, until 2020", *Energy Sources B,* Vol. 4, 315–331.

Pasqualetti , Martin (2011). "Opposing Wind Energy Landscapes: A Search for Common Cause," *Annals of the Association of American Geographers*, 101:4, 907-917.

Petrova, Maria (2013). "NIMBYism revisited: public acceptance of wind energy in the United States," *WIREs Climate Change* 2013, 4:575–601.

REAP (Turkey's National Renewable Energy Plan) (2014). Ankara: MENR (December 2014), Available at: http://www.eie.gov.tr/duyurular_haberler/document/Turkiye_Ulusal_Yenilenebilir_Enerji_Eylem_Plani.PDF (April 22, 2016).

Schurr, S., et al. (1990). *Electricity in the American Economy*, Westport, CT: Greenwood Press, p. 234.

TMMOB MMO (Makina Muhendisleri Odasi) (2014), *Turkiye'nin Enerji Gorunumu, Rapor, Yayin No. MM0/616,* Ankara, Available at: *http://www.mmo.org.tr/resimler/dosya_ekler/9aca139809cf620_ek.pdf (December 2, 2015)*

Turkey's Energy Strategy (2013), http://ec.europa.eu/enlargement/pdf/european_energy_policy/turkeys_energy_strategy_en.pdf (December 2, 2015).

Tsoutsosa, T., N. Frantzeskakib and V. Gekas (2005). "Environmental impacts from the solar energy technologies", *Energy Policy*, Vol.33. pp.289-296, http://www.circleofblue.org/wp-content/uploads/2010/08/Tsoutsos_Frantzeskaki_2006_EIA_ST.pdf (June 5, 2016).

Toke, David (2011). "Ecological Modernization and Renewable Energy*", Energy, Climate and the Environment Series*, David Elliott (Ed.), England: Palgrave Macmillan, http://www.palgraveconnect.com/pc/doifinder/view/10.1057/9780230302167 (June 22, 2016).

United Nations Development Program (UNDP). (2014). *Renewable energy snapshot: Turkey*. UNDP. http://www.sa.undp.org/content/turkey/en/home/library/environment_energy/renewable-energysnapshot--turkey.html (June 22, 2016).

5346 sayılı *Yenilenebilir Enerji Kaynaklarının Elektrik Enerjisi Üretimi Amaçlı Kullanımına İlişkin Kanun*, Kabul Tarihi: 10/05/2005, http://www.resmigazete.gov.tr/eskiler/2005/05/20050518-1.htm (April 23, 2016).

6094 sayılı *Yenilenebilir Enerji Kaynaklarının Elektrik Enerjisi Üretimi Amaçlı Kullanımına İlişkin Kanunda Değişiklik Yapılmasına Dair Kanun*, Resmi Gazete Tarih ve Sayi: 08.01.2011/27809, http://www.resmigazete.gov.tr/eskiler/2011/01/20110108-3.htm, (April 15, 2014).

5627 sayili *Enerji Verimliligi Kanunu*, Resmi Gazete Tarih ve Sayi: 02.05.2007/26510, http://www.resmigazete.gov.tr/eskiler/2007/05/20070502-2.htm, (April 15, 2014).

"Evaluate the effectiveness of social services to address violence against women Gulf Applicable to the protection and rehabilitation centers and social study" Preparation

Amal Abdelmordi Elgamal

1. Introduction

Violence against women continues to occur in every country of the world as a widespread violation human rights and an obstacle to the achievement of equality between the sexes (the General Assembly, United Nations, 2006, Homoud, 1997). A problem that women encounter in almost all of human societies, developed, or developing.

World Health Organization (2013) estimates that one out of every three women globally exposed in her life for rape, beatings or coercion to have sex or assault. Studies (Boson. 2004) show that the percentage of Arab women who are subject to violence are relatively high. In some countries, such as Gulf States, no reliable data is available on violence against women. This is may be due to cultural and political reasons, and due to the lack of public awareness of its seriousness. Traditional customs may impede the reporting and disclosure of abuse cases, which would lead to non-availability of data and statistics about this phenomenon in Gulf accurately. However, few studies reported on violence against women in the Gulf. According to the "Gulf Institution for Protection of Women and Children, 2009), there is an increase in the rate of violence against women in some Gulf countries. In 2007, the percentage of women who were subject to violence was 15%, and it was increased to 36% in 2009. This dramatic increase is may be due, to the monitoring of violence against women cases, and to the awareness of such assaulting behavior.

Violence against women is accompanied with several negative consequences, on women self-worth, personality disorders, health, social relations, safety and family life, (Sarhan, 2010).

Champion (2015) considers violence against women as a form of societal violence by both men, whether "a father, a husband, a son, or a stranger," based on sexual discrimination, (see also, Jama, 2014). Abdel-Widodo, (2013) asserts that although there is no differences based on economic levels and violence against women, however, culture still play a major and influential role in shaping the attitudes of individuals and mechanisms to deal with such violence. The same study repots significant correlation between low levels of education and domestic violence.

Mklem (2012) calls for further studies to determine the magnitude of violence against women, its causes, and consequences on women and society. On the other hand, Zawahiri (2011) argues that husbands who commit involve in domestic violence is due to their misunderstanding of religion and to the prevailing culture in the male-dominated society.

In Qatar, Kaabi (2013) emphasizes the study on the importance of including domestic violence within the Qatari Crime Act; this study encourages government institutions, civil society institutions, and the University of Qatar, to take the plans and research to eliminate this phenomenon. Herrera (2012) explains reasons for couples who have lost control and influence over their lives and their partner's violence attributed this to the prevailing culture

of Male Arab societies. Ghanem (2007) identifies the extent of violence against women, and the degree of spread in Qatari society. The study reported the existence of violence against women in Qatari society in various forms and intensity.

On the issue of the quality of the services provided to abused women, Shosharh (2011) shows an average satisfaction with the services provided in the security center. The findings of Faze, (2011) study show a reduction of the manifestations of violence against wives in slums areas. Hals Frisch and others (2010) study find that women are subjected to twofold of violence. They suffer from it and do not receive adequate individual, family, or social support. They ask for the consolidation of all efforts and support of women's organizations to increase awareness about the sufferings of abused women. Kenney (2009) also, calls for the need to strengthen the role and performance of the social workers in the guidance and counseling. This can be done through the family office, through the following: (a) identifying the knowledge deemed necessary for social workers who work with cases of domestic violence, (b) Identify values that must be shared by social worker to address violence, (c) identify skills, strategies and tactics, theories and intervention approaches, including treatment and preventive measures.

2. Purpose and Research Methodology:

The main purpose of the study is to evaluate the effectiveness and efficacy of the services provided to battered and abused women. In addition, the study investigated the problems and obstacles that face the rehabilitation center and may be preventing it from achieving its goals. This is an evaluation research project. By evaluation it is meant, “efforts that determine the efficiency and effectiveness of various programs and services such as consulting - Case management - care through alternative - and are evaluating practice by social workers and clients to determine the degree of progress or failure, (Payne, 2005).

The evaluation process has two main components, **Effectiveness:** Concerned with how to achieve the targets and goals to indicate the desired results of one of the policies, programs or services. **Efficiency:** It means the extent of the administration's success in the investment of resources and facilities available to achieve the goals, accounting for the relationship between inputs and outputs. It is intended calendar researcher in this study: the efficiency and effectiveness of social rehabilitation center in achieving its objectives Programs. (Sohaila. 2012).

Population and Sample:

The population of the study consists of all the workers in the rehabilitation center including social workers, psychological counselors, and administrators. The number was 26. All of them were included in the sample and interviewed.

2. Research Instrument:

Questionnaire: A questionnaire was designed specifically for this research. The questionnaire consist of the following sections, (a), basic Sociodemographic data, (b) program planning, (c), program implementation (including three subsections), and (d), evaluation, and (e) description of services, and (f) problems facing the center.

Reliability and Validity: the instrument was examined and revised by a number of specialist at the university and at the field. (4 personnel management protection center and social rehabilitation) and the number (3 professors at the Faculty of Social Work who study material family and Children) The rate of arbitrators agreed upon 88% consistency was retested form coefficient time a week apart and hit stability ratio of 93% using the Pearson correlation coefficient Brown. The data collected was classified into five dimensions which are contextual dimensions, planning dimensions, implementation dimensions, evaluation dimensions, services dimensions, problems dimensions .Respondents indicate their choice of responses in three- point Likert scale . Three alternatives are given to each questions of the survey, which are (1) agree, (2) agree to a certain extent, (3) disagree.

3- Results and Discussion:

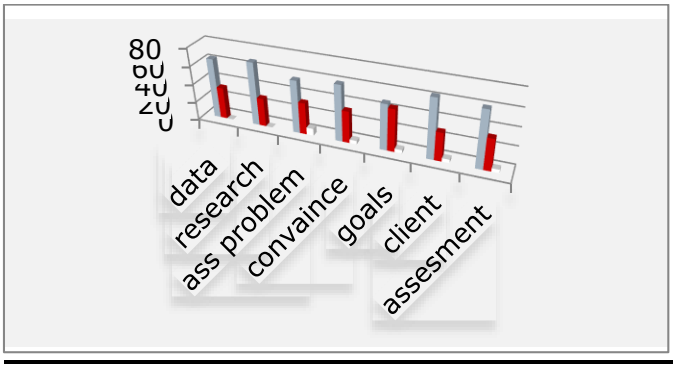
Initially the 68 questions in the survey were classified according to their dimensions, and were analyzed with descriptive statistics. To follow is a brief description of the results.

3.1. The planning of programs and services operation Dimension:

The study intends by this arrangement to see wither service providers are using professional knowledge and skills in their work. Accordingly, the items in the questionnaire were meant to measure the major component of each intervention stage. Table 1, present the findings on the preliminary stage or phase-planning.

Table 1 the Planning Stage

Variables of the planning Phase	agree	agree to a certain extent	Dis agree
Data collection	34.6	65.4	0
Case study	30.8	69.2	0
Assessment of the problem	34.6	57.7	7.7
Contracting	34.6	61.5	3.8
Goals identification	46.2	50	3.8
Identify persons involved	30.8	65.4	3.8
Intervention duration	34.6	62.5	3.8



Results show that workers in general agree that they follow the major stipulated steps in their planning efforts. With higher percentage of agreement on data collection and set up of intervention goals.

3.2 The Implementation Sage:

3.2.a-Strategies used by rehabilitation centers and protection service providers**:**

Table 2 The Percentage of Strategies used to the implementation of Programs

Variables	agree	agree to a certain extent	Dis agree
Behavior Modification	34.6	57.7	7.7
Interaction	23.1	65.4	11.5
Guidance	26.9	69.2	3.8
Persuasion	34.6	65.4	0
Planned change	34.6	57.7	7.7
Solidarity/sympathy	34.6	65.4	0

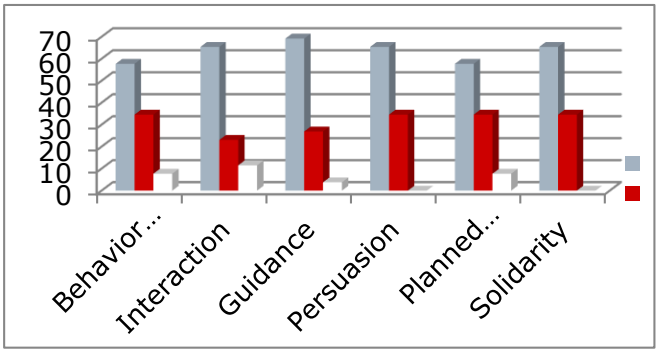
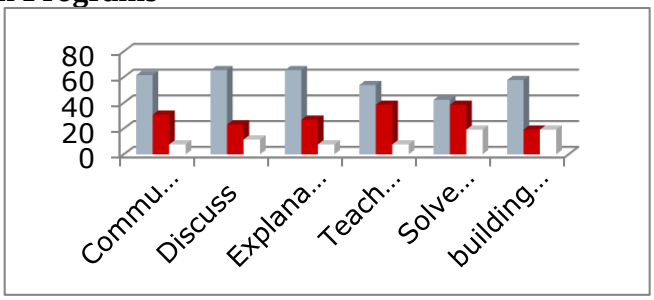


Table 2 presents results on the implementation stage. Results show that in general service providers adhere to the professional intervention models. If we combine the response option, agree and agree to a certain extent the following intervention strategies are used the most, “solidarity/sympathy,’ persuasion’,’ guidance’, “planned change’, “behavior modification’, and lastly “interaction.” The tiny differences may be due to personal preferences or due to the need of the cases.

3.2. b-Techniques used by the centers of rehabilitation and protection service providers’ dimension.

Table 3 Techniques used to implementation Programs

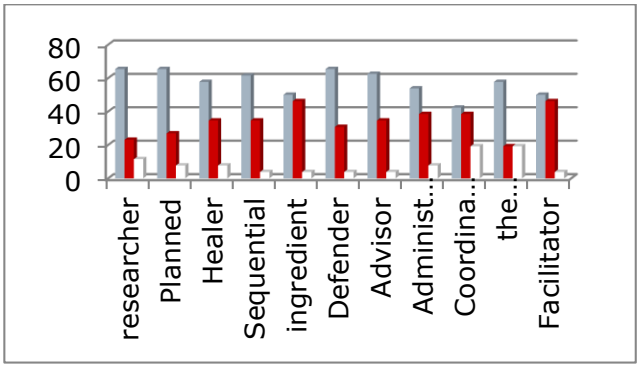
Variables	agree	agree to a certain extent	Dis agree
Communication	30.8	61.5	7.7
Discussion	23.1	65.4	11.5
Explanation and clarification	26.9	65.4	7.7
Educating the community	38.5	53.8	7.7
Problem solving	38.5	42.3	19.2
Capacity building	19.2	57.7	19.2



The most frequently used techniques according the results were in ascending order, Problem solving, educating the community, communication, explanation and clarification, discussions ,and capacity building. This order may reflect the real needs of the cases, as seen by workers.

3.2. c- Table 4 roles used in the implementation of professional intervention dimension

Variables	agree	agree to a certain extent	Dis agree
Researcher	23.1	65.4	11.5
Planned	26.9	65.4	7.7
Healer	34.6	57.7	7.7
Tracker	34.6	61.5	3.8
Assessor	46.2	50	3.8
Defender	30.8	65.4	3.8
Advisor	34.6	62.5	3.8
Administrative	38.5	53.8	7.7
Coordinator	38.5	42.3	19.2
The Teacher	19.2	57.7	19.2
Facilitator	46.2	50	3.8

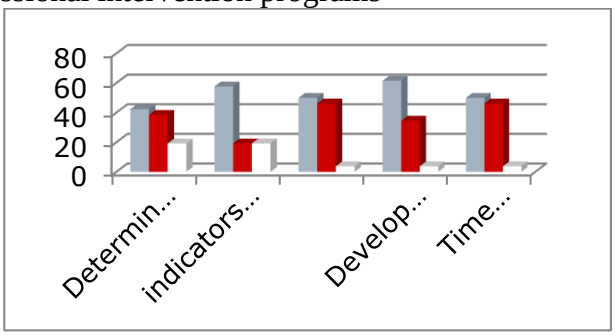


Workers in the helping professions may assume different and several roles, based on the need of their clients, and the stage of their problems, and the required intervention and its context. Therefore may assume one or more roles in working with cases and their families. Table 4, show the distribution of workers according the roles they assume. The mostly used role was the facilitator, and the assessor (evaluator), followed by administrative and coordinator roles.

3.3-Evaluation of professional intervention programs dimension:

Table 5 Evaluation of professional intervention programs

Variables	agree	agree to a certain extent	Dis agree
Determine The Model	38.5	42.3	19.2
Prepare Indicators for evaluating services	19.2	57.7	3.80
Design Assess. Measures of the antiviolence programs	46.2	50.00	3.80
Use of evaluation results in redeveloping programs	34.6	61.5	0.00
Time Period sufficient for program implementation	46.2	50.00	0.00



The purpose to determine if professional staff follow specific models for evaluating their work. It seems that staff are well aware of the evaluation process. In general, they agree that they design measures to assess the antiviolence programs, followed by agreeing that the time period allocated for program implementation is sufficient, then that they determine the model for evaluation, followed by that the result of evaluation are utilized in further program development. Lastly come the preparation of indicators for evaluating services. This is a major challenge in program design and implementation, namely how to set indicators. Program designers, should exert sufficient efforts to determine performance and outcome indicators.

3.4.-problems faced by the staff of the Center:

Table 6 problems faced by the staff

Variables	agree	agree to a certain extent	Dis agree
Number of employees	46.20	15.4	38.5
Lack of space	53.80	19.2	26.9
The (In) adequacy of services	53.80	23.1	23.1
There is no coordination	50.00	15.4	34.6
training course	50.00	15.4	30.6

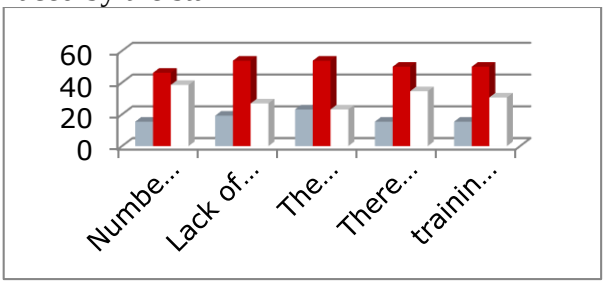
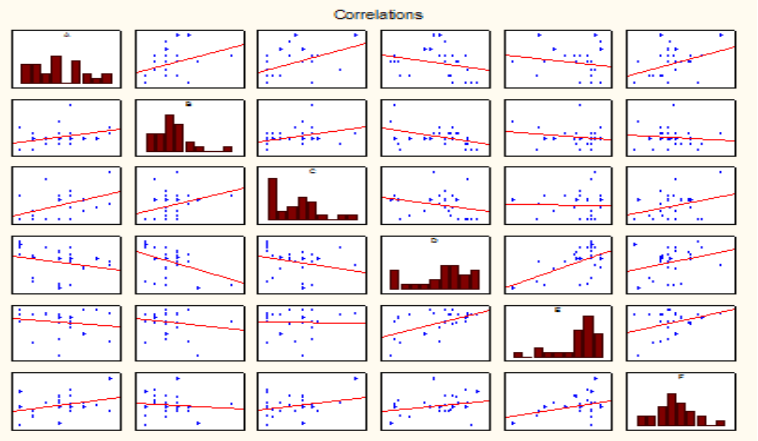


Table 3.4 presents results on the dimension of problems faced by the staff of the center. Responses of agree and a agree to a certain degree show that the most noticeable problems are the lack of space, and the inadequacy of services, followed by the lack of coordination and the lack of training. Sue these shortcomings may hinder the staff from providing adequate and effective services to abused women.

3.5 Relations between variables dimension:

Table 7 Relations between variables dimension

	Planning	Implementation	Evaluation	Service	Problems
Implementation	.34				
	p=.084				
Evaluation	.47	.36			
	p=.015	p=.070			
Service	-.25	-.40	-.26		
	p=.215	p=.043	p=.191		
Problems	-.16	-.17	-.02	.55	
	p=.420	p=.391	p=.916	p=.004	
Roles	.35	-.09	.28	.28	.35
	p=.075	p=.652	p=.152	p=.168	p=.075



Results of correlation analysis show that there is a statistically significant correlation between good planning and the good evaluation of the programs. In addition, a statistically significant correlation was found between the existence of good services and the presence of problems faced by workers. Less problems indicates good services.

3. Conclusion:

The main purpose of the present study was to evaluate the effectiveness and efficiency of the services provided to battered women in one of the Gulf States. The evaluation model used resonate the professional inventive model. Accordingly, the stages of the intervention model were evaluated including their inner steps.

In general, result show that workers in the center follow the professional model of intervention. While they follow the required model of intervention, yet, they lack in-depth tactics and strategies of direct practice. It is noticed in the literature that there is a lack of developed psychosocial and legal services, and the lack of standardized procedures and protocols to be used in centers that extend help to battered women and their children (Kaabi 2013, 2009, Sandra ,Faze 2011, Retort 2009, Kennedy 2009, Hals Fresh 2010).

Specific results of the analysis show that the most frequently used professional techniques in ascending order were Problem solving, educating the community, communication, explanation and clarification, discussions, and capacity building. This order may reflect the real needs of the cases, as seen by workers. In general, agree that they follow the major stipulated steps in their planning efforts. With higher percentage of agreement on data collection and set up of intervention goals

While in the implementation stag, results show that in general service providers adhere to the professional intervention models, the following intervention strategies are used the most, “solidarity/sympathy,’ persuasion’,’ guidance’, “planned change’, “behavior modification’, and lastly “interaction.” The tiny differences may be due to personal preferences or due to the need of the cases.

Concerning roles taken by workers, results show that workers may assume different and several roles, based on the need of their clients, and the stage of their problems, and the required intervention and its context. Therefore, they may assume one or more roles in working with cases and their families. Table 4, show the distribution of workers according the roles they assume. The mostly used role was the facilitator, and the assessor (evaluator), followed by administrative and coordinator roles.

On the issue of problems faced by workers, result show that the most noticeable problems are the lack of space, and the inadequacy of services, followed by the lack of coordination and the lack of training. Sue these shortcomings may hinder the staff from providing adequate and effective services to abused women.

Finally, results of correlation analysis show that there is a statistically significant correlation between good planning and the good evaluation of the programs. In addition, a statistically

significant correlation was found between the existence of good services and the presence of problems faced by workers. Less problems indicates good services.

4.1. Recommendations:

Domestic violence and more specifically violence against women is an unpleasant fact in almost all human societies. This fact calls for the dire need of society to combat such aggressive and detrimental behavior. There is a need for orchestrated governmental and societal efforts to respond to such a problem in a decisive and influential manner.

The most important issue to be addressed is that centers and services established to serve battered women need to be will equipped with qualified workers and the means to facilitate their work. Well-established protocols and standards of intervention need to be in place, and workers should be highly qualified to carry out those interventions. Staff also need to be more frequently trained on their direct work and to acquire knowledge and skills for better and more effective interventions.

Society should be educated on the issue of domestic violence, and family members should be trained for civil behaviorism to solve their conflicts. We suggest that issues of family and married life to be taught to students at high school and university level. Educating society at large may include the disseminate of the culture of human rights especially women and children's rights, attention to economic policy aimed at eliminating the feminization of poverty, criminalization of violence against women and to issue and activate the laws that protect women's rights.

On the scientific part, more research is need on domestic violence and on the services provided for victims of it.

5. References:

Books:

Azawad S. Amal, (2009). *Violence against women in the health sector*, Oman, Dar Yazouri scientific publication and distribution.

Millender Audrey, (1996).*Rethinking Domestic Violence*, London, Rout Ledge, PP. 83-89

Azawad, H., (2010).*domestic violence, the Conference is not a culture of violence against women, Women Against Violence*, the Royal Cultural Center in Amman, Jordan.

Wahhabi Abdul Ali, (1984).*Human Element in production management, Cairo, Ain Shams library*.

Bizana, (2004). *Domestic violence*, Dar treasures of Jordan.

Brahmin Nasser, (2015): *women and violence in Algerian society sociological analysis kohl, its causes, social Tmthelath in Algeria*, PhD thesis, Faculty of Arts and Humanities, social, Baja University

Ceria Philips. (1994): *Evaluating Health and Social Care*, London, Macmillan Press.

Saharan M. Kamal. (2010): *psychological violence for women working in the city of Baghdad*, Arts Magazine, No. 107. Baghdad.

Hals& French. (2009).*To break the silence circles the impact of laws and discriminatory* practices in women and to

Rafiq S .Hamoud (1997): *Egyptian women problems of the present and future challenges,* 1st Floor, Cairo, Dar

Assess the progress made in gender equality in Jordan of violence against women as a case

Study, Amman. Secretary, pp. (97).

Widodo M. Abdel, (2013): *domestic violence against Egyptian women,* a field study in the center of the city,

Enamel, founder of thought and creativity, Jordon.

Ramsey Nahia and Sultan Adel (2005). *Visions of the elite and the public*, Cairo, Health and Environment

Development Association technical and institutional support to non-governmental

Organizations to implement and document Beijing - the focus of violence against Lambro-

Under the auspices of UNICEF.

Payne Malcolm (2005), Modern Social Work Theory, London, Palgrave.

Nasser et al. (1998): *The violence against women in Jordanian society,* the demographic characteristics of victims and offenders, Oman, the United Nations Development Fund for Women, Regional Office for the Eastern Mediterranean.

Articles:

Al-Kaabi Ibrahim, (2013): *"societal factors to domestic violence in the Qatari society,"* Journal of the University of

Damascus Acid 29-, (P. 287)

Al-Zawahiri H. Abeer. (2011): *The Role of a proposal for a specialist community service in alleviating the problem*

of domestic violence in the rural community, the Journal of Social Work Studies, GS

AL-Ghanim A. Kaltham. (2007): *Violence against Lambro- survey on the students of Qatar University* (Qatar, the

Supreme Council for Family Affairs).

Hassan H. Atef, (2011), *psychological and social needs of battered women in the city of Amman,* message

Master has unpublished, University of Jordan, what, Jordan.

Adel Redroot. (2009). *To protect the family and effectiveness of management systems programs in changing*

Families that exercised violence with her children in Jordan situations, unpublished PhD

Thesis, University of Jordan, Amman, Jordan.

Hammed I. Hiba. (2013): *the awareness of ways the face of the multiple forms of violence in a sample of high-*

College students in Jordan, Journal of the Islamic University of Educational and

Psychological Studies, atheist Twenty-folder, first edition, (p. 503-536).

Herrera, M. Carmen. (2012), *Negative Reactions of men to the loss power in gender relation: Lithe seven European*

Journal of Psychology applied to legal context, vol.4. Issue (1), pp, 17-42

Striped Sohaila. (2012*): For an effective strategy in the face of social violence*, Journal of Human Social Sciences, Volume VIII.

Kennedy Kaiser. (2009): *Schematic depicting the face of violence against wives*, Journal of Social and Human.

Martin L. Sandra et el (2009): *"Primary Prevention of violence Against Women: Training needs of Violence PR actioners*, violence against women, published online NOV.12 .

Lee Ann Hoff et el. (2010). *Violence and Abuse issues: Cross-Cultural perspectives for health and social Services, London, Rutledge*.

Conference:

Faze Khaled. (2011): *the use of model development programs and community links to help non-governmental Organizations to the reduction of violence against wives*, Fourth International Scientific Conference 20 Social Service, Helena.

Other materials:

The General Assembly of the United Nations. (1993) Universal Declaration on the Elimination of Violence against Women, Report of the Third Committee (629 b / a (Resolution 48-104

United Nationals Population Fund (2005), Rights into: UNFPA Implements Human Rights-Based Approach, p.24

General Assembly (2003), the United Nations, the Secretary-General: in-depth study on all forms of violence against women.

United Nations General Assembly, the Secretary-General, (2006): The in-depth study on all forms of violence against women, sixty-first session, Item 60 (a) of the provisional agenda, (p. 13) .s WHO Report 2013: Global and regional estimates of violence towards women.

History and Characteristics of Presidential System Debates in Turkey

Sayan Shilmambetov

1. Introduction

Turkey is a self-sufficient state with a rich history and surrounded with four seas. But without delving into the geographical status of Turkey, we will first review the history of presidential system which is our main topic in this article.

The origin of presidential system reaches back to the constitution of the United States which is accepted in 1787. There are three variations of this system: presidency, semi-presidency and elected presidency. Presidential system is used by U.S.A. as well as many Latin American countries such as Venezuela, Costa Rika, Colombia and Chile. In this system, almost all executive power is concentrated on the hand of the president (Beceren &Kalağan, 2007).

Before moving further into the presidential system, we should first talk about who the president is and what his/her powers are. President is the "head of state" and represents the unity of the nation. He/she is responsible of the harmonious and orderly working of the governmental bodies, conducting general policy and upholding the constitution. As the head of the state, he/she either approves or rejects draft laws. He/she is the commander-in-chief. He/she commissions and decommissions high-level government executives. Ministers are appointed and removed by him/her and they are responsible to him/her. These are the main characteristics of the presidential system. Presidential system is usually adopted by developed countries and provides quick decision making. After all the word president means the one who sits in front (lat. Praesidens) (Wikipedia).

U.S.A. is governed by a "presidential system". The term "president" is first used for the head of state in French fifth republic. Head of states are named as "presidents" in Latin America, Africa and Asia regardless of whether they are democratically elected or not (Ataöv, 2011).

2. Method

This study is generally qualitative and used books, articles and journal news published on the subject. References are obtained after a source review. Statements, speeches and declarations of leaders are analyzed. In this study, we generally followed the historical progress analysis. We examined the periodical development of the presidential system in Turkey with a special focus on the novel characteristics of the country.

3. Findings

We can easily claim that the most needed political commodity in the 2000's is political stability. Although there are many reasons behind this fact, main ones are the need to establish and maintain economic and social stability. Thus one of the topics of the Turkish political agenda have been the presidential system for three decades in Turkey. We deemed necessary to review the near political history of Turkey in order to determine whether the presidential system is appropriate for Turkey or not. From the foundation of the country in 1923 to 2014, 91 years in total, 62 governments were established. In other words, average life expectancy of a government in Turkey is only 18 months.

During the one-party period between 1923 and 1946, 23 years total, 14 governments were established; hence average life expectancy was 19.5 months. During political instability periods (1960-1965, 1971-1983, 1991, and 2002), 27 governments were established in 28 years and average life expectancy was 12 months. During relatively stable periods (1950-1960, 1965-1971, 1991-2002), 17 governments were established in 36 years and average life expectancy was 25 months.

These data clearly show governments can live 2 years at most even during the politically stable periods. It is not easy to establish stability is such a country. And this picture can be interpreted as the failure of the parliamentary system.

An important feature of the presidential system is its compatibility with the Turkish state tradition.

There are generally two variants of the presidential system implemented throughout the world. Some countries such as France have both the president as the head of state and the prime minister. Executive powers are shared between these two. But the president has the final say. But some countries such as USA have a president who uses the executive powers almost exclusively.

A presidential system compatible with the conditions of Turkey could facilitate decision making regarding internal and international politics, therefore help solving the social problems and positively affect the power of country.

4. Discussion

Turkish politics recently has become an arena for presidential debates. Thus wewill continue with the historical development of presidential tendencies in Turkey.Therefore we divided this analysis into four sub-sections.

- First sub-section: Definition and origins of the presidential system
- Second sub-section: One-party period in Turkey
- Third sub-section: Multi-party period in Turkey
- Fourth sub-section: Democratically Elected President period in Turkey

4.1. Definition and origins of the presidential system

In today’s world, there is 5 different government types. These are presidential system, semi-presidential system, parliamentary system, monarchical systems, one-party systems and other systems.In this article, we will concentrate to presidential system.

Presidential system is characterized by the “hard” separation of powers.Executive organ consists of only one person, and this person is the president. President is directly elected by the people for a predetermined period and he/she cannot be removed from duty before this period ends. The president has constitutional immunity against the legislative power, thus cannot be removed from duty by motion of non-confidence. Accordingly, legislative power cannot be decommissioned by the president. Hencein the presidential system, executive and legislative powers cannot end each other’s legal existences. In the presidential system, same person cannot take office both is legislative and executive branches. The most widely known example of the presidential system is the U.S.A (Gözler, 2000).

Presidential system is defined as a system in which the president, as the head of both legislative and executive branches, is elected by the people for a predetermined period and cannot be removed by the legislative branch, as well as the legislative branch cannot be removed by the president (Onar, 2005).

Presidential system is first developed in the United States and continued its existence up today. Many other country adopted and used this system. Presidential system is first adopted by the United States constitution in 1787. This constitution is the oldest written constitution alive. Contrary to parliamentary system, this systemis not a product of a historical development. It is created in 1787 after the deliberations and debated of the Constituent Assembly, which is assembled in Philadelphia (Kuzu, 1997).

Some claim that this system is first used by the ancestors of Turks. They claim that the political structure of Asia Hun State founded in the 3rd century B.C. was presidential.Of course the authority in Asia Hun State cannot be taken as the basis of this system. Indeed, presidential system emerged in the aforementioned country.

The status of presidents in the Turkish political structure can be divided into three periods. These are one-party period, multi-party period and democratically elected president period.

4.2. One-Party Perion in Turkish Political System

Modern political party system is first introduced to Turkey with the fundamental amendments made in 1909 to Ottoman Basic Law of 1876 (Kanun-u Esasi). Many new party is established in this period. Many different political parties are established including Union and Progress Party (İttihatveTerakkiFırkası), Liberal Patriotic Party (MutedilHürriyetperveranFırkası), Ottoman Democratic Party (OsmanlıDemokratFırkası), People's Party (AhaliFırkası), Liberty Party (AhrarFırkası) and Ottoman Socialist Party (OsmanlıSosyalistFırkası). And elections are performed (Akşin, 2008).

Republic of Turkey inherited many things from Ottoman State including parliamentary system. Turkish president substituted Ottoman sultan. An important part of the legislative and executive powers granted to the Sultan in the Basic Law (1876) are transferred to the President in Turkish Constitution of 1924 (Bozlağan, 2015:13).

Turkish Constitution of 1921 described a hard system based on the fusion of powers and legislative supremacy. This system was softened by the amendments of 1923. This constitution lived for a very short period, yet it led to the adoption of parliamentary system by Turkey. Second article of the constitution stated "Executive power and legislative responsibility is exercised by and concentrated in the hands of the Grand National Assembly which is the sole and real representative of the nation." and this statement introduced a parliamentary legitimacy understanding. Also the third article of the constitution stated "The Turkish State is governed by the Grand National Assembly (Büyük Millet Meclisi) and its government is entitled 'the Government of Grand National Assembly' (Büyük Millet MeclisiHükûmeti)"and this led to the adoption of parliamentary system which is based on the legislative supremacy (Parla, 2002).

It is claimed that Turkish Constitution of 1924 introduced a mixed system of parliamentary government and parliamentary system. Although it presents a dual system, it cannot be defined as a mixed system. Just like the 1921 Constitution, primacy of parliament is obvious. Because the fusion of powers is adopted, functions of legislative and executive branches were not defined separately exactly (Öztürk,1999). Although these articles approximates the system to the parliamentary government system, in practice president and executive branch had primacy over the legislative branch during the one-party period.

During the presidency of Atatürk (15 years), nine governments in total took office. In other words, the average life expectancy of a government was 20 months. During the presidency of İsmetİnönü (12 years and 6 months), ten governments in total took office. So the approximate life of a government during this period was 13 months. These two examples

clearly shows that presidents were the prime element in the executive branch and governments were changing quickly.This is actually against the nature of parliamentary system.

When İsmetİnönü was declared National Chief in 1938,a presidential system debate started. A draft was adopted with unanimity and İnönü was declared as the "eternal chairman"of the party, as well as the National Chief (Karacan, 2013).

Although this attempt did not succeeded, the door for the presidential system was left ajar. After that many politicians expressed the need for the presidential system, yet serious progress began only recently.

Although Turkey was officially practicing parliamentary system during the one-party period, system was in practice was some kind of semi-presidential system with a powerful president and weak government. This idiosyncratic situation in the one-party period changed with the change of government after the 1950 elections. After that government became the main actor in the executive branch and president was forced to a marginal position. This position was continued after the 1961 Constitution (1961-1980) (Yüksel, 2014).

The most striking feature of this period is that there was only one party in the political arena. No doubt, one of the most important event in the Turkish political life and democratization history was switching to the multi-party system.

4.3. Multi-party Period in Turkey

Switching to the multi-party system opened way to further democratization and it was a revolutionary step towards the pluralism. The political life of Turkey is quite turbulent. Turkey was founded as the heir of 600 years old Empire and as a secular and modern nation. After many failed attempts and reforms during the one-party-period, Turkey finally successfully switched to the multi-party system in 1950. Many factors played role in this development including İsmet Pasha (İsmetİnönü) as a political figure, international development and changing class structure of the country (Örmeci,2011).

International system and conditions played an important part in this change. First of all, United States was the victor of the World War and therefore democratic regime was becoming widespread. Famous political scientist Samuel Huntington called this effect asthe "2nd Wave". This term denotes a change to the democratic regime as a result of the hatred against authoritarian regimes and wars. Turkey was also affected from this wave as a result of increased relation with the U.S.A. Soviet Russia's demand for land and military base in Turkish Straits after the war forced Turkey to approach to the U.S.A. This led to the fascination with the bipartite liberal democratic system of the U.S.A. (Timur, 2003).

The most important figure and maybe the champion for the Turkey's switch to the multi-party system is the President İsmetİnönü. When İsmet Pasha experienced a heavy defeat in May 14, 1950, he said "This defeat is my greatest victory". So he stated his and Atatürk's desire of full-fledged democracy for Turkey (Örmeci, 2011).

Another martyr of the nationalist movement, MuhsinYazıcıoğlu gave this statement during an interview with Young Friend (GençArdakaş) Journal in March 15, 1977: "Now it is time for Turkish nation to reach to her ancestral culture and values, and to build a stronger government utilizing her rich experiences. For this, we must adopt a presidential system. Hence a leader directly elected by the nation will be responsible against the people not to the majorityparty" (Türkone, 2005).

1961 Constitution set forth a 'Westminster type' parliamentary government system, guaranteed judicial independence and established M.G.K. (National Security Council) and Constitutional Court as the main elements of the state (Erdoğan,1996). This constitution

reinforced parliamentary system by differentiating the functions of judicial, legislative and executive branches. Executive powers are distributed between a president selected by the parliamentary and the cabinet, and checking powers are granted to legislative and executive powers. This created a fully developed parliamentary system.

But after some time, various defects of 1961 Constitution are revealed and it is believed to enfeeble the state authority. This led to system debates in late 1970's and proponents of presidential system started to increase (Sözgen, 1979).

According to 1982 Constitution, president is elected by parliamentary, not by general will. This kind of election is in accordance with the spirit of parliamentary system and in one of the most prominent characteristics differentiating it from the presidential system. When the president is elected either directly by people or by a group of presidential electors, this system is close to the presidential system by its effects and can easily be converted (Verney, 1992).

1982 Constitution contains provisions in accordance with parliamentary system, as well as provisions not in accordance with the parliamentary system and provisions approximating the system to semi-presidency. The most controversial provisions of the constitution are the ones which give extraordinary powers to a non-liable president. The president created by this constitution differs from classical parliamentary system president from various aspects. First of all, this president's powers regarding appointments to public and judicial offices are enlarged. When we considered that these acts are solely in power the president and he/she is non-liable to judicial control for these acts, we can understand the importance of these powers. Another feature of this presidency is that the president's power are widened during the state of emergency. Besides constitution includes some provisions which grant some kind of "protector of constitution" role to the president (Mümtaz, 1993).

Political system debates started gain momentum during the 1980's and these debates developed in favor of presidential system. Presidents wanted to increase their power and base their legitimacy to people. Thus they started to argue for presidential system and presented this system as a solution to the political instability in Turkey. The best implementation of the presidential system can be found in the U.S.A. The president of the U.S.A. is elected directly by the people for a determined period and a person can be elected twice in a row. After Roosevelt was elected four times in a row, a limitation was provisioned. Presidential system is based on a hard separation of powers. Powers of every branch is strictly determined. But this separation is not extremely hard. It is hard only in comparison to the classical parliamentary system (Kuzu, 1996).

Presidential system debates in Turkey is not new, in contrary they can be traced back to early 1980's. These debates sometimes cool down, yet sometimes they found a very wide arena among politicians, businessmen, academicians and journalists. New political system searches is not unique to Turkey. Yet although these debates are widespread in many countries, there are few which succeeded (Gönenç, 2005).

In order to determine if Turkey need a new government system, we must first pinpoint the origins of troubles in the current system. Turkey's current parliamentary system has a lot to criticize. Indeed when powers granted to the president are considered, it is not appropriate even to call it a parliamentary system. But we cannot call this system a semi-presidency as the president is not elected directly by the people. So it is neither a complete parliamentary system nor a complete presidential system. It is more appropriate to name this system as rationalized parliamentary system. So it is illogical to accuse government system for all problems. There are many reasons behind the political instability. Some of these are underdeveloped democracy culture in Turkey, non-existent civil society tradition, divided party system, election system, non-existent in-party democracy, and socio-cultural structure.

4.4. Democratically Elected President Period in Turkey

Turkey moved away from monarchy in 1923, and from one-party system in 1946. But parliamentary system stopped many times and caused major political and economic problems. These problems lead us to presidential and semi-presidential systems as a reasonable solution. But both systems have their pros and cons (Fendoğlu, 2012).

Although 1982 Constitution adopted the parliamentary system, powers granted to the president move the system away from the parliamentary system. Turkey's political system moved to a place between parliamentary system and semi-presidential system after the constitutional amendment in 2007. When the power attained by a president directly elected by the people, it can be easily said that the most powerful political figure in Turkey is now the president. The real parliamentary system is implemented in Turkey on 30 years between 1950 and 1980. For 27 years between 1923 and 1950, the system was some kind of semi-presidential system disguised as parliamentary system. 1982 constitution and the following amendments introduced a mixed system with some features from the parliamentary system and some features from the presidential system (Gözler, 2000).

Presidential system debates gained momentum during 1990's and some figures played an important role in this development. Both TurgutÖzaland SüleymanDemirel are political leaders who argued for the presidential system. Although these leaders are similar to each other both in terms of social base they addressed and political tradition they came from, they were very different in terms of their visions, political language and practices (İçener, 2015).

Presidential election system has changed after the 2007 referendum. Presidential debated gained momentum after the first president is elected directly by the people. We can distinguish two tendencies in these debates. According to the first view, election of the president directly by the people will distance Turkey from the parliamentary system and approximate her to the semi-presidential system. This means an implicit regime change for Turkey. The second view holds that Turkey cannot move its way with the existing system (Önder, 2014). In August 10, 2014 voters in Turkey went to ballot boxes to elect their 12th president for the first time history. RecepTayyipErdoğan won the election with a 51.79% rate and became the first elected president.

5. Conclusion

Most of the executive powers granted to the sultan by 1886 Constitution was transferred to the cabinet with 1909 amendments. By these amendments, Ottoman political system practically lost its monarchical structure and was converted to constitutional monarchy.

Political system debates that started in 1980's in Turkey showed itself as the presidential system debate. Later debates developed in favor of the semi-presidential system. The initiators of these debates have always been the presidents maybe because this system grants them wide powers to them or because of the virtues of the system itself.

When powers granted by the 1982 Constitutionto the president is considered, system practically became a semi-presidential system after the president is elected by the people. Powers granted to the president by 1982 Constitution is much larger than the powers of French presidents. So we can claim that Turkey became a semi-presidential state after the 2007 election. This is not surprising as the system is not very far from the semi-presidential system since 1982.

There are many issues related with the presidential system debates. Some of these are the election mechanism of president and parliamentary, structure of the parliamentary, term limitation for the president, legislation powers of the president, veto power, presidential decrees, and judicial independence. These issues may vary from country to country.

Since the adoption of 1982 Constitution, many politicians argued for the presidential system. But none succeeded to obtain the power to realize it. But today there is a party in Turkey which wants to introduce the presidential system and has the power to do that. Thus AKP has a great role in the recent presidential system debates.

6. References

Akşin, S. (2008). *Kısa Türkiye Tarihi*.İstanbul: Türkiye İşBankası Kültür Yayınları.

Ataöv, T. (2011). *Federasyon, Başkanlık, Yarı Başkanlık*. İstanbul: Destek Yayınevi.

Beceren, E.,&Kalağan, G. (2007). Başkanlık ve yarı-başkanlık sistemi: Türkiye'de uygulanabilirliği tartışmaları, *İstanbul Ticaret Üniversitesi Sosyal Bilimler Dergisi*, 2(Bahar), 165.

Bozlağan, R. (2015). Türk devlet geleneğinde hükümdarın cumhurbaşkanının konumu ve başkanlık sistemi. *Yerli düşünce*, 1(1), 13.

Erdoğan, M. (1996). Başkanlık sistemini doğru tartışmak. *Liberal Düşünce Dergisi*, 2 (Bahar),100.

Fendoğlu, H. T. (2012). Başkanlık sistemi. *İnönü Üniversitesi Hukuk Fakültesi Dergisi*, 2012, 3(1), 5.

Gözler, K. (2000). Türkiye'de Hükümetlere Nasıl İstikrar ve Etkinlik Kazandırılabilir?.*Türkiye Günlüğü*,62, 25-47.

İçener, Z. (2015). Türkiye'de Başkanlık Sistemi Tartışmalarının Yakın Tarihi: Özal ve Demirel'in Siyasi Mülahazaları, *Bilig* (75), 313.

Gönenç, L. (2005). *Türkiye'de hükümet sistemi değişikliği tartışmaları olanaklar ve olasılıklar üzerine bir çalışma notu*.Ankara: Türkiye Barolar Birliği Yayınları.

Karacan,B. (2013*).* Muhsin Yazıcıoğlu külliyatı.*Milat gazetesi*, 18.01.2013.

Kuzu, B. (1997). *Türkiye İçin Başkanlık Sistemi*. İstanbul: Fakülteler Matbaası.

Kuzu, B. (1996). Türkiye İçin Başkanlık Sistemi. *Liberal Düşünce Dergisi*, 2(Bahar),14.

Mümtaz, S. (1993). *100 Soruda Anayasanın Anlamı*. İstanbul: Gerçek Yayınevi.

Onar, E.(2005). *Türkiye'nin Başkanlık veya Yarı-Başkanlık Sistemine Geçmesi Düşünülmeli Midir?*. Ankara: Türkiye Barolar Birliği Yayını.

Öztürk, K. (1999). Cumhurbaşkanı ve Parlamenter Sistem. Ankara: Atila Yayıncılık, 43.

Örmeci, O. (2011). *Türkiye'de Çok Partili hayata geçiş ve karşılaşılan sorunlar*. Retrieved at October 05, 2016, from http://ydemokrat.blogspot.com.tr /2011/08/turkiyede-cok-partili-hayata-gecis-ve.html

Örmeci, O. (2011). "Türkiye'nin Çok Partili Sisteme Geçişi", Retrieved at October 05, 2016, from http://www.academia.edu /363433/_%C3%96rmeci_Ozan_2010 _T%C3%BCrkiye_nin_%C3%87ok_Partili_Sisteme_Ge%C3%A7i%C5%9Fi_Caspian_Weekly

Önder, T. (2014). Cumhurbaşkanlığı Seçiminin Anlamı, Retrieved at October 05, 2016, from http://www.sabah.com.tr/yazarlar/perspektif/tuncayonder/2014/07/05/

Sözgen, I. (1976). Başkanlık Sistemi ve Türkiye. *Türkiye İktisat Gazetesi*,1 Kasım 1979, 115-116.

Parla, T. (2002). Türkiye'de Anayasalar. İstanbul: İletişim Yayınları, 2002.

Timur, T. (2003).Türkiye'de Çok Partili Hayata Geçiş, Ankara: İmge Kitabevi.

Türkone, A. (2005). Tarihi süreçte başkanlık sistemi. *Yerli Düşünce Dergisi*, April 18, 2015, 5.

Verney, V. D. (1992) ParliamentaryGovernmentAndPresidentialGovernment. InLijphart, A. (ed.), *ParliamentaryversusPresidentialGovernment,* Oxford: Oxford UniversityPress.

Yüksel, C. (2014). *Türkiye'nin Gelecek Siyasi Sistem Tercihi: Parlamenter, Yarı Başkanlık Sistemi*. Retrieved at October 05, 2016, from http://www.yasader.org/web/yasama_dergisi/2013/sayi25/38-70.pdf.

Wikipedia, Retrieved at October 05, 2016, from https://tr.wikipedia.org/wiki/cumhurbaşkan.

Does The Response Of The Top Level Management To Organizational Culture Affect Financial Performance?

Korhan Arun, Canan Koçer

1. Introduction

Leadership and culture are two sides of the same coin and in this context, leaders, represent organizational values and beliefs (Schein, 2004:1-2; Varol, 1989: 202). According to Hambrick (2007) top managers have an impact upon organizational performance and strategy per experiences and values. In addition to that, Ting et al. (2015) point out the relationship between educational level, seniority and financial leverage. As said by Yukl (2009: 491- 304), leaders affect organizational performance directly and organizational culture indirectly by shared values, vision, attention, model behavior and the reaction at crisis period. Due to the statement explained above, this research examines the relationship between top manager's management culture and organizational culture. As well, it aims to determine the relation between organizational performance and organizational culture. For this purpose; Clan, Collectivist, Adhocracy, Bureaucracy and Hierarchical Cultures were identified as organizational culture types in the light of former research in Turkey (Yeloğlu, 2011: 168; Öney- Yazıcı et. al, 2007; Hofstede, 1984; Trompenaars and Hampden-Turner, 1998; Rata et al., 2014).

In this direction, variance in organizational performance by effect of leader to the organizational culture is examined. So the survey was filled by the top managers who was at the coalface in Europen Free Zone in Çorlu. Research results indicated that leader's management culture correlated with organizational culture and organizational culture also had an impact on financial performance of organization.

2. The Relationship Between CEO, Organizational Culture and Financial Performancez

Organizational culture is a central topic what consist of physical components and non-physical components (value, sense, belief, ceremoni, myth, mores, ideology, hero, stories, etc.) (Smircich,1983; Pettrigrew 1979; Meek, 1988; Gordon, 1991; Kolodziejski et.al, 2015). With this characteristic, organizational culture increases organizational income and in this way influences financial performance. And cultures with capability of adaptation are directly associated with income growth (O'reilly, et al. 2014: 28; Yalçın & Bayram, 2014:128).

Leader is a person who determines organizational mission, goal and vision and in this way creates suitable strategy to orientation and form the organizational structure (Ülgen & Mirze 2010:411; Tütüncü & Kiremitçi, 2010: 940). At the same time leader is a represent of core values and beliefs that constitute organizational culture's background (Varol 1989: 202). Leader takes an active role in formation of organizational culture (Schein, 2004; Pettigrew; 1979: 574). To sum up, the scope of research Chief Executive Officer- CEO as a leader is a top manager who is active in administration and takes responsibility of organizasion's internal and external affairs (Koçel, 2015: 228). Organizational culture acts as a social control system through the instrument of CEO and CEO creates organizational strategies what have an impact on financial performance and competitive advantage (O'Reilly, vd., 2014: 615-617; Scholz, 1987: 85). In brief organizational culture and leadership are two important source of financial performance and corporate success (Öztop, 2008:106).

3. Research Methodology

In this part of the paper, research methodology, sample size and research model will be represented.

3.1. Research Objective, Scope and Limitations

This research's objective is determining the effect of top manager's management culture to organizational culture which is most important factor to firms' organizational structure. And also the sub aim was analyzing the effect of top manager's management culture to the financial performance which is a most important factor to form organizational structure by organizational culture.

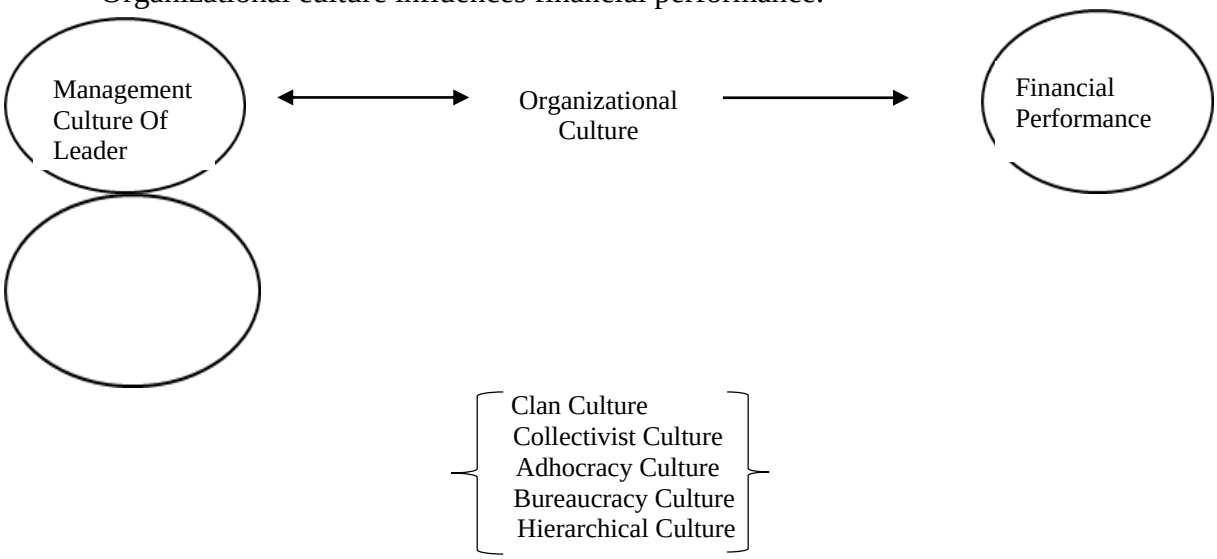
First step was measuring perception of leader about organizational culture. At the same time another step was determining the relationship between leader's decisions and organizational culture types. For this purpose, Clan, Collectivist, Adhocracy, Bureaucracy and Hierarchical culture were regarded as organizational culture types in the light of former research in Turkey.

In this research top manager's point of view for administrative and operational working displayed. By this way it is enabled to see the big picture of what formed the organizational culture. Present study contributed organizational behavior science while examining the effect of leader to form organizational culture types and reflection of this to the financial performance. Therefore, this study was made European Free Zone in Çorlu/ Tekirdağ.

3.2. Research Model and <u>Assumptions</u>

As seen below, this research's assumptions are;

- There is a relationship between organizational culture types and leader's different management culture types
- Organizational culture influences financial performance.



3.3. Research Population, Sample and Method

Data collection method was a survey. While preparing a questionnaire Likert Scale was used in the form of "strongly disagree, disagree, neither agree nor disagree, agree, strongly agree".

The questionnaire was composed of demographic questions and three scales as top manager's executive decisions, organizational culture and financial performance. Also, organizational culture had a five dimensions which are Collectivist, Adhocracy, Bureaucracy, Hierarchy and Clan Culture. While questionnaire was constituted, Altunay's survey (2006) about organizational culture, Acaray et. al. (2015) and Öztürk (2010)'s survey about leadership and also literature was utilized. Research population comprised of 137 firms in European Free Zone in Çorlu. European Free Zone's official opening was in 2003. This establishment has most of advantage such high level trading volume, tax immunity to investor, free profit transfer, free circulation of products in European Union Countries. Also European Free Zone creates the most suitable environment to investor with all kinds of infrastructure services. The first reason of selecting European Free Zone for research is this area's unique structure. Another reason is an assumption of that international firms carry out executive activities and top manager's decisions clearly.

This study grounded on convenience sampling method. This method's specialty was incorporating everybody who was accessible for answering the survey (Altunışık, et. al, 2010: 140). The sample size was also identified as 58 firms, according to 90 percent confidence interval of 137 firms (Israel, 2013). Because of most of firm's managerial staff wasn't this area and warehouse operations was common in the zone, the sample size wasn't accessible enough for this survey. For this research, Chief Executive Officer (CEO), Chief Operating Officer (COO) and C-Level Officers that operating organizational activity were discussed. Accordingly, 90 questionnaires were distributed to these firms, but only 49 questionnaire turned back. So rate of return was 54 percent. Consequently, after most of meetings with top managers in the European Free Zone, 49 questionnaires were applied on 36 firms. Two questionnaires are invalid because of a participant's position and the second one had a lot of empty answers. So the second survey's demographic findings are valid only. Totally, analyze completed with 47 questionnaires. These data were analyzed with Statistical Package for the Social Science (SPSS) 18.0 packaged software. While analyzing surveys, Frequency Allocation, Spearman Rho and Friedman test were used as a statistical method.

3.4. Findings

When demographic findings were utilized;

Table 1. Descriptive Statistics of the Demographic Variables

DEMOGRAPHICS		Descriptive Statistics	%
GENDER	Male	40	83.3
	Female	8	16.7
AGE GROUP	25 and under	1	2.1
	26-30	1	2.1

	31-35	11	22.9
	36-40	11	22.9
	41-45	14	29.2
	46-50	7	14.6
	51 +	3	6.3
EDUCATION	Turkey	40	83.3
	Foreign country	8	16.7
FOREIGN LANGUAGE	English	45	80.4
	French	4	7.1
	German	6	10.7
	Spanish	1	1.8
FULL OPERATING TIME	Under 3 Year	1	2.1
	3-6	3	6.3
	7-10	5	10.4
	11-14	11	22.9
	12-14	8	16.7
	15-18	19	39.6
	19 +	1	2.1
OPERATION TIME IN LAST WORKPLACE	Under 3 Year	12	25.0
	3-5	8	16.7
	6-8	10	20.8
	9-11	7	14.6
	12-14	4	8.3
	15-17	4	8.3
	18-20	1	2.1
	21 +	2	4.2
CAPITAL STRUCTURE	National Capital	19	39.6
	Foreign Capital	26	54.2

Foreign Partners	3	6.3

According to a study 80, 3 percent of survey participants were male. Also 29,2 % of the participant's age were between 41 years and 45 years. 80, 3 percent of top managers completed the education in Turkey and % 80, 4 of them got knowledge of English. Most of the participants (%39, 6) had a 15-18 years of work experience. Furthermore, 25 percent of top managers were active in their last working place. During the research, one questionnaire had a lot of empty answers in scale and it was used only for demographic findings. Succinctly, in this study, data of 47 participants' answers were analyzed.

Table 2. Correlation Between Organizational Culture and Leadership

			Collectivist Culture	**Adhocracy Culture**	**Bureaucracy Culture**	**Clan Culture**	**Hierarchical Culture**
Spearman's rho	**Collectivist Culture**	r	1.000				
		p		.			
	Adhocracy Culture	r	**.638****	1.000			
		p	.000	.			
	Bureaucracy Culture	r	.281	.270	1.000		
		p	.053	.064	.		
	Clan Culture	r	.297*	.306*	.137	1.000	
		p	.043	.037	.360	.	
	Hierarchical Culture	r	-.149	.077	.190	.106	1.000
		p	.316	.605	.201	.480	.
	Clan Leadership	r	**.357***	.200	.136	.474**	.398**
		p	.014	.177	.363	.001	.006
	Adhocracy Leadership	r	**.430****	**.406****	.216	.099	.199
		P	.003	.005	.145	.506	.180
	Hierarchical Leadership	r	.207	**.297***	**.439****	**.363***	**.554****
		p	.163	.043	.002	.012	.000
	Collectivist Leadership	r	**.542****	**.463****	.116	.242	.060
		p	.000	.001	.437	.101	.689
	Bureaucracy Leadership	r	.246	.232	**.384****	.225	**.584****
		p	.096	.116	.008	.129	.000

** Al values are meaningful in level of < 0.05
r = correlation coefficient
p= significance level

In this research Spearman Rho, giving a nonparametric correlation coefficient, was used because of a limited number of samples. In this direction results of the analysis appeared above. Pursuant to Spearman Rho test, there was a statistically significant and positive relation between adhocracy culture and collectivist culture (r=0, 638 > 0). Also, there was a statistically significant (p= 0,014< 0.05) and positive (r= 0,357>0) relationship between top managers who had a clan administrative mentality and a collectivist culture. At the same time clan administrative mentality and a perceived organizational culture by top managers matched up with each other (0, 001<0.05 and r= 0,474). Besides, leader who perceived collectivist culture in an organization had a collectivist management culture (0,000<0.05 and r=0,542) or adhocracy administrative mentality (0,003<0.05 and r= 0,430). In the adhocracy culture environment, top managers acted upon collectivist (0,001<0.05 and r= 0,463) and adhocracy (0,005<0.05 and r= 0, 406) administrative mentality. But hierarchical management culture seen in adhocracy culture environment came in attention too (0,043<0.05 and r= 0.297).

As it was expected, top managers adopted hierarchical management culture (0,002<0.05 and r= 0,439) and bureaucratic management culture (0,008<0.05 and r= 0.384) in bureaucratic organizational culture. Also there was a correlation between clan organizational culture and clan management culture (0,001<0.05 and r= 0,474) and hierarchical management culture (0,012<0.05 and r= 0,363). As for hierarchical culture, top managers had an understanding of bureaucratic leadership (0,000<0.05 and r=0,584), hierarchical leadership (0,000<0.05 and r= 0, 554) and clan leadership (0,006< 0.05 and r= 0. 398).

Table 3. Friedman Test Results

	Mean Rank	Chi square	df	Asymp. Sig.
Collectivist Culture	4.27	42.568	5	.000
Adhocracy Culture	3.78	42.568	5	.000
Bureaucracy Culture	2.78	42.568	5	.000
Clan Culture	3.54	42.568	5	.000
Hierarchy Culture	2.37	42.568	5	.000
Financial Performance	4.27	42.568	5	.000
N=47				

Due to insufficient sample, Friedman test was used instead of parametric assumptions to determine the effect of organizational culture type on financial performance (Table 3). There was a difference among organizational culture types in respect to effect financial performance (p= 0,000 < 0, 05). So collectivist culture type had more effect on financial performance.

4. Discussion and Conclusion

According to the scope of the research, survey was done with textile, machinery, automotive, cosmetic, technology and plastic sectors in the European Free Zone in Çorlu. Survey results indicated that most of the participants (% 39, 6) had a 15-18 years of experience. 41, 7 percent of participants were working about 1-5 years in last firm.

Result of analyses were showed that: leaders enhanced clan management culture in firms which had a collectivist organizational culture. Clan management culture was based on unity and solidarity and undertake a protectionist duty in these firms. With this, seeing the clan management culture in firms that had a clan culture indicated how top managers adopt the firm. In collectivist cultural structure, leaders exhibited behavior suited with clan and collectivist administrative culture. Research has shown that collectivist culture leaded social activities and attended to organizational process. In this cultural type top managers supported adhocracy culture what aimed continuous development and entrepreneurship. Clan cultural type was related to hierarchical culture what aimed continuous surveillance and limited area of activity. Also to encounter with hierarchical culture in Adhocracy culture type indicated discrepancy. Because a contradiction between perceived organizational culture and administrative culture showed the level of accommodativeness. The most important thing was increasing organizational performance via compatible decision agreeable to organizational culture.

In today’s competitive business world, financial performance for sustainability is so important. The results of this research indicate that collectivist cultural structure with cooperation and teamwork has a strong effect on financial performance. Starting from this, it can be said that if organizations solve communication problems between top management and employees and top management care to employees` ideas, financial performance will increase.

This research studies only relation between organizational culture and top managers` administrative culture. It doesn't examine attitude of employees to organizational culture. In future researches, analyzing top management culture and determining how employees evaluate the available organizational culture are so important. Because it provides to analyze expectation of employees from organizations properly and so top managers can take administrative decision according to cultural structure of organization.

5. References

Acaray, A., Çekmecelioğlu- Gündüz., H., Akturan, A. (2015). Örgüt kültürü ile örgütsel sessizlik arasındaki ilişkinin incelenmesi [The analysis of the relationship between organizational culture and organizational silence]. *International Journal of Social Science,* 32: 139-157.

Altunay, Ö. (2006). *Örgüt yapısındaki değişimlerin örgüt kültürü üzerindeki etkilerinin belirlenmesine yönelik bir araştırma* [*A research about assigning the effects of the changes in the structure of the organization on its culture]*. (Unpublished master thesis). Dumlupınar University, Turkey.

Altunışık, R., Coşkun, R., Bayraktaroğlu, S., Yıldırım, E. (2010). *Sosyal bilimlerde araştırma yöntemleri [Research methods in social science] 6.* Sakarya: Sakarya Yayıncılık

Gordon, G. (1991). Industry determinants of organizational culture. *The Academy of Management Review,* 16 (2): 396- 415.

Hambrick, D. C. (2007). Upper echelons theory: An update. *The Academy of Management Review*, 32 (2): 334-343.

Hofstede, G. (1984). *Culture's consequences: international differences in work related values*. (Abridged Edition), Newbury Park: Sage Publications.

Israel, G. D. (1992). Determining sample size, *University of Florida Cooperative Extension Service, Institute of Food and Agriculture Sciences, IFAS Extension.* PEOD6, Reviewed 2013.

Koçel, T. (2015). *İşletme yöneticiliği* [*Business administration]*. İstanbul: Beta Yayınları.

Kolodziejski, M., Icbay, M. A., & Arslan, H. (2015). *Contemporary issues in cultural studies*. Mannheim: Ehrmanm Verlag.

Meek, V. L. (1988). Organizational culture: Origins and weaknesses. *Organizational Studies,* 9 (4): 453-473.

O'Reilly, C. A., Caldwell, D.F., Chatman, J.A. and Doerr, B. (2014). The Promise and problems of organizational culture: CEO personality, culture, and firm performance. *Group & Organization Management*, 39 (6): 595-625.

Öney-Yazici, E., Giritli, H., Oraz-Topçu, G. and Acar, E. (2007). Organizational culture: The case of Turkish construction industry engineering. *Engineering, Construction and Architectural Management*, 14 (6): 519–531.

Öztop, İ. (2008). *Liderlik tarzları ve örgüt kültürü tipleri arasındaki ilişki ve bu ilişkinin nitel performans üzerine etkileri [The relationship between leadership styles and culture styles and the impact of this relationship on the qualitative performance]*. (Unpublished master thesis). Gebze Technical University, Turkey.

Öztürk, F. (2010). *Örgüt kültürünün rekabetçi değerler modeli açısından analizi [An analysis of organizational culture based on the competing values framework]*. (Unpublished master thesis).Abant İzzet Baysal University, Turkey.

Pettigrew, A. M. (1979). On studying organizational cultures. *Administrative Science Quarterly*, 24 (4): 570-581.

Rata, G., Arslan, H., Runcan, P., & Akdemir, A. (Eds.) (2014). *Interdisciplinary perspectives on social sciences.* Cambridge: Cambridge Scholars Publishing.

Schein, E. H. (2004). *Organizational culture and leadership.* San Francisco: Jossey-Bass.

Scholz, C. (1987). Corporate culture and strategy-The problem of strategic fit. *Long Range Planning*, 20 (4): 78-87.

Smireich, L. (1983). Organizational culture and organizational analysis. *Administrative Science Quarterly*, 28 (3): 339-358.

Ting, I. W. K., Azizan, N. A. B. ; Kweha, Q. L. (2015). Upper echelon theory revisited: The relationship between CEO personal characteristics and financial leverage decision. *Procedia - Social and Behavioral Sciences,* 195: 686 - 694.

Trompenaars, F., & Hampden-Turner, C. (1998). *Riding the waves of culture: Understanding cultural diversity in global business.* New York: McGraw- Hill.

Tütüncü, Ö., Kiremitçi, İ. (2010). Rekreasyon işletmelerinde örgüt iklimi ve örgüt ikliminin işten ayrılma eğilimine etkisi. [Organizational climate and the influence of organizational climate to turnover intention at recreational firms] *l. Disiplinlerarası Turizm Araştırmaları Kongresi Bildirileri Kitabı [Interdisciplinary Tourism Research Conference]*. Nevşehir: 930-941.

Ülgen, H., Mirze, S. K., (2010). *İşletmelerde stratejik yönetim [Strategic management in business]*. İstanbul: Beta Yayıncılık.

Varol, M. (1989). Örgüt kültürü ve örgüt iklimi [Organizational culture and organizational climate]. *Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi [Ankara University Journal of the Faculty of Political Sciences]*, 44 (1-2): 195-222.

Yalçın, İ., Bayram, A. (2014). Örgüt kültürünün kurumsal itibara etkilerinin tespit edilmesine yönelik bir araştırma [A Research: The effect of organizational culture on institutional reputation]. *Selçuk Üniversitesi İİBF Sosyal ve Ekonomik Araştırmalar Dergisi* [*The Journal of Social and Economic Research]:*105-133.

Yeloğlu, H. O. (2011). Türk toplumsal kültürünün örgüt yapılarına olan etkilerinin belirlenmesine yönelik bir çalışma [A Study on determinig Turkish national culture's effects on organizational structures]. *ODÜ Sosyal Bilimler Enstitüsü Sosyal Bilimler Araştırmaları Dergisi[The Journal Of Social Sciences Researches]*, 2 (4): 153- 170.

Yukl, G. (2009). *Leadership in organization.* New Jersey: Pearson Higher Education.

Corporate Wisdom and Reporting Based On Informal Knowledge*

Ali Alagöz, Metehan Ortakarpuz

1. Introduction

Recently, the wisdom notion which is kneaded knowledge with intellect, experience, intuition and judiciary seated on the top rung of data, information, knowledge hierarchy.
This new concept taken in knowledge field has brought a different perspective to the knowledge management. Wisdom integrated with knowledge management provides to use data, information and knowledge by passing through the mind filter, personal experiences, perceptions, intuitions, emotions, values, liabilities and innate similar capabilities and thus, to manage decision-making, planning, comparison, evaluation, analysis, prediction, diagnosis and such business applications and processes effectively.

Although wisdom is a personal skill gained through experience and thinking, it is possible to shape at the institutional dimension. In this perspective, corportate wisdom concept which expresses the status of being wise of institution has been replaced above the knowledge mnagement in the literature as a new understanding gives knowledge assessment, judgment and foresight capabilities to the business. It is targeted to reach optimum knowledge management by imparting transformational leadership, corporate culture and structure, knowledge transfer, learning organization and organizational learning, corporate democracy, corporate sustainability, corporate innovativeness and change such skills with the corporate wisdom understanding.

In accordance with the decision makers requirements, by using information technology infrastructure establishing corporate wisdom understanding has become a necessity to produce more efficiently and qualified information, to gain time, speed, high communication and flexibility in the information production, to benefit from experience, skills, education, social environment, predictions and such personal characteristics of employees. As well as formal information and resources, obtained by revealing the organization's tacit knowledge and infrastructure that produced the report based on informal information is one of the objectives of corporate wisdom.

2. Corporate Wisdom

Corporate wisdom expresses to give rational response for unexpected situations, manage existing and new knowledge, exhibit better, moral and represent behaviors against all stakeholders of institution (Kaygısız ve Çağlıyan, 2014: 228). Corporate wisdom is the sum of individual information and sharing, integrating and using it for strategic action in institutional framework, culture, leadership and such social processes. (Kessler, 2006: 297). Corporate wisdom is very important organizational resources accumulated with experiences and added with daily learners in the workplace (Karakoca, 2007: 25). However transactions related with natural activities of organization are not a source of inspiration for decision-makers, corporate wisdom finds connections with each of these transactions in time finding and develop by observing changes (Thierauf and Hoctor, 2006: 5). Wisdom requires the intuitive ability, born of experience, to look beyond the apparent situation to recognize exceptional factors and anticipate unusual outcomes (Thierauf, 1999: 9). In fact, this is also one of the destination targeted by corporate wisdom. It is predicting things in future from today and taking decisions that will provide optimum benefit. Corporate wisdom is not only an umbrella which brings information together as a shape of optimization and business intelligence, but also is a concept

which provides ways to help decision-makers in reaching optimal and wise decisions (Thierauf ve Hoctor, 2006: 10).

2.1. Components of Corporate Wisdom Understanding

Corporate wisdom is considered institutional dimension of individual wisdom and optimum knowledge management. Also in both perspectives, development of knowledge management and establishment of appropriate structures to the wisdom understanding in organization is required for corporate wisdom level will be reached. Starting from definitions in the literature, can be make an inferences about corporate wisdom understanding as follows.

Bierly et al (2000) have mentioned from three basic concepts as transformational leadership, organizational culture and structure, knowldege transfer and revealed in detail their effects to the corporate wisdom. Hays (2007) has stated the direction of wise thoughts and actions as center of work ethic, sustainability, transformational leadership, corporate citizenship and social responsibility, democratization of the workplace and such burgeoning disciplines. Spiller (2011) has pointed that the existence of wisdom with spirituality, culture, social and environmental interactions. Limas (2004) has argued that the presence of corporate wisdom affects positively the organization's ethical environment, corporate citizenship, corporate loyalty, flexibility and ameliorations.Intezar and Pauleen (2014) have intersected epistemological, moral and practical virtues with knowledge management in line with corporate wisdom. Thierauf and Hoctor (2006), Gupta (2003), Chong and Choi (2006) have indicated the importance of organizational learning and learning organization concepts in the knowledge creation and distribution based on knowledge management process. Popadiuk and Choo (2006), Karakoca (2007), have highlighted the necessity of innovation and adapting to change issues for optimal knowledge. Related with the employee participation is a matter that can not be ignored and considered as a one of the effective knowledge management key, Ryan and Prybuyo (2001), Moffett et al (2003), Çağlıyan and Kaygısız (2014), Davenport et al (1998) have made overlap studies with corporate wisdom. If all these studies and common opinions synthesized, the basic concepts constituent corporate wisdom can be listed as *"transformational leadership", "corporate culture and structure", "knowledge transfer", "learning organization and organizational learning", "corporate democracy", "corporate sustainability", "corporate innovation and change",* shown in figure 1.

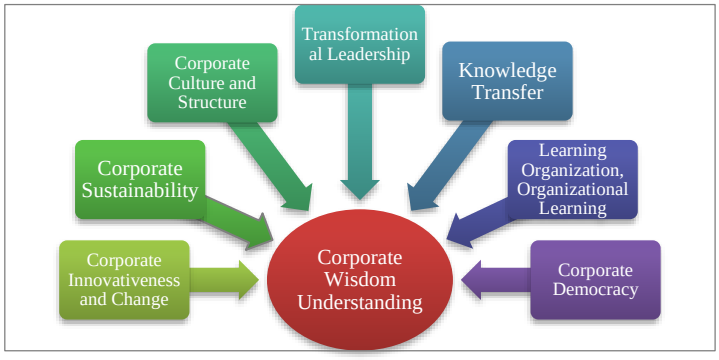


Figure 1: Components of Corporate Wisdom Understanding

2.1.1. Transformational Leadership

According to the understanding of transformational leadership, leader changes needs and values of viewers. Transformational leader is someone who realize change and renewal in organization reached the organisation outstanding performance.

According to Bennis (1989), transformational leadership is the authorizing and strengthening viewers and the ability to convert distributed authority and power to action unity to realize the vision (Erçetin, 2000: 60). According to Bass (1990) there is four components of transformational leadership (Bierly vd., 2000: 610):

1. *Charisma;* provides vision and mission sense, instills pride and gives respect and trust.
2. *Inspiration:* transmits high expectations, focuses on initiative with simple symbols, represents the major objectives with simple methods.
3. *Intellectual encouraged;* ncourages intelligence, rationality and careful problem solving.
4. *Individualized thinking*; pay attention to persons, approachs individual to each employee, advises, makes coaching.

Within the framework of all these expression to say that transformational leadership is the closest type of leadership to the wisdom is not wrong. As wise persons, transformational leaders are teachers to disseminate and instill wisdom to the viewers with training and selfless efforts.

2.1.2. Corporate Culture and Structure

Corporate culture is system of norms, behaviors, values, beliefs and habits directing behaviors of people in organization (Dinçer, 1992:271). Corporate culture can be considered as a binder with specific rules provides to person concerning what needs to be done and which is valuable, protects organization and strengthens and ensures the unity of the working group (Sezgin and Clouds, 2013: 183). At the same time corporate culture is a control and creating a sense mechanism shapes the attitudes and behaviors of organization members and guides them (Scott, 2006: 498). Wisdom could be institutionalized owing to appropriate regularity in which obligations are taken into account under corporate purposes.

In this sense, guide structures or preliminary programs are actived to achieve effective results and to open the way of converting individual wisdom to the organizational wisdom (Bierly et al., 2000: 612). Torbert (1991), has defended the necessity of getting libertarian structure in corporate culture to support the development of knowledge management. The main purpose of libertarian structures is strengthen employees to expand their discipline and freedom degrees together towards achieving wisdom (Bierly vd., 2000: 612).

2.1.3. Knowledge Transfer

There may be many knowledgeable people in an organization, but the organization, itself, will only be knowledgeable and capable (able to capitalize upon that distributed knowledge) to the extent that it can centralize, organize, and transfer knowledge and skills efficiently and effectively amongst its many members and other stakeholders within and across business units (Hays, 2007: 24).

The very processes of knowledge transfer and organizational learning provide a fundamental mechanism for the development of organizational wisdom. Simply put, corporate wisdom can be enabled through an effective organizational communication system that encourages learning (Bierly vd., 2000: 612). Corporate wisdom involves both the collection,

transference and integration of individuals' wisdom and the use of institutional and social processes (e.g. structure, culture, routines) for storage. Thus, organizations can act wisely even though it may not be possible to ascribe wisdom to any individual actor within the organization (Bierly vd., 2000: 597).

2.1.4. Learning Organization And Organizational Learning

Corporate wisdom, has been built on knowledge management and principles and practices of organizational learning but surpassing these consepts it constitutes target to the values of encouraging learning, understanding, commitment and "doing the right thing" (Hays, 2007: 17). The establishment of a learning organization philosophy in organisation is important necessity in order to existing corporate wisdom.

In the knowledge management processes, organizational learning is a fact that enables basically creation of knowledge and also learning organization is a fact that enables access, storage, transfer and implementation of knowledge (Gupta, 2003: 293). Organizational learning is the process of linking, expanding, and improving data, information, knowledge and wisdom (Bierly vd., 2000: 597). Learning organization is the organization creates an environment that combines knowledge management and organizational learning. Learning organization is the organisation which have ability to the creation, achive and transfer of knowledge and adaptimg organizational behavior to the new knowledge (Garvin, 1993: 80).

2.1.5. Corporate Democracy

Democracy in meaning of corporate creates the ideal that all parties have equal rights at the taking of decisions that affect whole organisation by all members of institutions (Çelik, 2007: 32). Corporate democracy is a concept that incorporates elements from non-authoritarian leadership style till the small-scale employee participation in decision-making and in the broader sense attempts which employees manage themselves (Smith, 1976: 276). Hoffman (2002) stated that on the basis of corporate democracy includes equality, participation, discussion and consensus, shared organizational values and respect to the common values of humanity entities (Coşan ve Gülova, 2014: 233).

2.1.6. Corporate Sustainability

Corporate sustainability is accepted as the new paradigm and developing a business management. In general, it is a concept which aims not only the economic dimension of business activities, but also taking into account the social and environmental dimensions. Wilson (2003) while recognizing the importance of corporate sustainability for company's growth and profitability at the same time emphasized that social objectives require monitoring related with environmental protection, economic development, social rights and justice and such as sustainable development of business (Tüm, 2014: 59). Also Dyllick and Hockerts (2002) while expressing corporate sustainability as a combination of ecological and social sustainability, explained that they should turn to long-term earnings goal rather than short-term gains of the institution (Kuşat, 2012: 229).

2.1.7. Corporate Innovation and Change

There is a close relationship between knowledge management supporting the process and creating new ideas using the power of organization and innovation (Karakoca, 2007: 126). In

corporate wisdom understanding knowledge management reaches a structure supporting institutional structure appropriate innovation and business processes forcing continuous improvement and creating new knowledge with widely participation of all employees. Corporate wisdom and Corporate innovation are supportive and complementary concepts with each other and there is a linear relationship between them. This relationship whichever concept positioning by institution to the center, the other concept should been specify as parallel target

2.2. Integrated Framework of Knowledge Management in Corporate Wisdom Understanding

According to Lee and Kim (2001), the imtegrated framework of knowledge management with it's managerial and technical dimensions is composed from four basic components and core managerial factors between components. The components of the knowledge management are knowledge management process, information technologies, organizational knowledge and knowledge employees (Lee ve Kim, 2001: 301). The knowledge management processes and organizational knowledge components are in interaction with knowledge employees in managerial dimension and with information technologies in technical dimension. The integrated framework of knowledge management of Lee and Kim (2001) has been evolved and drawn again by taking corporate wisdom understanding account. Figure 2 shows the knowledge management components evolved with the scope of corporate wisdom understanding and their interaction with each other.

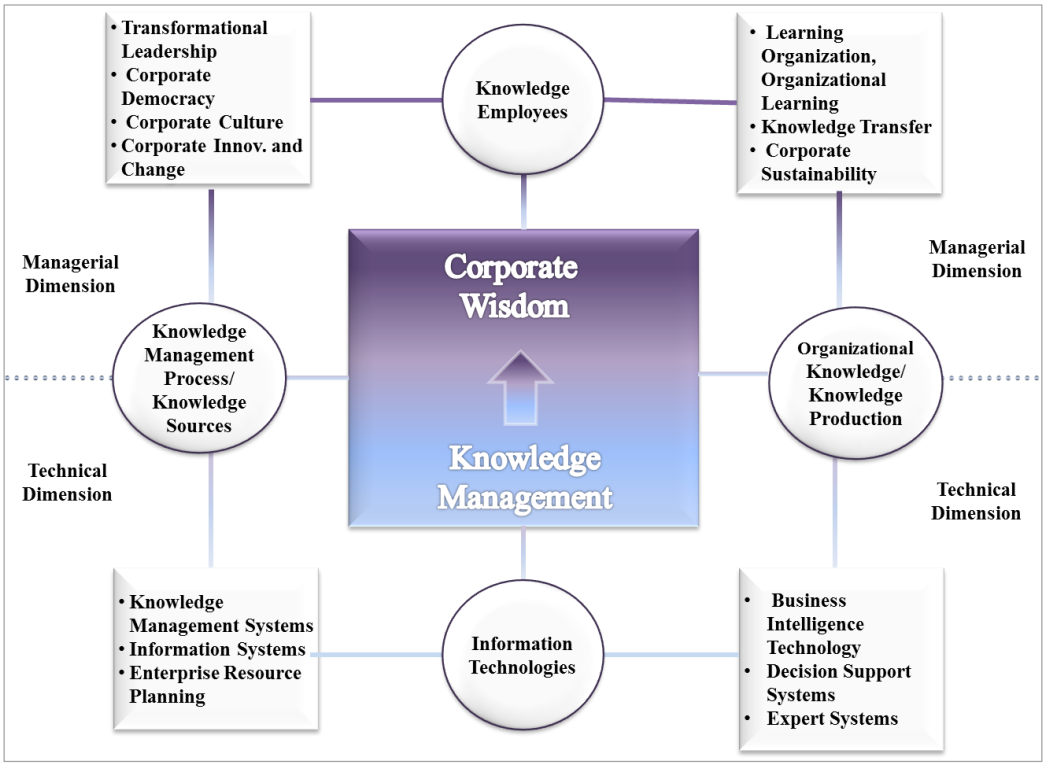


Figure 2: Integrated Framework of Knowledge Management in Corporate Wisdom Understanding
Source: Figure-2 was Evolved and Drawn from the Figure of Knowledge Management Components and Organizational Approaches of Lee ve Kim (2001).

Using information technology in technical dimension is seen as an effective tool from reaching sources in the knowledge management process to production of organizational knowledge. On the other hand there is needed knowledge management systems, information

systems and enterprise resource planning in the creation and use of knowledge source and business intelligence technologies decision support systems and expert systems in the knowledge production.

The managerial dimension is an area which corporate wisdom understanding should be applied more effectively to the components and so ensures the formation of corporate wisdom in knowledge management. In this dimension the interaction between knowledge employees component with knowledge management process and knowledge production components is being completely improved with the elements of corporate wisdom understanding. According to this, it needs to be prepared as an infrastructure ensured transformational leadership, corporate democracy, corporate culture and structure, corporate innovation and change elements for knowledge employees to obtain knowledge sources and use in knowledge management process. In the production of organizational knowledge, it needs to be ensured elements of organizational learning, learning organization, knowledge transfer and corporate sustainability

3. A Research on Corporate Wisdom and Reporting Based on Informal Knowledge

3.1. Purpose of the Research

The main purpose of research is determination of usage level of corporate wisdom infrastructure and reporting based on informal knowledge. In the light of this main purpose, it was tried to get answers to the questions listed at below.

1. How is distribution of employees titles (as knowledge workers, knowledge managers, knowledge professionals) in knowledge management system?
2. What are inforation system located in enterprise resource planning?
3. How is magnitudes ranking of capitals constituent corporate knowledge management?
4. What is usage degrees of information system technologies developted for business intelligence infrastructure?
5. What are usage frequency of reports according to business functions?
6. What is qualification of knowledge production in institution internal?
7. What are current problems in knowledge management process?
8. What are factors effects knowledge sharing
9. What is the contribution of employees and informations they produced to the knowledge management and reporting?

3.2. Methodology

The collection of data for the research were obtained from a questionnaire. Within the scope of this research, the businesses operating in Turkey has reached an institutional structure in knowledge management and have enterprise resource planning system are considered to be the target audience. Considering large industrial companies are in more institutional structure than others and most of them have knowledge management infrastructure and enterprise resource planning system, the Turkey's top 500 industrial enterprises was declared by Istanbul Chamber of Commerce in year 2014 was appointed as target audience. Determination of questionnaire questions prepared in accordance with research purposes realted literature and similar studies previously performed in this regard were taken into account.

After identifiying the questions that make up the questionnaire, the draft questionnaire was determined to be consistent with the purposes and assumptions of research. Draft questionnaire before giving the final shape, the expert academics and business managers

presented, received their comments received and after arrangements questionnaire has been finalized. The questions in questionnaire occur from list questions which are asked to the audience for choosing their appropriate answers and scale questions which are shaped as a severity rating for audience's answers from on a scale.

The questionnaire was successfully sent to the 389 e-mail adress obttained from target audience's web sites as 413 e-mail adress and 24 of them is wrong. The fate of the questionnaire were asked by calling to the companies one by one who didn't response, some of them was sent again or provided to be reached relevant authorized. Eventually, obtained 88 asnwered questionnaire proper for evaluation and 84 of them is accepted valid. This number corresponds to a return rate of 16.8% in the total universe size. Because of the minimum rate of return is determinated as 10% of sample size in the main mass in descriptive studies, this return rate was accepted enough for research

3.3. Research Findings and Assessments

The questionnaire questioned sectors according to their activities and legal structure of the companies involved in research and has acquired general informations. These informations are given in Table-1 and Table-2.

Table-1: Legal Structures of Companies

Incorporated Company		Limited Company		Individual Company		Collective Partnership		Other		Total	
66	79%	18	21%	0	0%	0	0%	0	0%	84	100%

Table-2: Sectors of Companies According to Activities

Manufacturing		Finance		Service		Retail Distribution		Media Communication		Social services		Other (Holding)		Total
60	71%	0	0%	0	0%	12	14%	0	0%	0	0%	12	14%	84

The Table-3 shows knowledge employees of companies. According to this, average 16,39 knowledge emplpyees are existing in a business and these employees are consisting of %68 knowledge workers, %22 knowledge managers and %10 knowledge professionals.

Table-3: Distribution of Knowledge Employees in the Management Information System

Statistics	Knowledge Workers	Knowledge Manager	Knowledge Professional	Total
Total	933	300	144	1377
	68%	22%	10%	100%
Avarage	11,11	3,57	1,85	16,39
Variance	62,12	7,12	1,92	116,05
Std	7,88	2,67	1,39	10,77

The Table-4 shows capital magnitudes of knowledge management. It is asked to businesses to score capitals as largest one is 4, smallest one is 1. The answers presents that capital magnitudes's rates are close to each other and the largest capital is human capital with the rate of %29.

The answers of businesses to the usage frequency of business intelligence systems question as likert scale (scoring from 1 to 5) are shown at Table-5. According to this table businesses are mostly using decision support systems.

Table-4: Magnitude Distribution of Corporate Management Capitals *(largest score: 4 and smallest score: 1)*

Statistics	Social Capital (Relationship)		Structural Capital (Processes, Structures, Systems)		Intellectual Capital (Data, Information, Knowledge)		Human Capital (Capability, Experience, Skills)	
Total	174	21%	204	24%	216	26%	246	29%
Avarage	2,07		2,43		2,57		2,93	
Variance	1,22		0,97		1,40		1,08	
Std	1,11		0,99		1,19		1,04	

Table-5: The Usage Frequency of Business Intelligence Systems

IT and Knowledge Systems	Frequency										Statistics		
	Never Use		Little Use		Moderately Use		Highly Use		Very High Use		Total	Avarage	Std.	Variance
Decision Support Systems	0	0%	12	14%	48	57%	24	29%	0	0%	84	3,14	0,64	0,41
Expert Systems	6	7%	42	50%	30	36%	6	7%	0	0%	84	2,43	0,73	0,54
Artificial intelligence	54	64%	30	36%	0	0%	0	0%	0	0%	84	1,36	0,48	0,23
Data Mining Techniques	36	43%	36	43%	12	14%	0	0%	0	0%	84	1,71	0,70	0,50
OLAP (On-Line Analytical Process)	48	57%	30	36%	6	7%	0	0%	0	0%	84	1,50	0,63	0,40

The usage frequency of internal reports are questioned and presented at Table-6 so, determined business are frequency using seriatim, sales, production, stock and supply reports inventory, finance and cost reports.

Table-6: The Usage Frequency of Internal Reports

Reports	Frequency										Statistics			
	Never Use		Little Use		Moderately Use		Highly Use		Very High Use		Total	Avarage	Std.	Variance
Finance Reports	0	0%	9	11%	9	11%	42	50%	24	29%	84	3,96	0,91	0,83
Cost Reports	0	0%	0	0%	18	21%	42	50%	24	29%	84	4,07	0,71	0,50
Sales Reports	0	0%	0	0%	6	7%	48	57%	30	36%	84	4,29	0,59	0,35
Customer Relationship and Current Situation Reports	0	0%	0	0%	24	29%	36	43%	24	29%	84	4,00	0,76	0,58
Human Resources Reports	0	0%	18	21%	36	43%	30	36%	0	0%	84	3,14	0,75	0,56
Production, Stock and Supply Reports	0	0%	0	0%	3	4%	48	57%	33	39%	84	4,36	0,55	0,30
Marketing and Promotion Reports	9	11%	27	32%	24	29%	21	25%	3	4%	84	2,79	1,05	1,11
Environment Reports	27	32%	36	43%	18	21%	3	4%	0	0%	84	1,96	0,83	0,69
Other Reports	15	18%	36	43%	30	36%	3	4%	0	0%	84	2,25	0,79	0,62

The qualification of knowledge produced in internal of business examined at Table-7. According the asked question for adequancies of legal requirements and standards formal reports has been gotten an average qualification answers. The answers to other questions regarding to qualification of future forecasting, comparison and informal knowledge the answers specified their inadequacies.

Table-7: The Qualification Ratings of Knowledge Produced in-Internal

Qualification of	Frequency	Statistics

Knowledge	Strongly Disagree		Disagree		Partially Agree		Agree		Strongly Agree		Total	Avarage	Std.	Variance
Legal requirement reports (Balance Sheet, Income Statement, etc.) constitutes sufficient knowledge source for decision-making	0	0%	12	14%	45	54%	27	32%	0	0%	84	3,18	0,66	0,44
The financial statements include forecasts and benchmarks both the current situation and past and future status.	3	4%	33	39%	9	11%	39	46%	0	0%	84	3,00	1,01	1,01
The structure of the existing information systems does not allow to generate non-standard (informal) reports	0	0%	18	21%	21	25%	39	46%	6	7%	84	3,39	0,91	0,82
Data and information resources of information systems are inadequate for informal reports requested by the top units	0	0%	18	21%	33	39%	27	32%	6	7%	84	3,25	0,88	0,77
Formal reports presented to the management is stable and sufficient. There is no need for different report types.	15	18%	33	39%	30	36%	6	7%	0	0%	84	2,32	0,85	0,73
All reports presented to the the top unit are not examined. Unnecessary reports leads to loss of business.].	6	7%	6	7%	48	57%	24	29%	0	0%	84	3,07	0,80	0,65

The reasons of problems in knowledge management are questioned at Table-8. According to answers the biggest reason is the lack adequate of corporate culture for knowledge management and in second the lack adequate of required knowledge management infrastructure.

Table-8: The Reasons of Problems in Knowledge Management

Reasons of Problems	Frequency										Statistics			
	Doesn't Matter		Less Important		Partially Important		Quite Important		Extremely Important		Total	Avarage	Std	Variance
Absence of information managers and professionals	0	0%	24	29%	18	21%	36	43%	6	7%	84	3,29	0,96	0,93
Haven't been awared of from owned knowledge assets	0	0%	0	0%	21	25%	60	71%	3	4%	84	3,79	0,49	0,24
The difficulty of knowledge transfer	0	0%	6	7%	30	36%	45	54%	3	4%	84	3,54	0,68	0,47
The difficulty to measure knowledge assets	0	0%	12	14%	30	36%	33	39%	9	11%	84	3,46	0,87	0,76
The difficulty to ensure information security	0	0%	12	14%	21	25%	45	54%	6	7%	84	3,54	0,83	0,69
Inadequacy of the necessary infrastructure for information management	0	0%	6	7%	33	39%	30	36%	15	18%	84	3,64	0,86	0,74
Lack of corporate culture related with knowledge management	0	0%	0	0%	24	29%	39	46%	21	25%	84	3,96	0,74	0,54

Table-9 is summarized the answers of questions according to the reasons of why not knowledge being shared in knowledge management. It is seing as a biggest reason that employees are busy and sharing knowledge is taking time. The most important reasons according to other answers are that bureaucratic and hierarchical structures are obstacle for knowledge production and knowledge is seing as an power element therefore it is reserved by employees.

Table-9: The Reasons of Why Not Knowledge Being Shared in Knowledge Management

Reasons of Knowledge Sharing	Frequency										Statistics			
	Strongly Disagree		Disagree		Partially Agree		Agree		Strongly Agree		Total	Avarage	Std.	Variance
Information is seing as a source of awards power and rising / desire of not sharing power	0	0%	18	21%	42	50%	12	14%	12	14%	84	3,21	0,95	0,89
Many people don't know, how and with whom share knowledge	0	0%	6	7%	39	46%	36	43%	3	4%	84	3,43	0,68	0,46
Employees are unaware of the value of what they learn for others	0	0%	6	7%	27	32%	48	57%	3	4%	84	3,57	0,68	0,46
Employees are busy therefore sharing knowledge takes time	0	0%	18	21%	24	29%	21	25%	21	25%	84	3,54	1,09	1,19
Bureaucratic and hierarchical structures create obstacles in front of knowledge production and sharing	3	4%	12	14%	30	36%	21	25%	18	21%	84	3,46	1,09	1,19

The Table-10 explains questioning on general beliefs regarding to contribution of knowledge employees to the information production. According to answers it can be infer that contribution of employees is seing important. Answers shows that the relationship of workers with environment, contributions in solving problems and comments with their experiences and intuition make positive impacts to the knowledge production. On the other hand it is seen from the answers of business that knowledge produced by workers are insecure and useless.

Table-10: The Belief Regarding to the Contribution of Knowledge Employees To The Production of Information

Comments for Contribution of Employees	Frequency										Statistics			
	Strongly Disagree		Disagree		Partially Agree		Agree		Strongly Agree		Total	Avarage	Std.	Variance
There is no information provided by employees of it is worthless	39	46%	39	46%	6	7%	0	0%	0	0%	84	1,61	0,62	0,39
Employees can only contribute to production of knowledge by dint of technological infrastructure is used by them	12	14%	27	32%	39	46%	6	7%	0	0%	84	2,46	0,83	0,69
The relationship of employees with enviroement (state, customers, and society) contribute to knowledge production	0	0%	6	7%	21	25%	57	68%	0	0%	84	3,61	0,62	0,39
The knowledge is insecure will be produced by employees	30	36%	45	54%	3	4%	6	7%	0	0%	84	1,82	0,81	0,65
Employees don't know how to produce useful knowledge	6	7%	45	54%	21	25%	12	14%	0	0%	84	2,46	0,83	0,69

Taken into account the views of employees in solving institutional problems	0	0%	15	18%	33	39%	36	43%	0	0%	84	3,25	0,74	0,55
Employees produce knowledge with individual responsibility, knowing the importance of the functions, role and contribution	0	0%	9	11%	57	68%	15	18%	3	4%	84	3,14	0,64	0,41
Employees adds comments to the reports with their experience and intuition and boldly suggests solutions to problems	3	4%	27	32%	51	61%	3	4%	0	0%	84	2,64	0,61	0,38

4. Conclusion and Recommendations

According to results of questionnaire can be done independently commentary and assessments to the each substance, in generally seen that business have problems with the lack of corporate democracy and leadership qualifications in knowledge management and organizational learning and knowledge transfer facts are not in desired level for organisations. Although the important of employee contribution in knowledge management is known, it is understood that because of ensuring corporate culture in organisation there is insecurity to the workers and informations they produce and also workers are left outside in the problem-solving process. Also it is identified that knowledge management infrastructure is inadequate and business intelligence applications are using in very low levels.

With the research and assessments it can be seen current knowledge management structure, understantding and problems of business. In order to provide organisations optimum benefit in knowledge management and produce qualified reports, corporate wisdom understanding can be considered as solution for mentioned general and infrastructure problems. It is seen that competitive and sustainable growth targeted businesses need informal structure as well as formal structure in current conditions. In corporate wisdom understanding, it can be envisaged knowledge management structure which has ability to react quickly to the changing conditions with reporting based on informal knowledge.

This research has been addressed in a more compact nature due to time, access, audience etc. restrictions. With in a different research, the elements and integrated framework of corporate wisdom understanding can be expanded and elaborated in any business private and thus can be obtained more comprehensive consequences.

5. References

Bierly, Paul.E III., Kessler Eric, H. & Christensen Edward, W. (2000). "Organizational Learning, Knowledge And Wisdom", *Journal Of Organizational Change Management, Vol.13 No.6, p.595-618.*

Ceylan Adnan, Kesim Halit & Eren Şule, (2005). "Dönüşümcü Ve Etkileyici Liderlik Ile Örgütsel Bağlılık Arasındaki İlişkilere Yönelik Bir Araştırma [An Investigation of the Relationshio Among Transformational and Transactional Leadership and Organizational Commitment]", *Yönetim [Management], Vol.16 No.51, p.32-42.*

Chong S. & Choi Y.S., (2005). "Critical Factors In The Successful Implementation Of Knowledge Management " , *Journal Of Knowledge Management Practice, June*.

Coşan Pınar E. Ve Gülova Asena A. (2014). "Örgütsel Demokrasi [Organizational Democracy]", *Yönetim Ve Ekonomi Dergisi [Management and Economic Journal], Vol.21 No.2, p.231-248.*

Çelik Orhan, (2007). "İşletmelerde Muhasebe Bilgisi Ve Şirket Demokrasisi [Accounting Knowledge in Business and Company Democracy]", *Siyasal Kitabevi, Ankara.*

Davenport T., De Long D. & Beers M., (1998). "Successful Knowledge Management Projects". *Sloan Management Review, Vol.39 No.2, p.43–57.*

Dinçer Ömer, (1992). Stratejik Yönetim ve İşletme Politikası [Strategic Management and Business Policy], *Timaş Yayınları, İstanbul.*

Erçetin Şule, (2000). "Lider Sarmalında Vizyon [Vision in Leader Spiral]", *Ankara: Nobel Yayıncılık*

Garvin David A. (1993). "Building A Learning Organization", *Harvard Business Review, Vol.71, p.78-91.*

Gupta Jatinder N. D. (Ed.), (2003). "Creating Knowledge Based Organizations", *Hershey, Pa, Usa: Idea Group Publishing.*

Hays J. (2007). "Dynamics Of Organisational Wisdom", *The Business Renaissance Quarterly, Vol.2, Issue 4, p.17-35.*

Intezari A. & Pauleen D. J., (2014). "Management Wisdom In Perspective: Are You Virtuous Enough To Succeed In Volatile Times?", *Bus Ethics, Vol.120 p. 393–404.*

Karakoçak Kemal, (2007). "Bilgi Yönetimi Ve Verimliliğe Etkisi: Türkiye Büyük Millet Meclisi Uygulaması [Information Management and Productivity Effect: Grand National Assembly of Turkey Application]", *Ankara Üniversitesi Sosyal Bilimler Enstitüsü, Doktora Tezi*.

Kaygisiz Esra & Çağliyan, Vural, (2014), "Bilgi Yönetimi ve Örgütsel Bilgelik İlişkisi Üzerine Sektörel Bir Değerlendirme: Metal Ve Makine Sanayi Örneği", *Selçuk Üniversitesi Sosyal Bilimler Enstitüsü Dergisi Vol.31, p.227-240.*

Kessler Eric, H.(2006). "Organizational Wisdom: Human, Managerial, And Strategic Implications", *Group And Organization Management, Vol.31-3, p.296-299.*

Kuşat Nurdan, (2012). "Sürdürülebilir İşletmeler İçin Kurumsal Sürdürülebilirlik Ve İçsel Unsurları [Organizational Sustainablity For Sustainable Corporations And Its Endogenous Determinants], *Afyon Kocatepe Üniversitesi, IIBF Dergisi, Vol.14, No.2, p.227-242*

Lee Jang H., & Kim Young G., (2001). "A Stage Model Of Organizational Knowledge Management: A Latent Content Analysis", *Expert Systems With Applications, Vol.20, p.299-311*.

Limas M. J. (2004). "Organizatonal Wisdom: Scale Development And Validtiy Assessment", *The Degree Of Doctor Of Industrial/Organizational Psychology. University Of Tulsa.*

Moffet S., Mcadam R. & Parkinson S., (2003). "An Empirical Analysis Of Knowledge Management Applications." *Journal Of Knowledge Management, Vol.7 No.3, p.6-26.*

Popadiuk S. & Choo C.W., (2006). "Innovation An Knowledge Creation: How Are These Concepts Related?", *International Journal Of Information Management, Vol.26 Issue 4, p.302-312*

Ryan S.D. & Prybutok V. R., (2001). "Factors Affecting Knowledge Management Technologies: A Discriminative Approach". *Journal Of Computer Information Systems,Vol.41, No.3, p.31–37.*

Scott, Findlay, S. & Estabrooks, C. A.,(2006). "Mapping The Organizational Culture Research In Nursing: A Literature Review", *Journal Of Advanced Nursing.*

Sezgin Murat & Bulut Beyza, (2013). "Örgüt Kültürü Ve Halkla İlişkiler [Organizational Culture and Public Relations]" *Karabük Üniversitesi Sosyal Bilimler Enstitüsü Dergisi,Vol.3/2, p.182-194.*

Smith Michael P., (1976). "Barries To Organizational Democracy In Public Administration", *Administration & Society, Vol.8 No.3, p.275-317*.

Spiller, C. P. E., Erakovic, L. Ve Henare, M. (2011). "Wise Up: Creating Organizational Wisdom Through An Ethic Of Kaitiakitanga", *Bus Ethics, No.104, p.223–235*.

Thierauf Robert J., (1999). "Knowledge Management Systems For Business", *British Library Cataloguing In Publication Data, USA.*

Thierauf Robert J. & Hoctor James J., (2006). "Optimal Knowledge Management: Wisdom Management System Concepts And Applications", *Idea Group Publishing, USA&UK.*

Tüm Kayahan, (2014). "Kurumsal Sürdürülebilirlik Ve Muhasebeye Yansımaları: Sürdürülebilirlik Muhasebesi [Corporate Sustainability And Its Reflections On Accounting: Sustainability Accounting]", *Akademik Yaklaşimlar Dergisi, Spring-Vol.5 Issue 1, p.58-81.*

Willem, A. & Buelens, M. (2009). "Knowledge Sharing In İnter-Unit Cooperative Episodes: The Impact Of Organizational Structure Dimensions", *International Journal Of Information Management, Vol.29, p.151-160.*

Assessment Of Globalization Success: Azerbaijan, Uzbekistan, Kazakhstan, Kirghizstan, Turkmenistan

Seda Bayrakdar

1.Introduction

Fifteen different nation states have appeared after the dissolution of Soviet Union. Azerbaijan, Uzbekistan, Kazakhstan, Kirghizstan, Turkmenistan are considered in the study, which are five of these states. It is known that these countries that have tried to be integrated in international system have several difficulties in certain fields such like economical, political, safety. In this study, we evaluate adaptation success to the world that it is a result of reforms the relevant countries have tried to settle in transition period based on free market system.

In the light of past experiences, system requirement based on market economies has been proved in order that national economies develop and economic growth is maintained. Success to integrate with the world can be possible as long as organizational structures of the countries and economical policies they follow are based on free market. Abilities of the countries to exist in global markets and compete will depend on how free functioning of the market system has been established.

Today we can say system of free market has an effect on economy policies of the countries to a large extent. It is considered that socialist sense of central planning is no longer an alternative of liberal economic system especially with the dissolution of Union of Soviet Socialist Republics (USSR). In this context, it is worth to research to what extent transition to free market has been successful for the selected countries that gained their independence after dissolution of USSR. In this research, it will be benefited from reports – indexes used in country comparisons and performance evaluations of the countries in international area. The study partakes of actions to be taken in this transition and a core evaluation of their actions for the relevant countries that they have declared that they have adopted the system of free market as a general consent.

2. Method

First of all, socio-economic indicators of the countries will be included in the study. Subsequently, contents of the relevant indexes- reports will be mentioned. Afterwards, scores of the relevant countries gained in these indexes considered as an indicator of necessary steps for globalization, and world rankings of the countries will be analyzed in detail. Thus, it can be determined how the countries mentioned in the study have proceeded in transition to free market as well as deficiencies of these countries. Indexes used in evaluation of globalization success of the countries are: Corruption Perception Index, Doing Business Report, Index of Economic Freedom.

3. Findings

3.1.Socio – Economic Indicators of the Selected Economies

World economy has changed too after the dissolution of Union of Soviet Socialist Republics (USSR) in 1991. Most of the countries managed depending on sense of central planning of the socialist system over the years have announced to the world that they have moved to system of free market officially after the dissolution. “Transition economies” is the common name

given to these countries who declared that they would move from socialist system to capitalist system and an economic system based on free market. Although these countries are mentioned with a common name, each of the countries is different from each other. Nevertheless, the reason why they are evaluated under one name is explained as that economic control was abandoned and principle of free market adaptation was accepted, authoritarian system replaced by a democratic political system and a new structure was tried to be constituted based on intellectual property rights. "Transition economy" used frequently in domestic and foreign literature indicates the market economies as the only alternative to the system of central planning, and transition is stated as the correct process from socialism to capitalism (Güler, 2012, p.53). Transition economies have been classified in two main categories by IMF (https:/www.imf.org).

1-Transition economies in Europe and the former Soviet Union

CEE (Some Central and Eastern European Economies)	Albania, Bulgaria, Croatia, Czech Republic, FYR Macedonia, Hungary, Poland, Romania, Slovak Republic, Slovenia
Baltics :	Estonia, Latvia, Lithuania
CIS (Commonwealth of Independent States)	Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyz Republic, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan

2-Transition economies in Asia: Cambodia, China, Laos, Vietnam

When the transition countries are evaluated in this period, a difference is seen between the successes gained in transitions based on market economies in the country groups. While Baltics such like Estonia, Latvia, Lithuania; Poland, Hungary, Czech Republic; Slovakia and Croatia can be evaluated as successful in transition, success of countries of the former Soviet Union is questionable (Güler, 2012, p.59).

In the study, five Turkish Republics that are one of the transition countries have been selected. Socio-economic indicators of these countries such like inflation rate, per capita income, GDP growth rate, population and population growth rate have been analyzed in accordance with data of 2015.

GDP per capita is at the highest level in Kazakhstan. Turkmenistan and Azerbaijan follow it. As for the country where GDP growth is highest, it is Uzbekistan. Turkmenistan follows Uzbekistan that takes place on the top with 8% of growth rate. Uzbekistan that takes place on the top in terms of population growth has an advantageous location in the region. Kazakhstan is the second one in terms of population growth. Even though all countries have close rates in terms of population growth rate, this rate is much higher in Kirgizstan than the other countries. Foreign direct investment that is an indicator for countries in terms of pulling foreign capital in the homeland, Kirgizstan, Turkmenistan and Azerbaijan is relatively more successful according to net inflows of GDP figures. When examining the unemployment figures, unemployment rates are higher than 10% in Uzbekistan and Turkmenistan, the lowest rate of unemployment is seen in Kazakhstan. When the sectoral structure in the countries is examined (no data has been found for Turkmenistan), it is seen that service industry is predominant in all countries. Especially in Uzbekistan and Kirgizstan, contribution of agriculture in economy is still at higher levels compared to the other countries (see, Table 1).

Table 1. (2015) Macro-Economic Indicators of Selected Countries

	Azerbaijan	Uzbekistan	Kazakhstan	Kirgizstan	Turkmenistan
Inflation, GDP deflator (annual %)	-8,8	-	-0.9	2.2	-1.0
Unemployment, total (% of total labor force) (modeled ILO estimate) (2014)	5.2	10.6	4.1	8.1	10.5
GNI per capita, Atlas method (current US$)	6.560	2.150	11.580	1.170	7.510
GDP Growth (%annual)	1.1	8.0	1.2	3.5	6.5
Population	9.651.349	31.299.500	17.544.126	5.957.000	5.373.502
Population growth (%annual)	1.2	1.7	1.5	2.1	1.2
Foreign direct investment, net inflows (% of GDP)	7.6	1.6	2.2	11.6	11.4
Exports of goods and services (% of GDP)*	37.8	20.7	28.6	37,7	-
Exports of goods and services (% of GDP)	34.8	22.2	24.7	87.7	-
Agriculture, value added (% of GDP)	6,7	18,26	5.0	15.9	-
Industry, value added (% of GDP)	36,9	34,62	33.2	26.9	-

Services, etc., value added (% of GDP)	56,2	47,11	61.8	57.1	-

Source: World Development Indicators, http://databank.worldbank.org/,11.05.2016,*: Kirgizstan (2014)

3.2. Evaluation of Selected Country as per Index of Economical Freedoms

Index of Economic Freedoms issued by Heritage Foundation is the first index to be used in evaluation of Azerbaijan, Uzbekistan, Kazakhstan, Kirgizstan, Turkmenistan, based on international indexes, which are Turkish Republics appeared after independence. Index evaluates 186 country economies with its 22nd volume in 2016. While Index of Economic Freedoms is measured: country performances are evaluated in ten main areas under four main titles such like ***Rule Of Law***: property rights, freedom from corruption; ***Government Size***: Fiscal freedom and government spending; ***Regulatory Efficiency***: business freedom, labor freedom and monetary freedom; ***Open Markets***: trade freedom, investment freedom and financial freedom. Index has a structure which the highest score is 100. Each main title under these four main titles is evaluated between 0 and 100. As for general rating, it is determined by calculating average of these ten titles. It can be seen that while countries reached the best score in terms of economic freedoms approach 100 points, remaining countries range closer to 0 in this regard (Index of Economic Freedom, 2016).

In the world, the top ten countries and their index values in the rating of Economic Freedoms are as the following: Hong-Kong (88.6), Singapore (87.8), New Zealand (81.6), Switzerland (81.0), Australia (80.3), Canada (78.0), Chili (77.7), Ireland (77.3), Estonia (77.2), and England (76.4). It is seen that countries ranking in first and second have almost the same scores. When examining these countries in general, it will be seen that even point of the country on 10th rank doesn't fall below 76 index value. According to ratings of Index of Economic Freedoms, it can be said that the worst score belong to Turkmenistan as of 2016. Turkmenistan is close to end in the ranking as being on rank 174 among 186 countries. Kazakhstan is on the top in ranking for the relevant countries as being on 68th rank, and Azerbaijan (91), Kirgizstan (96), Uzbekistan (166) follow Kazakhstan (see, Table 2).

Table 2. Detailed Analysis of Selected Countries in Index of Economic Freedoms (2016)

	Score	Azerbaijan	Uzbekistan	Kazakhstan	Kirgizstan	Turkmenistan
RULE OF LAW	Property Rights	20.0	15.0	30.0	20.0	5.0
	Freedom from Corruption	29.0	18.0	29.0	27.0	17.0
GOVERNMENT SIZE	Fiscal Freedom	88.0	90.4	93.0	93.7	95.3
	Government Spending	56.7	66.6	87.7	56.3	92.2
REGULATORY EFFICIENCY	Business Freedom	70.3	67.1	72.3	65.3	30.0
	Labor Freedom	75.2	61.9	82.7	80.4	20.0
	Monetary Freedom	77.0	65.6	74.0	68.4	69.4
OPEN MARKETS	Trade Freedom	75.8	65.6	77.4	75.0	80.0
	Investment Freedom	60.0	0.0	40.0	60.0	0.0
	Financial Freedom	50.0	10.0	50.0	50.0	10.0
Rank		**91**	**166**	**68**	**96**	**174**

Source: The Heritage Foundation,http://www.heritage.org/index/pdf/2016/book/index_2016.pdf, 25.04.2016

Countries in the range of 0 - 49.9 points in score ranking are into the category of countries under pressure, countries in the range of 50-59.9 are into the countries which are not substantially free; as for the range 60-69.9, they are free in medium scale; as for 70-79.9, they are free in large scale; as for 80-100, they are free country (Index of Economic Freedom, 2016). If it is based on this score intervals, according to index of 2016: while Turkmenistan and Uzbekistan take part into the group of country under pressure, Azerbaijan and Kazakhstan fall into the group of free country in medium scale (see, Table 2). If the selected countries are subjected to an evaluation between each other as per sub-headings and if it is based on 50 points of index that is a common point in this evaluation, the emerging result is as follows: it draws attention in all the selected countries that property rights and freedom from corruption evaluated under the main title of rule of law is too low. In addition, it is seen that Turkmenistan has had bad scores again regarding regulatory efficiency, namely business freedom and labor freedom. It can be followed by the table that Kazakhstan falls under the 50 points of index in terms of open markets especially sub-heading of investment freedom, and Uzbekistan is extremely weak in financial freedom. In addition to this, as Uzbekistan has had 0.0 in terms of investment freedom, it is informative regarding the primary actions to be taken in terms of economic freedoms in this country (see, Table 2).

Another one of the main titles involved in Index of Economic Freedom is government size. It is considered that size of public expenditures (government size) has an effect on growth and economic progress. It is claimed that high rates of public expenditures will cause negative effects in terms of both investors and employees because these rates disturb the economic distribution of resource and so causes high borrowing and subsequently high taxation. In addition, composition of public expenditures affects the economic success as well as sum of them. It is inevitable that public expenditures on unproductive areas would affect the economic success in a negative way (Çevik, 2010, p.84). In the studies of Esen and Bayrak (2015) made specific to public expenditures, relation between public expenditures and economic growth was examined for selected groups of country within the period of 1990-2012. As the result, a positive relation has been found between public expenditures in these countries and economic growth in the long term. It has been determined that 1% of increase in public expenditures increases the economic growth at the rate of 0.85%. As a result, it has been stated that the state has certain roles so that this transition experienced in these countries that are governed by central planning in the long term could be practiced in a healthy manner. Strict macroeconomic policies have been adopted so that high inflation experienced in transition phase could be gotten under control, financial discipline has been practiced, and development of private sector has been encouraged applying the liberty of trade. One of the indirect purposes of these practices is to decrease weight of the state in the economy. Decreasing economic size of the state is that decisions such like proceeding to practices of market economy, production-consumption-investment are made by market, and that right of private property is ensured. In this system, fundamental duty of the state is stated as supplying competition in the market. Although system of free market has been adopted by all the transition countries, it is seen that the intended progress could not be made because bureaucracy of the state consisting of the elite class of the prior system does not want to share the power in his hand. The same situation applies to the electorate, as well. The state is the solution center of all problems according to the sense left from socialist system. It is thus not possible to change easily this point of view, habits and also the sense regarding the duties imputed to the state (Jantsan, 2013, pp. 109-112).

3.3- Evaluation of the Selected Country as per Doing Business Report

"Doing Business Report" prepared by the World Bank is one of the reports considered significant in evaluation of investment environment in the countries on an international scale. It is considered that this report prepared by the World Bank is important with regards to understand investment potential in the selected counties and make up the shortages required to make investment. Reports issued regularly as from 2003 are fictionalized on ten main themes. These ten main titles created by Doing Business Report are: starting a business, dealing with costruction permits, registering property, getting credit, protecting minority investors, paying taxes, cross boundary trade, enforcing contracts, resolving insolvency. 189 countries are involved in this report, and country economies are ranked according to their proximity or distance to 100 which is total limit (The World Bank, 2015). In the final report issued in 2016, Singapore, New Zealand, Denmark, Korea, Hong-Kong, SAR- China, England, America, Sweden, Norway, and Finland are of the top ten countries involved in the ranking. As data belonging to Turkmenistan could not be founded in the evaluation made for the following 189 countries, this country is not involved in the table. Other selected countries are also seen beside this that Kazakhstan is ahead of other countries as being 41st on ranking. After Kazakhstan, Azerbaijan is second with rank 63, Kirgizstan is third with rank 67 and Uzbekistan is the latest one with rank 87 among the selected countries (see, Table 3).

Table 3. Selected Countries as per Doing Business Report 2016

	Azerbaijan	**Uzbekistan**	**Kirgizstan**	**Kazakhstan**
Starting a business	7	42	35	21
Dealing with construction permits	114	151	20	92
Getting electricity	110	112	160	71
Registering propert	22	87	6	19
Getting credit	109	42	28	70
Protecting minority investors	36	88	36	25
Paying taxes	34	115	138	18
Trading across borders	94	159	83	122
Enforcing contracts	40	32	137	9
Resolving insolvency	84	75	126	47
Rank	**63**	**87**	**67**	**41**

Source: The World Bank Group, http://www.doingbusiness.org/rankings, 30.04.2016.

Kazakhstan is above all the selected countries with rank 41 in the general evaluation in the doing business report involving total 189 countries. It is seen that Kazakhstan procures conveniences leading up the investors in certain aspects such like protecting minority investors, starting a business, registering propert, paying taxes and enforcing contracts. Considering main titles into the report, the most important problem which Kazakhstan

encounters in terms of doing business is considered as cross boundary trade. Following Kazakhstan, Azerbaijan is the second country which is placed on the top among the selected countries. Azerbaijan ranked as 63 is a country that has pretty good scores in terms of starting a business, registering propert, paying taxes, protecting minority investors and enforcing contracts, and should improve itself in certain fields such like dealing with costruction permits, getting electricity, getting credit and cross boundary trade. As for Kirgizstan involved in the selected countries, it is ranked as 67 around the world. The titles on which Kirgizstan has had high scores in doing business are registering propert, starting a business, dealing with construction permits, getting credit, protecting minority investors, it can be however said that it falls behind considerably on the main titles such like getting electricity, payment of taxes, resolving insolvency, enforcing contracts. Uzbekistan that is ranked as the latest one among the selected countries takes place on rank 87 around the world. It is seen that Uzbekistan should make a considerable progress on main titles such like cross boundary trade, paying taxes, dealing with costruction permits, getting electricity (see, Table 3).

In Azerbaijan, imputed costs are experienced by shippers and load owners as many difficulties cannot be overcome such like deficiencies of laws, banking, financial market and infrastructure, foreign trade operations and in addition delays experienced on roads because of high road taxes, tonnage restrictions (Bağırzade & Muradov, 2015, p.10). As for Kirgizstan, it is known that free economic regions are more attractive to foreign investors. There are 4 free economic regions (Bişkek, Nerın, Karakol, Maymak) in Kirgizstan. One of the most important advantages of the relevant free regions is that they are close to railroad stations and important transportation points in direction of Chine boundary. Free economic regions have also many different advantages such like storage, banking service offering, wholesale export and import. But double-mindedness and ineffectiveness appear as transparency has not been ensured in administrative practices and different ministries maintain the issues such like tax control and payments in Kirgizstan (İncekara, Şanlı & Hobikoğlu, 2015, pp.50-56). It is seen that Uzbekistan that has the worst performance among the selected countries has proceeded to Free Region practice in order to increase manufacturing in the country (December 2, 2008, it was decided to establish Navoi Free Region of Trade). In this region, certain actions have been taken in order to ensure facilities in doing business such like exemptions from tax, a special customs procedure and cost advantage for inputs (Bayrakdar, 2015, p. 113). Kazakhstan that is placed on the top among the selected countries in Doing Business Report is in the central position of total direct foreign investments in Central Asia. The main reason is the presence of energy resources in the country (İncekara & İncekara, 2015, p. 132). Countries that had difficulties in transition to market system along with the dissolution of Soviet system started important studies of reform. These relevant countries need privatization and foreign capital investments while completing the transition period. For this reason, Kazakhstan signed mutual agreements with 43 countries, Kirgizstan with 27 countries and Uzbekistan with 50 countries in order to protect investments in the region. These agreements includes, as substance, the facilities such like exemptions, taxes, credits (Pashalıeva & Kahriman, 2016, p. 178). Although the manner of approaching with caution in multinational companies directly toward foreign capital investments has decreased in the developing countries over the time, external financing resources cannot be benefited sufficiently in the developing countries since it is considered that the above-mentioned manner keeps its existence partially and foreign investments would be used as an exploitation media endangering sovereignty of the country. Certain factors have an impact over direct foreign capital investments which they could be canalized to a country: access to market, a steady growth, taxes, incentives, place of investment, communication opportunities, etc. For this reason, the main titles involved in the doing business evaluated above are important in respect

to attracting foreign investments and solution of financing problems (Tandırcıoğlu & Özen, 2003, p.107, 11).

3.4. Evaluation of the Selected Countries as per Corruption Perception Index Report

Corruption Perception Index is the final index used to compare the relation between performances of the selected countries and corruption. In this index, countries are ranked according to the relation between public sectors and corruption. The index as an important indicator is published by Transparency International around the world since 1995. The index that was enhanced to use in measuring the relation of countries to the corruption and comparing the countries in terms of corruption has been composed by associating several indexes such like the World Bank, African Development Bank, Economist Intelligence Unit, Freedom House Nations in Transit and World Competition yearbook. As for the biggest problem encountered in creating index of corruption, it is that there is no clear way to measure corruption levels for the countries as the corruption is composed of certain activities that are illegal and hidden on purpose (Uludağ, 2015, pp. 22-23). Scores are spaced from 0 to 100 while Corruption Perception Index is composed. According to the index in which the highest levels of corruption and the cleanest countries are arrayed at 10 point-intervals, countries in 0-9 band are at the highest level of corruption, countries in 90-100 band are the countries where corruption is minimum around the world (Transparency International, Corruption Perceptions Index, 2014). Considering world-wide, Denmark (91) is the country where corruption is encountered least likely in public sector according to country and score ranking. Denmark is followed by Finland (90), Sweden (89), New Zealand (88), Holland (87), Norway (87), Switzerland (86), Singapore (85), Canada (83), and Germany (81), respectively.

Table 4. Selected Countries as per Data from Corruption Perception Index (2015)

	CPI Score	**Dünya Sıralaması**
Azerbaijan	29	119
Uzbekistan	19	153
Kazakhstan	28	123
Kirgizstan	28	123
Turkmenistan	18	154

Source:http://www.transparency.org/country/, 05.05.2016

Corruption Perception Index includes 168 countries around the world. When examining CPI scores of the selected countries, it is seen that Turkmenistan and Uzbekistan is ranked as 154-153, Kazakhstan and Kirgizstan shares the rank 123, and Azerbaijan falls behind other countries all around the world in despite of being above other countries. Turkmenistan and Uzbekistan are in the second ten-section-band and other countries are in the third ten-section-band. For this reason, it is seen that corruption perception is at high rates in all the relevant countries (see, Table 4). In the first years of independence, exemptions were made for certain corruptions regarding taxes in the transition countries. Or, tax managers were not entitled to certain decisions such like tax incentives that could be taken related to taxes, and identification and control of the tax liabilities. For this reason, we encounter many corruptions and problems such like tax evasion (Turan & Yurdakul, 2014, p.126). Garibaldi et.al. quot. Bal (2002, pp. 167-668) stated that there are several reasons for the differences

encountered in development of economic potential and country performances in the transition economies. Main determinants for difference in the successes of country have been determined as the success of country to attract external financing, macroeconomic stability, economic reforms, diversity in natural resources, privatizations, promoting investment and entrepreneurship, prevention of corruptions. Corruption levels in the countries affect adversely capital inflows to the country by affecting not only domestic investors but also foreign investors. As Siegoelbaum et.al (2002, p.109) quoted, there is relation between corruption and direct foreign investments. Relation between corruption rates and direct foreign investments (DFI) was examined in the study that was conducted on 45 less developed countries and 12 developed countries, which it was first of the studies, and it was concluded one-point increase that occur in corruptions would decrease DFI at the rate of 16%. In a similar way, it was concluded in another study conducted for 45 less developed countries that corruption decreases DFI.

4.Conclusion

Struggles for transition to free market by Azerbaijan, Kazakhstan, Kirgizstan, Uzbekistan and Turkmenistan that declared their independence after leaving Russia have been examined on the basis of indexes regarded as important all around the world. First of these indexes is Index of Economic Freedoms. It can be said that Turkmenistan has been on the worst rank since 2016 according to Index of Economic Freedoms involving 186 countries. Turkmenistan has been close to end in the ranking with rank 174, among 186 countries. As for the best place among the selected countries, Kazakhstan is on rank68, and Azerbaijan (91), Kirgizstan (96), Uzbekistan (166) follow Kazakhstan. In addition, when sub-titles of index are analyzed; it draws attention in all the selected countries that property right and freedom from corruption score is too low which it is evaluated under the main title of rule of law. In addition to this, Turkmenistan should take measures in terms of activity of regulations, business freedom and labor freedom. It is found out that Kazakhstan falls behind even 50 points of index especially in sub-title of investment freedom included in main title of open market, and that Uzbekistan is pretty weak in financial freedom. Furthermore, as Uzbekistan also has had 0.0 on investment freedom, it is informative regarding the primary actions to be taken in terms of economic freedoms in this country.

Doing Business Report is another criterion used intended to evaluate the countries. Doing Business Reports are constituted by analysis of 189 countries all around the world. These reports are important for domestic and foreign with regards to be able to determine difficulties and facilities which would be encountered in an investment to be made in the country. It is seen in the report that Kazakhstan precedes other countries with rank 41. After Kazakhstan, Azerbaijan (63) is the second, Kirgizstan (67) is third and Uzbekistan is the latest one with rank 87 among the selected countries. It is seen that Kazakhstan procures conveniences leading up the investors in certain aspects such like business establishment, registering property, taxes and enforcing contracts. Considering main titles into the index, the most important problem which Kazakhstan encounters in terms of doing business is regarded as cross boundary trade. As for Azerbaijan that on rank 63, Azerbaijan should make arrangement – improvements in certain fields such like dealing with costruction permits, getting electricity, getting credit and cross boundary trade although it has pretty good scores in terms of starting a business, dealing with construction permits, paying taxes, protection of minority investors and enforcing contracts. Kirgizstan that takes place in the selected countries is ranked as 67 around the world. The titles on which Kirgizstan has had high scores in doing business are registering property, starting a business, dealing with costruction

permits, getting credit, protection of minority investors, it can be however said that it falls behind considerably on the main titles such like getting electricity, paying taxes, resolving insolvency, enforcing contracts. Uzbekistan that is the latest one among the selected countries is ranked as 87 all around the world. It is seen that Uzbekistan should make a considerable progress especially on main titles such like cross boundary trade, paying taxes, dealing with costruction permits.

Corruption Perception Index is the final index used to examine the countries. In the index involving 168 countries, it is seen that Turkmenistan and Uzbekistan is ranked as 154-153, Kazakhstan and Kirgizstan shares the rank 123, and Azerbaijan falls behind other countries all around the world even though it takes a place above other countries. Turkmenistan and Uzbekistan are in the second ten-section-band and other countries are in the third ten-section-band. For this reason, it is seen that corruption perception is at high rates in all the relevant countries. As a result of all these analyses, it has been seen that criteria could not been fulfilled exactly in all selected countries which were some of the main requirements of the globalization. Globalization success of these countries depends on being more transparent in the transition process and development of market economy.

5.References

Bağırzade, E.& Muradov A. (2015). Azerbaycan Ve Türkiye Ekonomik İlişkileri Üzerine Bir İnceleme [A Study on Economic Relations of Azerbaijan and Turkey], In B. Şanlı& E.Hobikoğlu.(Eds) *Türkiye ile Türk Cumhuriyetleri Arasındaki Ekonomik İlişkiler* [*Economic Relations Between Turkey with Turkish Republics](pp.1-29).*Kırgızistan: Celalabat.

Bal, H., (2004). Geçiş Ülkelerinde Yolsuzluk Kayıtdışı Ekonomi: Kırgızistan Bavul Ticareti Örneği.[Corruption in the informal economy in transition countries: Kyrgyzstan Suitcase Trading Case] *İktisat İşletme ve Finans* [Economics, Business and Finance] 19 (219), 72-92.

Bayrakdar, S.(2015). Özbekistan ve Türkiye Ekonomik İlişkileri[Economic Relations Uzbekistan and Turkey] In B. Şanlı& E.Hobikoğlu.(Eds) *Türkiye ile Türk Cumhuriyetleri Arasındaki Ekonomik İlişkiler* [*Economic Relations Between Turkey with Turkish Republics] (pp.95-127).* Kırgızistan: Celalabat.

Çevik, S.(2010). Geçiş Ekonomilerinde Kamu Maliyesi ve Mali Sistem Reformları [Fiscal and Financial System Reform in Transition Economies] *Avrasya Etüdleri* [Eurasian Studies] *TİKA*, S. 37, Ankara.

Deniz T. & Yurdakul A. (2014). Geçiş Ülkelerinde Vergi Ahlakı [Tax Ethics in Transition Countries], *Business and Economics Research Journal*, 5(1), 123-141.

Esen Ö.& Bayrak M. (2015).Kamu Harcamaları ve Ekonomik Büyüme İlişkisi:Geçiş Sürecindeki Türk Cumhuriyetleri Üzerine Bir Uygulama [Relationship Public Expenditure and Economic Growth: An application on the Turkish Republic in Transition] *Bilig*, Bahar, S.73, 231-248.

Güler E. (2012). Geçiş Ekonomileri ve Yeni Kurumsal İktisat'ın Yeniden Yükselişi [Transition Economies and the Resurgence of the New Institutional Economics] *Doğuş Üniversitesi Dergisi* [Dogus University Journal],13(1), 52-68.

İncekara, A. Şanlı, B.,& Hobikoğu E. (2015). Kırgızistan ve Türkiye Ekonomik İlişkiler [Economic Relations Kirghizistan and Turkey] In B. Şanlı& E.Hobikoğlu.(Eds) *Türkiye ile Türk Cumhuriyetleri Arasındaki Ekonomik İlişkiler* [*Economic Relations Between Turkey with Turkish Republics] (pp.29-61).* Kırgızistan: Celalabat.

İncekara, R& İncekara B.(2015).Türkiye ve Kazakistan Ekonomik İlişkileri[Economic Relations Kazakhistan and Turkey] In B. Şanlı& E.Hobikoğlu.(Eds) *Türkiye ile Türk Cumhuriyetleri Arasındaki Ekonomik İlişkiler* [*Economic Relations Between Turkey with Turkish Republics] (pp.127-161).* Kırgızistan: Celalabat.

Madina, P. & Kahriman H.(2016). Bir Geçiş Ekonomisi Olarak Kırgızistan'da Doğrudan Yabancı Yatırımlar ve Orta Asya Ülkeleri İle Kıyaslanması, [Compared Foreign Direct Investment and Central Asian Countries in Kyrgyzstan as a Transition Economy]*Yönetim ve Ekonomi [Management and Economics]* 23(1), 163-188.

Jantsan S.(2013). *Geçiş Ekonomilerinde Reform Sürecinin Değerlendirilmesi* [Evaluation of the Reform Process in Transition Economies] (Basılmamış Yüksek Lisans Tezi) [unpiblished master thesis], Hacettepe Üniversitesi [Hacettepe Universty], Ankara, Türkiye.

Miller T. & Kim A. B (2016). *Index Of Economic Freedom Promoting Economic Opportunity And Prosperity, Institute For Economic Freedom And Opportunity*, The Heritage Foundation.

Siegoelbaum P. J. (2002). *Structural Adjustment in the Transition Case Studies from Albania, Azerbayjan, Kyrgyz Republic, and Moldova*, World Bank Disscussşion Paper No. 429.

Tandırcıoğlu H.& Özen A.,Geçiş Ekonomilerinde Doğrudan Yabancı Sermaye Yatırımları[Foreign Direct Investment in Transition Economies] *Sosyal Bilimler Enstitüsü Dergisi,* [Journal of the Institute of Social Sciences] C.5, S.4., 105-129.

Uludağ, A. (2015).*Uluslararası Kuruluşlarca Kullanılan Global Endeksler*[Global Indices that are used by International organizations] Özel Gündem Şubat 2015[Special Affairs in February 2015] T.C. Maliye Bakanlığı Avrupa Birliği ve Dış İlişkiler Dairesi Başkanlığı [T. C. Ministry of European and Foreign Affairs Department], Ankara.

The World Bank Group (2016) Retrieved at April 30, from http://www.doingbusiness.org/rankings

The Heritage Foundation (2016) Retrieved at April 25, from http://www.heritage.org/index/pdf/2016/book/index_2016.pdf

The World Bank (2015), Doing Business 2015 Going Beyond Efficiency Comparing Business Regulations for Domestic Firms in 189 Economies A World Bank Group Flagship Report.

IMF, Transition Economies: An IMF Perspective on Progress and Prospects, Retrieved at April 30, from https://www.imf.org/external/np/exr/ib/2000/110300.htm#I

Transparency International (2014). Curruption Perceptions Index World Development Indicators, Retrieved at May 11, from http:// databank.worldbank.org

Interaction of Institutions and Environmental Degradation

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1. Introduction

Although there are many studies upon questioning the relation between the economic growth, energy consumption and environmental quality, the relationships between the institutional spheres in which the economic activities realize were not questioned adequately in those studies. To obtain sustainable development, institutions should be added to the analysis. To fill the gap, relationship between institutional quality and CO_2 emissions was questioned in this study. The datum for 13 middle-income countries which covers the period between the years from 2001 to 2011, was examined by the panel data analysis method. In the study apart from the previous studies the Pollution Heaven Hypothesis was also examined. Variables, which will represent the institutional quality level, are taken as the subcomponents of World Governance Index. These variables are the control of corruption, the government effectiveness, political stability and the absence of violence/terrorism, the regulatory quality, the rule of law and voice and accountability. Per capita income, fossil fuel usage and energy consumption were used as an auxiliary explanatory variable in our model. The rest of the paper is organized as follows. Section 2 summarizes related literature; Section 3 describes the variables and presents the empirical model. Section 4 presents the empirical findings of the study. Final section gives the conclusions and policy recommendations.

2. The Literature Review

There exists a growing literature which examines the causality relation between the energy consumption with economic growth and the institutional factors with CO_2 emissions. Today, it has become important for policymakers to understand the causality relationship so that they could have designed the effective energy and environmental policies (Ozturk, 2010).

Brock and Taylor (2004) have evaluated the interaction between the environmental factors and economic activities on a base in which three ways of thinking exist. These are

- The effect of production scale
- The composition effect of produced assets
- The effect of production technique

Scale Effect: All economies in which the production scale was increased lead to the environmental degradation, however the increased production volume results in more need for energy. In particular, for under developed societies, the primary aim is to increase the amount of production. The increased production will put an incline for fuel consumption, and then this fuel consumption will also enhance the CO_2 emissions, which result in environmental degradation.

The Composition Effect: In the early stages of development, countries produce the products, which are giving more damages to the environment. The level of social consciousness can only increase after a specific level of income. A clean environment can be perceived as one of the primary items of life quality after this stage. Along with the sanctions coming from civil society, the product composition can be oriented towards the less polluter products for environment. Only if the new composition of product was designed by paying attention on the environment, the environmental degradation could be decreased.

The effect of technology: Owing to the technological developments, the artificial products instead of natural resources can be produced, and then the environmental waste that was produced after production can be destroyed with less damage. Technological advancement and effective resource usage can decrease the environmental degradation. Lindmark also stated that the reason of the emergence of environmental-friendly technologies was highly related with the development of environmental consciousness and the foundling of the institution on this concept (Lindmark, 2002).

The main determiner of the direction of the relationship between the composition effect with technology effect and environmental mechanism is the institutions. The institutions can be defined as the common ways of thought, brought by societies, indeed they can also be inherited towards the next generations via cultural heritage (Stern, 2004). Institutions are the body of laws, which are about the life.

The effective using of institutions can prevent the serious increases in environmental degradation even at the early stages of economic development (Panayatou 1997). The existence of effective institutions decreases the environmental degradation mostly via the composition effect or by technology effect-mechanism. The internalization of environmental-friendly institutions by society can be effective on the determination of product composition. The durableness of institutions can support the technologic development and induce the investments.

Leitao (2010) analyzed the poverty levels of countries as the indicators of institutional quality for 41 countries, which are at different income levels, and then he questioned the relationship for environmental degradation. In his analysis, there was found a positive correlation between the emission of sulfur and poverty.

Tamazian and Rao (2010) performed a panel data analysis for 24 economies in transition benefiting from the datum for the years as 1993-2004, and found that the institutional quality was one of the determiners of environmental performance.

Cole (2007) revealed the positive correlation between the level of poverty and the emission of CO2 and SO2. Schultz & Crockett, (1990) and Payne (1995) established a relationship between institutional quality and political rights and the freedom of access to knowledge, and stated that increasing institutional quality would increase the environmental conscience, and this would prevent the environmental degradation.

Kumbaroğlu and his colleagues (2008) found in their analysis of Turkey, which was performed in order to determine the effects of financial freedom on environment, that the increase of financial freedom would give an opportunity for technological change, and new technologies could be more environmental-friendly, resulting in less damages for environment.

Panayatou (1993) also performed a panel data analysis for 30 countries and found in the societies where the institutional quality is high that no serious increases for environmental degradation could be observed even for the early stages of economic development.

Bhattari and Hammig (2001) performed panel data analysis for 66 Latin Africa and Asia countries, and found that there was relationship between the degradation of forests and the institutional quality of countries which exist in three different continents. As a result of the study, it was also found that less loss of forests occurred in the countries where the political institutions had been developed and the governments had been working effectively

Culas also conducted a panel data analysis in 2007 for 14 tropical countries and used the trustworthiness of property rights and policies created for environment. As a result of the

study, it was also found that there was a negative relationship between institutional quality and environmental degradation

One of the branches of these strands which were executed in this movement is the interaction between foreign trade and environmental degradations. Indeed, two separate views exist in order to present the interaction between foreign trade and environmental degradation. One of them is the Pollution Heaven Hypothesis and the other one is technology transfers view. In the emerging economies, the demand for environmental quality is increasing via the growing income. The internalization of the negative externalities by the state via legal regulations also increases the costs of production. The firms which cause the environmental degradation generally transfer the production facilities towards to the undeveloped countries instead of institutional regulations. This mobility which called as Pollution Heaven Hypothesis can increase environmental degradation of the countries which have lower income level. On the other hand, the increase of trade openness can accelerate the capital inflow for new technologies via technology transfer and ease the facility of environment-friendly technologies. This situation can decrease the environmental deterioration in long term.

3. Data and Empirical Methodology

The data used in the application were obtained from World Bank (2016), the definitions and sources related to data are presented in Table 1.

Table -1. Data Definitions and Sources

Code	Name	Source
CO_2	CO2 emissions (metric tons per capita)	WDI*
GDP	GDP per capita (constant 2005 US$)	WDI*
FOS	Fossil fuel energy consumption (% of total)	WDI*
ELEC	Electric power consumption (kWh per capita)	WDI*
FDI	Foreign direct investment, net inflows (% of GDP)	WDI*
RQ	Regulatory Quality	WDI*
ROL	Rule of Law	WDI*
GE	Government Effectiveness	WDI*
PSAV	Political Stability and Absence of Violence/Terrorism	WDI*
COR	Control of Corruption	WDI*
VAC	Voice and Accountability	WDI*

* The World Bank World Development Indicators: http://databank.worldbank.org/data/views/variable Selection/selectvariables.aspx?source=world-development-indicators

It will be useful to give information about the institutional determiners that will be included in the analysis. These are;

The quality of regulations: This measures the regulations which are created by governments in order to produce efficient policies for the development of private sector and as well as their implementation.

The rule of law: It represents the feel of economic agents' confidence that will occur in the borders of social rules, and symbolizes the applicability of agreements, the property rights, the quality of police and judicial offices.

The efficiency of government: In addition to public services and civil services**,** it represents the governments' acting independently from political pressure, their policy production, implementation, and the credibility of governmental policies

Political sustainability: It represents the non-existence of political instability, the violence rooted from political reasons and/or the terrorist attacks

The control of corruption: It represents bringing the demands of interest groups and elitists upon the corrupt gains under control and measuring its prevention level.

Freedom of speech and accountability: It represents the free participation of citizens in the political groups, making themselves heard without pressure, and the existence of free press.

In the stage on determining the model to be included in model, the variables as per capita income fossil fuel usage electric consumption and foreign direct investment were added up each model under the framework of literature. Following this, the institutional indicators as Rule of Law, Government Effectiveness, Political Stability and Absence of Violence/Terrorism, Control of Corruption, Regulatory Quality Voice and Accountability were individually added up the model, and then their effects were questioned. As this transaction was conducted, it was also observed whether the signs of variables were changed or not, and then the soundness of the model was pursued.

MODEL 1: $LCO2_{i,t} = \alpha_i + \beta_1 LGDP_{i,t} + \beta_2 LFOS_{i,t} + \beta_3 LELEC_{i,t} + \beta_4 LFDI_{i,t} + v_t + \varepsilon_{i,t}$ (2)

MODEL 2: $LCO2_{i,t} = \alpha_i + \beta_1 LGDP_{i,t} + \beta_2 LFOS_{i,t} + \beta_3 LELEC_{i,t} + \beta_4 LFDI_{i,t} + LCOC + v_t + \varepsilon_{i,t}$ (3)

MODEL 3: $LCO2_{i,t} = \alpha_i + \beta_1 LGDP_{i,t} + \beta_2 LFOS_{i,t} + \beta_3 LELEC_{i,t} + \beta_4 LFDI_{i,t} + LGE + v_t + \varepsilon_{i,t}$ (4)

MODEL 4: $LCO2_{i,t} = \alpha_i + \beta_1 LGDP_{i,t} + \beta_2 LFOS_{i,t} + \beta_3 LELEC_{i,t} + \beta_4 LFDI_{i,t} + LPS + v_t + \varepsilon_{i,t}$ (5)

MODEL 5: $LCO2_{i,t} = \alpha_i + \beta_1 LGDP_{i,t} + \beta_2 LFOS_{i,t} + \beta_3 LELEC_{i,t} + \beta_4 LFDI_{i,t} + ROL + v_t + \varepsilon_{i,t}$ (6)

MODEL 6: $LCO2_{i,t} = \alpha_i + \beta_1 LGDP_{i,t} + \beta_2 LFOS_{i,t} + \beta_3 LELEC_{i,t} + \beta_4 LFDI_{i,t} + RG + v_t + \varepsilon_{i,t}$ (7)

MODEL 7: $LCO2_{i,t} = \alpha_i + \beta_1 LGDP_{i,t} + \beta_2 LFOS_{i,t} + \beta_3 LELEC_{i,t} + \beta_4 LFDI_{i,t} + VA + v_t + \varepsilon_{i,t}$ (8)

In the models concerning the implementation index i refers to countries, index t symbolizes time, α_i represents fixed country effects and v_t indicates unobservable time effect, last $\varepsilon_{i,t}$ denotes the error term. The aim of the present study is to perform analyses considering 13 countries and five different income groups between the years from 2000 to 2013.. All the variables are expressed in their natural logarithmic forms

Letter "L" which is used in front of variable symbols indicates that the logarithmic transformation was done to the related variable series. The most appropriate tool for the application, which offers various advantages by means of bringing together cross-sectional and time-series data consisting of different countries, is the panel data analysis. Simple linear panel data models can be estimated through basically three different methods. The first of these is the method which contains common constant. It is called as the pooled ordinary least squares method (POLS).The second one is the fixed effects model (FEM) which includes country and time effects as constant terms. The third one is the random effects model (REM) which includes country and time effects as random parameters rather than fixed ones. With the combination of the data on a panel, they can be estimated via various methods. Moreover; the process by which systematic differences are revealed by means of using dummy variables on panel data is called as fixed effects model. Another method is called as the random effects model (Asteriou & Hall, 2007).

In the study for the purpose of making a selection among three basic estimators F test (Moulton & Randolph, 1989), LM test (Breusch & Pagan, 1980; Honda, 1985) and Hausman (1978) test were used. Presence of group specific effect (H_0: $\alpha_1 = \alpha_2 = ... = \alpha_n$) is tested by F test. According to the null hypothesis, intercepts related to individuals are common. The method which can be applied in such homogeneity will be pooled OLS. When H_0 is rejected, intercepts are considered different for each individual. The second essential tool in the model selection is the Breusch and Pagan (1980) Lagrange Multiplier test. In this test, the null hypothesis refers to the fact that the random effects variance between the individuals is zero

(H_0: $\sigma_\mu^2 = 0$). The failure in the rejection of the null hypothesis leads to the fact that the random effects between the individuals are not significant. However, the problem in this test is that alternative hypothesis is set up double-sided; however, the variance components are known to be positive. With a view to resolving such a problem, LM statistics was adapted by Honda (1985) to make the alternative hypothesis one-sided. As a result of the tests, pooled OLS estimator will be preferred in case of the absence of random panel effect. Moreover, between these two estimators, Hausman (1978) test is widely used on condition that fixed and random effects belonging to the individuals in F and LM tests are found to be significant. The main point to be mentioned in decomposing fixed and random effects methods is whether there is a correlation between such elements as individual as well as time and the explanatory variables in the model or not. The correlation of these elements with X_{it} refers to the fixed effects model while the absence of this correlation reveals random effects model. H_0 hypothesis follows: "there is not a correlation between the explanatory variables and individual effects". When zero hypothesis is accepted, both estimators will be consistent; nevertheless, as random effects estimator is more efficient, it will be appropriate to use it. In case of rejection of the hypothesis H_0, as random effects estimator would be biased, the use of consistent fixed effects estimator would be appropriate. In addition, before using the appropriate estimator, the presence of autocorrelation and heteroscedasticity problems should be explored. In order to detect the autocorrelation in practice, Baltagi and Li (1995) LM statistic test and to detect heteroscedasticity, LM test statistics developed by Greene (2008) were used.

4. Empirical Findings

The statistical values of the selected F, LM, LM-Honda and Hausman estimator related to the all model are presented in the bottom panel of Table 2. According to the probability values of F-test, fixed effects estimator is significant at 1% for all models compared to the pooled OLS estimator. In this case, H_0 hypothesis related to F test suggesting "fixed effects belonging to the models are equal" is rejected. On the other hand, according to the probability values of LM-test random effect estimator significant at the 1% for all models compared to the pooled OLS estimator. The fact that H_0 hypothesis is rejected according to LM test random effects between the individuals is significant.

In both tests, pooled OLS estimator is not preferred. After this stage, a preference is to be made between fixed and random effects. According to the probability value of Hausman tests, H_0 hypothesis is rejected at for all model respectively 5% (model 1),%5 (model 2),%10 (model 3), %1 (model 4),%1 (model 5) and %5 (model 6), %5 (model7) significance level. Therefore, consistent fixed effects are supposed to be used since random effects estimator is biased. According to the probability values, the most appropriate one is the fixed effects estimator. In short, according to the F, LM, LM-Honda and Hausman test preformed for all models the fixed effects estimator is preferred for all models. In addition, the results of the autocorrelation and heteroscedasticity tests which are carried out for both models shows that the problems mentioned arise for each model. Asymptotic t statistics cannot be used; instead, the "period white" method which was developed by White (1980, 1984) used in both models in order to obtain robust t statistics.

Table-2. Model Choice and Diagnostic Test Results

	MODEL 1	MODEL 2	MODEL 3	MODEL 4	MODEL 5	MODEL 6	MODEL7
F-group_fixed	261.3***	220.9***	251.4***	270***	200.4***	220.7***	261.17***
F-time_fixed	2.02**	2.06**	2.03**	2.501**	1.67*	2.19**	1.7*
F-twoway_fixed	144.2***	119.98***	139.3***	148.7***	119.72***	126.2***	141.9***
LM-group_random	658.4***	616.7***	640***	607.6***	485.3***	530.4***	680.9***
LM-time_random	0,93	2,02	0,73	1,01	0,92	0,03	1,97
LM-twoway_random	659.3***	618.7***	640.8***	608.6***	486.2***	530.4***	682.9***
Honda-group_random	25.66***	24.83***	25.29***	24.65***	22.03***	23.03***	26.09***
Honda-time_random	-0,96	-1,42	-0,86	-1,00	0,96	-0,05	-1,41
Honda-twoway_random	17.46***	16.5***	17.28***	16.7***	16.2***	16.24***	17.45***
Hausman	9.55**	11.51**	9.311*	10.9***	16.24***	14.44**	7.83**
Heteroscedasticity tests							
LMh_random	89.3***	84.1***	92.91***	111.4***	57.32***	83.01***	116.1***
LMh_fixed	28.01**	29.15**	27.47**	38.1***	29.06***	29.73***	42.94***
Autocorrelation tests for fixed effect							
LM-stat	27.62***	27.5***	27.54***	25.42***	24.48***	27.72***	20.25***
Durbin-Watson	0,99	0,99	0,99	1,03	1,01	0,99	1,13
Autocorrelation tests for random effect							
LM-murho	691.1***	645.4***	671***	637.9***	505***	551.03***	726.3***
LM-mu|rho	27.62***	617.8***	643.4***	612.4***	480.5***	523.31***	706.1***
LM-rho|mu	32.70***	28.68***	30.96***	30.25***	19.64***	20.54***	45.43***

Note: *** p<0.01, ** p<0.05, * p<0.1

The results of the fixed effects estimation carried out for all models presented in Table 3. The fixed effects estimation results performed for all models. When an overall assessment was done on the basis of income group in relation to the first model, it is evident that coefficients pertaining to the per capita income (LGDP) are positive and significant at 1% level for all models. 1% increase which is likely to occur in the LGDP leads to the increase Carbon dioxide emission (LCO_2), % 0.716 in model 1, % 0.718 in model 2, % 0.819 in model, % 0.718 in model 5, % 0.771 in model 6, % 0.702 in model 7.

Furthermore, the significance and sign of the Fosil fuel usage (LFOS) are positive and significant at 1% level for all models. 1% increase which is likely to occur in the LFOS leads to the increase (LCO_2) %1.77 in model 1, %1.778 in model 2, %1.779 in model 3, % 1.745 in model 4 , % 1.772 in model 5, %1.768 in model 6, %1.765 in model 7.

Third control variable electric consumption (LELEC) coefficients are significant at 1% level also effect LCO_2 positively for all models. 1% increase which is likely to occur in the LELEC leads to the increase (LCO_2) % 0.220 in model 1, 0.233 %in model 2, 0.221% in model 3, 0.227% in model 4, 0.22% in model 5, %0.205 in model 6, %0.181 in model 7. Last control variable of foreign direct investment (LFDI) is insignificant for all model. As the control variables are evaluated together, there wasn't change sign of coefficient of institutional indicators which involved in the analysis. Those results also give us information about the robust characteristics of model.

When we add up the institutional quality variables to the model individually the Rule of Law (LROL) Government Effectiveness (LGE) Control of Corruption (LCOC), Regulatory Quality (RQ) Political Stability and Absence of Violence/Terrorism (LPS), Voice and Accountability (LVA) only (LPS) and (LVA) variables are significant. 1% decrease of the LPS leads to the increase % 0,203 (LCO_2). Similarly 1% decrease of the LVA leads to the increase % 0,271 increase (LCO_2). Based upon the estimation results, the significance and sign of the LGDP, LFOS,LELEC variables is in accordance with the existing literature. It is obvious that the LPS and LCA have a negative impact on the LCO_2.

Table-3. Estimation Results

VARIABLES	MODEL 1	MODEL 2	MODEL 3	MODEL 4	MODEL 5	MODEL 6	MODEL 7
Dependent CO2	**(FE)**	**(FE)**	**(FE)**	**(FE)**	**(FE)**	**(FE)**	**(FE)**
LGDP	0.716*** (7.007)	0.718*** (7.056)	0.718*** (6.955)	0.819*** (8.159)	0.718*** (6.219)	0.771*** (7.085)	0.702*** (7.236)
LFOS	1.77*** (9.635	1.778*** (9.66)	1.779*** (9.552)	1.745*** (10.09)	1.772*** (9.303)	1.768*** (9.668)	1.765*** (9.873)
LELEC	0.220*** (3.238)	0.233*** (3.256)	0.221*** (3.22)	0.227*** (3.579)	0.22*** (3.224)	0.205*** (3.006)	0.181*** (2.728)
LFDI	-0.005 (-0.438)	-0,005 (-0.403)	-0,005 (-0.444)	-0,008 (-0.694)	-0,005 (-0.435)	-0,004 (-0.335)	0,005 (0.458)
LCOC		-0,046 (-0.64)					
LGE			-0,018 (-0.194)				
LPS				-0.203*** (-3.674)			
LROL					-0,002 (-0.034)		
LRQ						-0,096 (-1.379)	
LVA							-0.271*** (-2.821
Constant	-14.19*** (-10.58)	-14.29*** (-10.56)	-14.23*** (-10.45)	-14.80*** (-11.63)	-14.19*** (-10.42)	-14.43*** (-10.73)	-13.56*** (-10.33)
Obs.	156	156	156	156	156	156	156
Country num.	13	13	13	13	13	13	13
F-statistics	802.1	770.2	767.7	851.3	767.5	779.8	817.8
Adjusted R-Squ	0.992	0.992	0.992	0.993	0.992	0.992	0.993

Note: *** p<0.01, ** p<0.05, * p<0.1 Standard errors are in parenthesis.

5. Discussion

As the results obtained were evaluated, it can be obviously seen that the production had a negative effect on environmental degradation. This is also needed that the production methods in the countries which were included in the sample had to be reviewed in terms of environmental degradation. The energy consumption which was used in the production process has to be evaluated as well in order to question the effects of production on environment. Indeed, fossil fuels are the primary energy resources in the underdeveloped countries in order to gain an advantage about cost in production process. In particular, in the countries where the institutional regulations were not established, this option is preferred in

order to gain the competitive edge. In the undeveloped countries, the policy makers aim firstly the increase of production, thence this results in the creation of macroeconomic policies in this direction, moreover the environmental quality has begun to be seen a luxury consumption good.

One of the results obtained in this study is that there exists a negative relationship between the political stability and environmental degradation. The emergence of political stability decreases the environmental degradation. This result can be derived from the demand of ingoing governments about production of their own policies instead of the successor policies. Indeed, the governments which came to power doesn't follow the policies of previous terms, and they criticize them via producing new policies in order to bring innovation. This case can result in the waste of resources and the loss of efficiency. The waves occurred in political processes also increase the environmental degradation. The political stability sustained in a country strengthen the institutions and this can decrease the environmental degradation.

Another result which was obtained in this study is that there also exists a negative relation between accountability and environmental degradation. The increase of accountability in a country will also make the producers more responsible. Transparency that can be taken as a rule, and this can abolish the black economy. In the societies where the accountability is high, the emergence of civil societies and non-governmental institutions as well as their organizing capability can be easier. In the societies where the environmental degradation is high, the supporting of nongovernmental organizations' establishment can be a good political tool in the struggle for environmental degradation. Owing to NGOs, the communication in the society can be strengthened, the process as the transformation of existing rules towards common values will support the fighting spirit for environmental degradation.

6. References

Asteriou, D.& Hall, S. G., (2007). "Applied Econometrics : A Modern Approach Using Eviews And Microfit". New York: Palgrave Macmillan.

Baltagi, B.H. & Li, Q. (1991). "A joint test for serial correlation and random individual effects", Statistics & Probability Letters 11(3), 277–280

Bhattarai, M. & Hamming, M. (2001) "Institutions and the environment Kuznets curve for deforestation: across country analysis for Latin America, Africa and Asia". World Development 2001;29(6),995–1010.

Breusch, T. & S., Pagan, A. R., (1980). "The Lagrange Multiplier Test and its Applications to Model Specification in Econometrics". The Review of Economic Studies, 47(1), 239–253. Doi:10.2307/2297111

Brock W.,A.& Taylor M. S.(2004). "Economic Growth and the Environment: A Review Of Theory and Empirics" NBER Working Paper Series, Working Paper no: 10854

Cole, M.,A. (2007). "Corruption, income and the environment: an empirical analysis". Ecological Economics 62, 637–647.

Culas, R.,J. (2007). "Deforestation and the environmental Kuznets curve :an institutional perspective". Ecological Economics 2007;61(2–3),429–37.

Greene, W., H. (2008). "Econometric Analysis",6th Ed., Upper Saddle River, N.J.Prentice Hall

Hausman, J., A. (1978). "Specification Tests in Econometrics". Econometrica, 46(6), 1251–1271. Doi:10.2307/1913827

Honda, Y. (1985) "Testing the error components model with non-normal disturbances", Review of Economic Studies, 52, 681-690

Kumbaroglu,G., Karali,N. & Arikan,Y., (2008). "CO2, GDP and RET: an aggregate economic equilibrium analysis for Turkey". Energy Policy 36,2694–2708.
Leitao, A. (2010). "Corruption and the environmental Kuznets curve: empirical evidence for sulphur". Ecological Economics2010;69(11),2191–201.
Lindmark, M. (2002). "An EKC-pattern in historical perspective: carbon dioxide emissions, technology, fuel prices and growth in Sweden". 1870–1997. Ecological Economics 42 (2002), 333–347
Moulton, B., R., & Randolph, W., C. (1989). "Alternative Tests of the Error Components Model". Econometrica, 57(3), 685–693. Doi:10.2307/1911059
Ozturk, I. (2010). Literature survey on energy-growth nexus. Energy Policy, 38(1), 340-9.
Ozturk, I.& Acaravci, A. (2010). CO2 emissions, energy consumption and economic growth in Turkey. Renewable and Sustainable Energy Reviews 14, 3220-3225.
Panayotou, T. (1993), "Empirical Tests and Policy Analysis of Environmental Degradation at Different Stages of Economic Development", In Technology, Environment, and Employment, Geneva: International Labour Office.
Panayotou, T. (1997). "Demystifying the environmental Kuznets curve: Turning a black box into a policy tool". Environment and Development Economics;2(4),465-84.
Payne, R.,A. (1995). "Freedom and the environment". Journal of Democracy 6, 41–55.
Schultz, C.B. & Crockett, T.R., (1990). "Economic development, democratization, and environmental protection in Eastern Europe". Boston College Environmental Affairs Law Review 18, 53–84.
Stern I., D. (2004), "The Rise and Fall of the Environmental Kuznets Curve" World Development Vol. 32, No. 8, pp. 1419–1439, 2004
Tamazian, A. & Rao, B.B., (2010). "Do economic, financial and institutional developments matter for environmental degradation? Evidence from transitional economies". Energy Economics 32, 137–145.
WORLD BANK, 2016. World development indicators and global development finance. World Development Indicators. [Accessed: 01.07.2016]. Available from http://databank.worldbank.org/

Renewable Energy Production Potential and Development Relationship: The Case of Turkey

Turgut Bayramoglu

1. Introduction

Contrary to the theory of classical economists, intercountry and interregional development disparities are increasing every day. One of the reasons for this situation is the energy factor. It was argued by many economists that countries/regions that have environmentally-friendly energy sources show a more rapid development tendency compared to the others (Erdal, 2012; Albostan, Çekiç & Eren, 2009). The energy which is used to be considered as a natural resource by the 20th-century economists drew attention as a production factor particularly following the 1973 energy crisis and started to be emphasized more. Energy and renewable energies, in particular, ensure growth/development thanks to their effects of creating new employment opportunities, increasing efficiency and creating added value, and in this respect, they play a key role in the elimination of differences in economic development (Plieninger, Bens, & Hüttl, 2006). The purpose of this study is to examine the place and importance of renewable energy sources in the economic development process taking into consideration the importance of energy in growth and development.

Economic development is an approach based primarily on the mobilization of resources or superiority. On the other hand, economic development which was brought to the agenda in the 1950s following the independence of colonial countries and the foundation of the UN basically deals with natural resources (energy sources) and human resources potential and all economic-social-environmental differences and superiorities. Because the natural renewable energy resources (sun, wind, geothermal, hydraulic and biomass) to be used in the process of economic development are the resources the assets of which are known, it can be estimated that they will make a great contribution to the development. Fossil fuels (petrol, coal, and natural gas) are the stock assets and these energy sources are certain to end. Therefore, it is necessary to focus on the renewable energy resources and develop these resources.

The interest in renewable energy gradually increased since the 1973 oil crisis. The annual electricity demand growth in Turkey is approximately 7-8%. This rate puts Turkey at the second place after China in terms of the electricity consumption demand growth in the world. Fossil fuels used to meet our electricity needs (almost all natural gas and liquid fuels, approximately 30% of coal fuels) are imported. It is estimated that the installed capacity of Turkey will be 110.000 -130.000 MW, and electricity consumption (64.482 MW in 2014) will be 500 billion kWh in 2023; in order to reach these figures, the current installed capacity should be doubled. Therefore, in order to ensure the security of energy and increase the diversity of resources, it is necessary to turn to renewable energy (RE) sources in terms of energy diversity. It is understood that in addition to their contribution to the rural development, RE sources will be effective in reducing environmental pollution caused by the fossil fuels that are not renewable, ensuring the security of energy supply and reducing the dependence on foreign energy.

As a developing country, Turkey increases its energy demand continuously. Being dependent on foreign energy causes many problems. Turkey should turn to RE in order to ensure the security of energy supply and activate its own potential for energy generation. The RE potential of Turkey is capable of meeting a certain percentage of its energy need (30%).

In the study, after the importance of energy for production and development is mentioned, the figures on the energy consumption in the world and Turkey will be given, and finally, Turkey's RE sources potential will be explained and its potential contribution to the development will be assessed.

2 The World and Turkey's Energy Outlook

Energy is defined as the capacity to do work (Stern, 2004). Energy is used in many areas of life. Energy, which has many areas of use such as home, workplace, transportation and industry, is directly or indirectly obtained from several sources. These resources are divided into two groups as non-renewable energy sources and renewable energy sources. The energy demand is increasing day by day in proportion to populations, the rates of urbanization, the growth potentials, the speed of technological development of countries and energy prices (Paul & Bhattacharya, 2004; Costantini & Martini, 2010; Khan & Ahmed, 2008; Esen & Bayrak, 2015; Sözen et al., 2005).

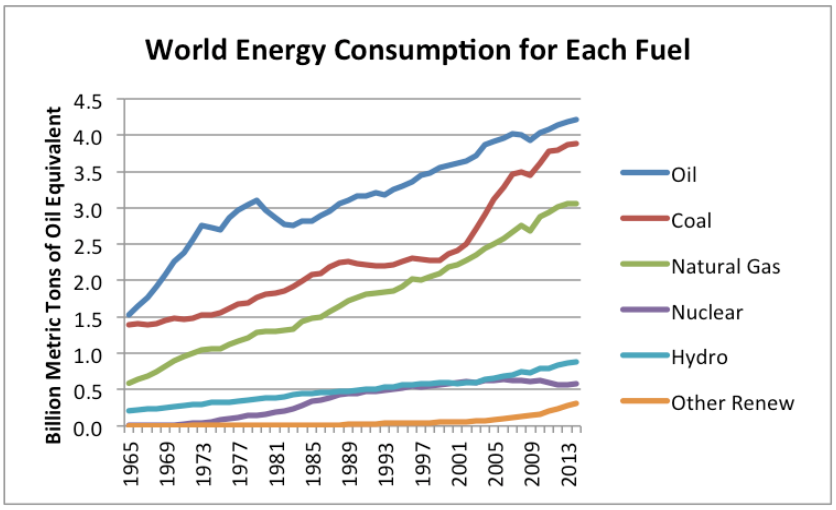

Figure 1. *World Energy Consumption Growth by Energy Type (2013),* ***Source:*** *BP Energy Statistic*

As shown in Table 1, energy demand is increasing continuously.

When considering the indicators such as growth and population mentioned above, there is no doubt that these rates will show an increase in the 2030s. According to the estimation for 2030, it is estimated that the population in the world will be about 9 billion, the average growth rate will be 3.2%, the energy demand will be 35-50% higher than the current amount and an investment of 38 trillion USD will be needed in energy until 2030. When the share of renewable energy in total energy is considered, it is estimated that despite many arrangements the share of renewable energy will only be 4% of the global energy generation by 2030. According to the estimation of the International Energy Agency, an investment of 17 trillion USD will be needed by this date to generate this amount of energy. Among renewable energies, the most rapid development is achieved by wind energy (Pyke, 2012). Another matter that must be discussed is what the CO2 rates will be if the energy generation growth continues at this rate. Governments are intended to mitigate greenhouse gas emissions by regulating carbon markets. Clean air that is one of the elements of development is only possible in this way. Otherwise, the people of the world can face a situation similar to the case occurring in China, where it is not safe to go outdoors without masks. According to the

450 ppm Scenario, it is aimed to reduce the level of carbon dioxide in the atmosphere below this value; and this will ensure keeping the increase in temperature below 2ºC until 2030.

Considering Turkey's energy outlook, the increase in energy sources by 2021 is shown in Table 2 by type

Table 1: *The Reliable Installed Power Capacity Scenario of Turkey by Year (GWh)*

YILLAR	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
LİNYİT	34973	34984	44118	48600	52676	56651	56748	57260	57260	57260	57260
T.KÖMÜR+ASFALTİT	3738	3738	3857	3857	4829	5801	5801	5801	5801	5801	5801
İTHAL KÖMÜR	25461	25461	25426	25002	29474	36481	38272	38311	38311	38311	38311
DOĞAL GAZ	134625	141708	145475	150184	162289	167216	167848	168184	168184	168184	168184
JEOTERMAL	802	802	912	1212	1402	1402	1402	1402	1402	1402	1402
FUEL OIL	6805	6805	9034	9034	9034	9034	9034	9034	9034	9034	9034
MOTORİN	148	148	148	148	148	148	148	148	148	148	148
NÜKLEER	0	0	0	0	0	0	0	0	4200	12600	21000
DİĞER	1408	1408	1408	1408	1408	1408	1408	1408	1408	1408	1408
TERMİK TOP.	207959	215053	230376	239443	261259	278139	280659	281547	285747	294147	302547
BİOGAZ+ATIK	804	945	1111	1166	1196	1196	1196	1196	1196	1196	1196
HİDROLİK	53317	56661	44940	48717	54932	62536	67210	68946	69386	69386	69386
RÜZGAR	5002	5180	5764	6907	7644	7644	7644	7644	7644	7644	7644
TOPLAM	**267081**	**277840**	**282192**	**296234**	**325031**	**349516**	**356709**	**359334**	**363974**	**372374**	**380774**

Source: *Energy Institute*

It is observed from the table that the generation of energy based on fossil fuels is still too high; however, there is also an increase in the generation of energy based on renewable energy sources. For Turkey, it will be possible to reduce greenhouse gas emissions if the regulatory authorities work as expected. A threefold increase can be achieved by 2030 compared to the levels of 2010 with the addition of coal and lignite (Anonymous, 2011). This situation can only be changed by increasing energy generation capacities based on renewable energy sources.

3 Turkey's Renewable Energy Generation Potential

When the energy resources are evaluated in the case of Turkey, it will be concluded that Turkey has not enough unrenewable energy resources which are the stock assets, however, it has any kind of renewable energy resources, primarily wind, sun, geothermal, biomass energy and hydraulic (Çanka Kiliç & Kaya, 2007). The presence of a political will to use the current renewable energy sources was stated in May 2009 with the preparation of the Electricity Energy Market and Supply Security Strategy Paper, and it was primarily aimed to increase the share of domestic resources in electricity generation (MENR, GDRE, 2016).

The RE resources and generation potential of Turkey are given below. According to these figures, wind energy generation is one of the fastest developing renewable energy resources all over the world. Hydroelectric power has been found to be most suitable for renewable energy Turkey (Yakıcı Ayan & Pabuşcu, 2013, 104). The annual wind energy generation in the world was 557 TWh/year in 2012 and its share in the total energy generation was 2.6%. The installed capacity of operating wind power plants was approximately 300 GW by the end of December 2013. According to the data provided by the Ministry of Energy and Natural Resources (MENR), it was accepted that wind power plants with a capacity of 5 MW per square kilometer can be established at 50-meter altitude from the ground in the areas with the wind velocity of above 7.5 m/sec. The annual wind power energy generation of Turkey was 7.518 GWh by the end of 2013. Based on these

data, Turkey's wind power energy potential was determined as 48.000 MW. The total area corresponding to this potential is equal to 1.30% of the total surface area of Turkey (MENR).

According to the solar energy generation data, Turkey is a country having a high solar energy potential because of its geographical location. According to the data provided by the General Directorate of Renewable Energy, the total annual sunshine duration is 2.737 hours (daily 7,5 hours in total), the total annual solar energy received is 1.527 kWh/m2 (daily 4,2 kWh/m2 in total). The total installed solar collector area in Turkey was calculated as approximately 18.640.000 m². The annual production of flat plate solar collectors was calculated as 1.164.000 m^2 and the production of vacuum tube solar collectors was calculated as 57.600 m^2. Approximately 768.600 TOE (Tons of Oil Equivalent) of thermal energy was generated by solar collectors in Turkey in 2012. In accordance with the 2023 targets of Turkey, it is expected to reach at least an installed power of 3000 MW of licensed PV plants. The installed capacity of currently installed photovoltaic solar electricity systems in Turkey has reached 3,5 MW (MENR).

Geothermal energy is another renewable energy, and Turkey has a good potential because of its geographical location. The installed capacity of geothermal energy was 11,766 MW in 2013 in the world. The total annual electricity generation is approximately 68,6 billion kWh; Turkey uses geothermal for generating heat and spa tourism. Turkey's theoretical geothermal potential is 31.500 MW. The distribution of the areas with geothermal potential in Turkey is as follows: 79% in Western Anatolia, 8,5% in Central Anatolia, 7,5% in the Marmara Region, 4,5% in Eastern Anatolia and 0,5% in other regions. 6% of our geothermal potential is appropriate for electricity energy generation, the other part is appropriate for other applications such as heat energy and spa tourism. By the end of 2013, the General Directorate of Mineral Research and Exploration, the affiliate institution of MENR, realized 576 explorations with 328.711 m drilling, and explored 227 areas with geothermal potential; 4.900 MWt of heat energy was obtained from these wells, except natural outputs (MENR). The theoretical electricity potential that Turkey can generate from geothermal energy is estimated to be approximately 2.000 MWe. Including the plants licensed by the Energy Market Regulatory Authority (EMRA), the geothermal electricity generation potential of our country has reached 706,4 MWe by the end of 2013. This figure is expected to reach 1.000 MWe by the end of 2023. There are currently 15 geothermal energy plants in Turkey and their installed power is 404.9 MWe.

Locating in a suitable climate zone and having a land area of 770.760 km2, Turkey is a country that has a capacity of generating plant-derived biomass energy and has a great capacity to generate biomass energy with its stock of 354.084.250 animals. Turkey is a country which is in good condition in terms of biomass sources. Biomass resources consist of agriculture, forestry, animal, organic, urban wastes, etc. According to the calculations, the theoretical plant-derived biomass energy value is 5.527 TOE and the biomass energy that can be generated economically is 4.421 TOE. Animal-derived biomass energy generation potential is 949.308 TOE. The biogas amount of Turkey corresponding to its animal waste potential is estimated to be 1,5-2 million TOE.

Turkey's theoretical hydropower potential is 433 billion kWh, technically realizable potential is 216 billion kWh and economical hydropower potential is 140 billion kWh/year. When our hydraulic resources are considered, 37% of Turkey's hydropower potential is being operated. Turkey's theoretical hydropower potential is 1% of the world's theoretical potential, and its economic potential is 16% of Europe's economic potential (MENR, GDRE, 2016).

As a result, considering Turkey's current situation in the energy market and the conditions of energy market in the future, the Ministry of Energy and Natural Resources aims to achieve 20.000 MW of the installed power in wind power plants and 600 MW of the installed power in solar energy plants, to use all of our hydropower potential that is 36.000

MW, to achieve 600 MW of the installed power in geothermal power plants and increase the share of renewable energy in the total energy supply to 30% by 2023 (MENR, 2016).

4 The General Outlook of Renewable Energy in Terms of Sustainable Development Indicators

When the situation is considered in terms of Sustainable Development Indicators, development is known to have three different components, being social, economic and environmental. When developing the indicator, many indices have been developed at the international and national level by taking these elements into consideration. The Environmental Performance Index created by Yale University and Columbia University in cooperation with the World Economic Forum and European Commission Joint Research Center in order to compare the environmental performance of countries, the Genuine Progress Indicator developed by the Redefining Progress, a think tank institution, as an alternative to GDP in 1989, the Environmental Sustainability Index developed by Yale University in cooperation with the World Economic Forum and Columbia University are the examples of these indicators (Yıkmaz, 2011).

Selected Sustainable Development Indicators were published by TUIK (Turkish Statistical Institute) for Turkey. The examples of the indicators consisting of 12 indicators in total and used in this study that was started in 2000 are GDP growth rate, real GDP growth rate, inflation rate, lifelong learning, the overall employment rate, total greenhouse gas emissions, gross electricity produced in thermal power plants, the share of electricity produced from renewable energy sources, nitrogen oxide emissions arising from road vehicles (TUIK).

An evaluation was performed for Turkey by taking into consideration the environmental indicators that are among the factors affecting sustainable development. Climate change is one of the biggest challenges that humanity has faced. Climate change considered as a problem that can cause very serious socio-economic results due to its negative effects that can create a threat to human health, ecosystems and even the continuation of the human species has begun to take place on the international agenda especially in recent years. One of the most important causes of climate change is the continued generation of energy based on fossil fuels. Some energy values for Turkey are given in the following tables (GDRE).

Table 2: *Greenhouse Emissions, CO2 Equivalent (1990:100) 2000-2011* ***Source:*** *TUIK*

	CO2	Total Emission (Thousand Ton)							
			Cycle and Energy Sector	Manufacturing Industry	Transportation	Industrial Processes	Agriculture	Waste	Greenhouse Emission Density of Energy Consumption (2000:100)
2000	158	298.215	77 042	60 221	35 516	24 374	27 848	32 794	100,0
2001	148	279.246	79 989	47 149	35 585	23 324	26 421	32 886	98,5
2002	152	287.218	74 293	58 407	36 634	25 547	24 945	32 140	98,6
2003	161	303.773	74 426	67 730	38 414	26 297	25 792	33 123	98,4
2004	166	313.272	76 421	68 680	41 228	28 522	25 443	31 330	98,0
2005	176	330.982	88 833	67 771	41 307	28 781	26 280	33 577	100,5
2006	186	350.739	90 886	77 658	44 394	30 695	26 952	33 940	98,2
2007	202	380.948	106 932	80 822	51 790	29 262	26 758	35 635	101,5
2008	195	367.207	106 273	56 273	47 805	29 830	25 473	33 571	98,8
2009	196	370.012	102 819	55 404	47 440	31 687	26 104	33 273	99,2

2010	213	402.103	112 914	57 136	45 142	53 944	27 127	35 966	98,5
2011	224	422.416	122 133	57 531	47 946	56 206	28 833	36 127	99,4

(Note: CO2 Equivalent; SOx; Sulphur oxide, NOx; nitrogen oxide, NMVOC; Non-methane volatile organic compounds, NH3; ammoniac emissions)

When Table 3 is examined, it can be seen that the amount of toxic gasses, which are the primary reason of air pollution, has been increasing by years. When the situation is evaluated by sectors, it can be seen that pollution is caused most by the activities in the cycle and energy sector, and surprisingly, the share of industrial processes in the emission is the least. The greenhouse emission density of energy consumption has not been changed considerably since the 2000s. This shows that the dependence on fossil fuels is still at a very high level.

When the values in Table 4 are examined, it is noticed that Turkey's energy dependence has not decreased, but increased in time. Although there is a declining trend in all fuel types in time, the rates are around 90%. Energy consumption increased to 120.094 tons in 2012 from 80.500 tons in the 2000s. When the distribution of energy consumption is examined, the following findings will be determined: the share of petrol remains at the same rate while there is an increase in solid fuels, there is a 2.5-fold increase in natural gas when compared to the 2000s and, although the total amount is little, there is a 2.5-fold increase in RE.

Table 3: *Energy Dependence in Turkey and Energy Consumption by Energy Types (2000-2012)*

	Energy Dependence %				Energy Consumption (Thousand Tons)				
		Coal %	Oil Products %	Natural Gas %		Solid Fuels	Total Oil Products	Natural Gas	RE
2000	67,6	89,5	93,0	98,2	80 500	30 553	32 297	13 729	3 633
2001	66,0	78,1	89,0	99,8	75 402	26 121	30 936	14 868	3 121
2002	69,7	90,4	92,5	97,9	78 331	26 987	30 932	16 102	4 039
2003	72,3	94,1	92,3	97,4	83 826	28 267	31 806	19 450	4 254
2004	72,2	89,1	93,6	97,1	87 818	29 294	32 922	20 426	5 234
2005	74,0	91,4	92,9	97,5	91 074	29 457	32 192	24 726	4 799
2006	73,6	90,3	93,4	96,9	99 642	33 167	32 551	28 867	5 199
2007	74,9	92,9	94,4	97,6	107 627	35 904	33 310	33 953	4 594
2008	73,0	89,7	92,2	99,4	106 421	36 205	31 915	33 807	4 522
2009	70,5	90,0	89,2	98,2	106 138	37 579	30 565	32 775	5 283
2010	72,4	88,8	99,0	98,1	109 260	38 089	29 221	34 907	7 110
2011	71,6	91,3	92,1	96,5	114 480	39 379	30 499	36 909	7 615
2012	74,3	94,7	91,6	99,8	120 094	44 242	31 205	37 373	8 508

Source: *TUIK*

The share of electricity generated from RE which is not shown in the table was 24,3% in the 2000s, this rate reached 30.9% in 2004 but decreased to 27,0% in 2012 (TUIK, 2016).

5 Renewable Energy and Development Relationship

In terms of the economics literature, neo-classical economists argue that the current developments will prevent the depletion of natural resources and the growth will not stop while ecological economists argue that there is a problem with natural resources in general and energy resources in particular within the framework of sustainable development dynamics, and these resources can run out one day (Yapraklı, 2013; Bayramoğlu, 2014). In this regard, the cut applied by OPEC Countries on the oil supply to world markets showed all

countries the importance of the security of energy supply. Although it is not as important as the developments started with the Oil Crisis, this development made the countries realize that energy, as a production factor, has a potential to trigger a crisis. That Russia cut off the natural gas valve to the EU showing an excuse is an example of this situation. Due to these developments, the fear that the oil stock of the Earth will run out in the future which is growing with each passing day, the importance of the energy security for countries, the desire to stop environmental degradation, the tendency to renewable energy have accelerated in order to meet the increasing demand for energy (Karadoğan, 2006).

As is known, energy sources are divided into two groups: unrenewable energy sources and renewable energy (RE). Although the share of unrenewable energy sources (coal, oil, and natural gas) is still high at all stages of the production, because of the environmental concerns, that these sources are fossil fuels which are distributed unequally in the world and increase the dependence on energy, there is a tendency to limit the use of these unrenewable sources and prefer renewable energies (solar, wind, biomass, geothermal, etc.) that are not the stock assets as unrenewable energy sources, are distributed relatively equally in the world, reduce the dependence on energy and contribute to the growth and development of countries, and to the indicators of development such as economic factors like production, employment, environmental indicators such as clean air and water and global disasters such as climate change (YEY).

Although the presence of renewable energy and especially their traditional use have been known since the old times, they have recently been brought to the agenda. When the energy crisis happened in the 1970s, environmental consciousness was brought to the agenda and the tendency to these resources, being the countries' own resources, increased. The use of renewable energy resources for the transition to a low carbon economy has become widespread all over the world with every passing day; according to the estimations of IEA, their share will be increased up to 60% by 2030 compared to the present situation (Bayraç, 2011).

Like in the production and consumption of each energy resource, there can be positive and negative aspects of the production and consumption of renewable energy. Some of the advantages and disadvantages of renewable energy can be mentioned as follows:

Some advantages of renewable energy can be mentioned as follows (Hamilton, 2011; Schmidhuber, 2006; BAKA, 2012; Anonymous, 2011; Christy, 2008):

Renewable energy ensures the energy security, for it uses local sources,

They show the characteristics of sustainable energy resources, for they are renewable sources,

They are the resources that cause the least damage to the environment during the generation process;

They are more advantageous in terms of energy security, they protect the country and region from energy crisis,

They protect the economy against sudden price changes caused by speculations on fossil fuels,

They are more preferable for national security, for distributing the generation all over the country,

They are more advantageous in terms of transportation costs, for the generation and consumption occur in the same geographical region,

They provide the opportunity to generate new, clean and technologically advantageous employment opportunities,

They will play a key role in the fight against poverty. They will be an important development opportunity particularly for the communities that are unable to meet their fundamental energy needs.

They will not be targeted by environmental organizations, for they are clean and sustainable energy resources,

They will contribute to the reduction of the foreign trade deficit, for they will direct the energy demand from foreign sources to domestic sources.

Renewable energies have some disadvantages as well. These are as follows:

Renewable energies have a lower energy content compared to non-renewable energies, and they generally require higher investment costs for the final energy conversion,

Some renewable energy resources such as biomass are the fundamental resources not only for energy generation but also for other areas of the life. Therefore, competition from other areas can be faced,

The transportation and storage require more transportation costs, for the generation of renewable energy is spread all over the country.

The generation of RE can be decreased and increased depending on climate conditions.

The initial investment cost is high,

The effect of natural conditions on the generation is high.

6 Conclusion and Evaluation

Energy came to the agenda with the first economic developments and has become one of the most important factors for production. However, it turned to be a cause of the economic crisis in the 1970s. After this date, countries continued their search for new energy types that could be an alternative to fossil fuels, and renewable energies settled on the agenda of countries with modern generation techniques. Because the generation and consumption of RE tend to continuously increase and the use of energy is an indicator of the welfare of the countries, it was taken into another dimension within the context of the sustainable development paradigm. Countries left “growing no matter what the cost is” paradigm and turned to the developments that not damage the environment and ensure the transfer of the growth and development to the future generations. The necessity to maintain development and achieve the development indicators necessitated the increase in the generation and use of RE.

Countries target to increase their RE generation by 60% by 2030 in order to achieve the above-mentioned development indicators. Turkey has all kinds of RE energy resources although in different amounts. Within the scope of Turkey’s 2023 targets, it aims to achieve 20.000 MW of the installed power in wind power plants and 600 MW of the installed power in solar energy plants, to use all of our hydropower potential that is 36.000 MW, to achieve 600 MW of the installed power in geothermal power plants and achieve an increase in all other types of RE. Turkey targets to increase the share of renewable energy in the total energy supply to 30% by 2023. The contribution to be made by the generation and consumption of RE resources is known. Some of these contributions reduce the environmental pollution caused by fossil-based fuels that are unrenewable, ensure energy security and reduce the dependence on foreign energy, increase employment and improve technology.

7. References

Albostan, A., Çekiç, Y & Eren, L,. (2009). Rüzgar Enerjisinin Türkiye’nin Enerji Arz Güvenliğine Etkisi [The Effect of Windpower on Turkey’s Energy Supply Security], *Gazi Üniversitesi Mühendislik Mimarlık Fakültesi Dergisi [*Gazi University Faculty of Engineering and Architecture Journal], Cilt 24, No 4, pp. 641-649.

Anonymous, (2011a). Biomass Sustainability Analysis, p.6.

Anonymous, (2011b). Sera Gazı Emisyonlarını Azaltma Potansiyeli: Türkiye'deki Yatırımcılar İçin Marjinal Azaltma Maliyet Eğrisi, Avrupa İmar ve Kalkınma Bankası (EBRD) için hazırlanmış Rapor [Greenhouse Gas Emission Reduction Potential: Marginal Reduction Cost Curve for Investors in Turkey, European Bank for Rebuilding and Develoment (EBRD)]. p.33.

Batı Akdeniz Kalkınma Ajansı (BAKA), (2012). Biyokütle Sektör Raporu [Report on Biomass Sector], p.8.

Bayraç, N., (2011). "Enerji Kullanımının Küresel Isınmaya Etkisi ve Önleyici Politikalar [The effect of Energy Usage on Global Warming and Preventive Policies]", *Eskişehir Osmangazi Üniversitesi Sosyal Bilimler Dergisi, [Eskisehir University Social Sciences Journal]* 11(2), Eskişehir.

Bayramoğlu, T., (2013). Biyokütle Enerjisi ve Yerel Ekonomik Kalkınma [Biomass Energy and Local Economic Deveopment], *İmaj Yayınları [İmage Publishing],* Ankara.

BP Energy Statistic, https://ourfiniteworld.com/2015/06/23/bp-data-suggests-we-are-reaching-peak-energy-demand/

Canka Kiliç, F. & Kaya, D. (2007). Energy Production, Consumption, Policies, and Recent Developments İn Turkey, *Renewable and Sustainable Energy Reviews* 11, pp. 1312–1320.

Christy, A.D., (2008), Bioenergy From Agricultural Wastes, Dept of Food, Agricultural, and Biological Engineering *USAIN*, The Ohio State Üniversty

Costantini, V. & Martini, C, 2010. The causality between energy consumption and economic growth: A multi-sectoral analysis using non-stationary cointegrated panel data, *Energy Economics* 32, pp. 591–603

Enerji ve Tabi Kaynaklar Bakanlığı (ETKB) [Ministry of Energy and Natural Resources (MENR)], http://www.enerji.gov.tr/tr-TR/Anasayfa

Yenilenebilir Enerji Genel Müdürlüğü (YEGM) [General Directorate of Renewable Energy (GDRE)], http://www.eie.gov.tr/yenilenebilir/h_turkiye_potansiyel.aspx

Erdal, L., (2012). Türkiye'de Yenilenebilir Enerji Yatırımları ve İstihdam Yaratma Potansiyeli [Renewable Energy Investments in Turkey and Its Potential to Generate Emlpoyment], *Sosyal Ve Beşeri Bilimler Dergisi [Social and Humanities Journal]*. Vol. 4, No 1

Hamilton, J., (2011). Careers in Solar Power, *U.S. Bureau of Labor Statistics*, p. 3.

Karadoğan, H., (2006). Türkiyede Enerji ve İTÜ Enerji Enstitüsü [Energy in Turkey and ITU Energy Institute], Türkiye Enerji ve Kalkınma Sempozyumu [Turkey energy and Development Siymposium], İstanbul.

Khan, M. A. & Ahmed, U. (2008). Energy Demand in Pakistan: A Disaggregate Analysis, *The Pakistan Development Review*, 47(4), pp.437-455.

National Geothermal Collaborative, (2016), http://www.geocollaborative.org/publications/ A.D.: 12.02.2016,

Paul, S. & Bhattacharya, R. N. (2004). Causality Between Energy Consumption and Economic Growth in India: A Note on Conflicting Results, *Energy Economics*, 26, pp. 977–983.

Plieninger, T., Bens, O. & Hüttl, R.F., (2006). Perspectives of Bioenergy for Agriculture and Rural Areas, *Outlook on Agriculture*, 35(2), pp. 133-127.

Pyke, B., (2012). Global Energy Trends; 2030 to 2050, https://www.energyinst.org/_uploads/documents/session-6-future-energy-trends-note-2012.pdf E.T. 15.02 2016

Schmidhuber, J., (2006). Impact of An Increased Biomass Use On Agricultural Markets, Prices and Food Security: A Longer-Term Perspective International Symposium of Notre Europe, Paris 27-29 November, p.8

Sözen, A., Arcaklioğlu E. & Özkaymak, M., (2005). Turkey's net energy consumption, *Applied Energy,* 81, pp. 209–221.

Stern, D.I., (2004). Economic Growth and Energy, *Encyclopedia of Energy*, Volume: 2, p. 37.

Serifoğlu, S., (2006). Kırsal Kalkınma ve Biyodizel [Rural Development and Biodiesel], Biodiesel Siymposium, p.3.

Türkiye İstatistik Kurumu, (TÜİK), [Turkish Statistik İnstitutions], Sürdürülebilir Kalkınma Göstergeleri, 2012 – 2013 [Sustainable Development Indicators, 2012-2013], http://www.tuik.gov.tr/PreTablo.do?alt_id=1097, A.D. 14.02.2016

Yakıcı Ayan, T. & Pabuşcu, H., (2013), Yenilenebilir Enerji Kaynaklari Yatirim Projelerinin Analitik Hiyerarşi Süreci Yöntemi İle Değerlendirilmesi, [Evaluation Of The Renewable Energy Investment Project With Analytic Hierarchy Process Method], Suleyman Demirel University The Journal of Faculty of Economics and Administrative Sciences Y.2013, Vol.18, No.3, pp.89-110

Yapraklı, S., (2013). Enerjiye Dayalı Büyüme: Türk Sanayi Sektörü Üzerine Uygulamalar [Growth Based on Energy: Implementation on the Turkish Industry Sector] , Beta Yayınları, [Beta Publishing], İstanbul

Yenilenebilir Enerji Genel Müdürlüğü (YEGM) [General Directorate of Renewable Energy(GDRE)], http://www.eie.gov.tr/iklim_deg/i_deg_nedir.aspx, A.D. 01.02 2016

Yenilenebilir Enerji Yasası (YEY), [Renewable Energy Law (REL)],Yenilenebilir Enerji Kaynaklarından Elektrik Üretimi ve Isıtmaya İlişkin Usul ve Esaslar ile Muafiyet ve Teşvik Kuralları [Procedures and Principles of Heating and Electricity generation from Renewable Energy Resources and Exemptions and Incentives Rules], www.tdkb.gov.ct.tr/.../47-2011%20Yenilenebilir%20Enerji%20Yasası, A.D.29.01.2016

Yıkmaz, R.F., (2011). Sürdürülebilir Kalkınmanın Ölçülmesi ve Türkiye İçin Yöntem Geliştirilmesi [Measuring Sustainable Development and Creating a Method for Turkey]", Uzmanlık Tezi, [Thesis] DPT.

The European Union's Refugee and Asylum Policies in the Perspective of the Syrian Refugee Problem

Mehmet Soytürk

Introduction

In order to get better economic status, the labor migration towards European countries, in particular Germany, Austria, Belgium and the Netherlands, have started with the labor agreements with Turkey and Yugoslavia. France receiving migration North African and Francophone African countries while England receiving migration mostly from Anglophone African countries, Pakistan and India.

Industrialized western countries revised and than ceased their workforce demand policy because of the oil crisis following Arab Israil war. Particularly, since the end of the 1980s, it has become impossible to immigrate to these countries to work legally. Since these years, reaching to western countries from developing and least developed countries have become possible by family reunion or asylum requests.

With the legal arrangements in the 1990, migration to European Union (EU) member countries to work have been ceased completely. There are only two ways left to go these countries. One of them is the illegal way, the second one is the obtainment of a refugee statue in legal ways.

The main aim of this study is to analyze the EU's refugee policies since the European Coal and Steel Community. During the analysis, it will be useful for us to explain the reasons behind why the EU can or cannot implement a common refugee policy. In that context, following the analysis of the historical background, the EU's and its member countries' governments' political behaviors regarding refugees will be examined in the line of the example of recent years' refugee flow.

1. Developments Between 1957-1999

The foundation of the EU's refugee policies are based on the Roma Treaty, which is signed in 1957. In Roma Treaty, although refugees and the issue of asylum were mentioned, there are no certain judgments regarding them. The treaty of the European Economic Community (EEC) has been emerged as it was started to give an importance to the economic interests and common economy policies. Therefore, the primary aim of the countries that signed the treaty and become member of the EEC was the strengthened their economic ties by acting in accordance with their counterparts. Moreover, the 1950s and the 1960s were the periods in which policies regarding social areas were not in the agenda. The Roma Treaty's fundamental economic goal was related to labors, goods and services and the free circulation of capital. Moreover, it aimed to arrange member countries' migration law. Migration from the third countries, which were not the part of the Treaty, to the countries that were party to the Treaty was not subject to the Treaty.

With the establishment of the European Single Act (ESA) in 1986, the way was paved for the common domestic market. The ESA assumed to the gradual actualization of the designed domestic market until 31.12.1992. (Akdemir, 2012, p. 48) The definition of the common market was: ''the free movement of the goods, people, services and capital in accordance with the conditions of the treaty''.(http://eur-lex.europa.eu/legal-content/DE/TXT/?uri=URISERV%3Axy0027, 07.06.2015) Previous year with the Schengen I Treaty, it was decided to remove the border controls within the community. Following these

developments, although member states and their citizens benefited, new security threats have emerged as previous security mechanisms was deactivated. With these radical changes, heads of the states have become to perceive that current asylum and migration policies have lost their sufficiency.

2. Dublin System

One of the negotiations that eliminates the insufficiency of the EU's migration and asylum policies were held in Dublin, the capital of the Ireland Republic. If we have a look at the final declaration, named as ''Dublin System', which was released subsequent the negotiations, it can be argued that compared to previous negotiations, Dublin Negotiations were more fruitful. It was designed to control the refugee flow in a different way with the 'Dublin System'. (http://www.proasyl.de/texte/dublin.htm, 07.06.2015) At the end of the Dublin Negotiations, it become to be an obligation to start to asylum procedures in the EU country in which the refugee first entered in order to obstruct the refugees to be dragged along among EU countries as a billiard ball. If we examine the current developments, it is understood that the most distinguishing regulation of the Dublin System is not forward-looking, on the contrary, it is a wrong and an incomplete regulation.

3. Maastricht Treaty and Its Provisions Regarding the Asylum

The EU's member states responsibilities and authorization have become shaped when the Maastricht Treaty entered in the force on 01.11.1993 (Reçber, 2012, p.37). Maastricht Treaty provided the cooperation and integration among member states until the Lisbon Treaty. Furthermore, it brought many novelties regarding the structure of the EU institutions and their operation.

Maastricht Treaty is the first treaty that brings the obligation of acting together among EU's member states when it comes to the regulation of the refugee and asylum policies. Hence, the asylum, the control of the borders with the third countries and the migration policies has been described as the common interests of the EU for the first time. However, the visa policies have partly been involved to the Union's responsibilities while the protection of refugees has completely left to the nation states' initiative.

4. Amsterdam Treaty

Amsterdam Treaty was signed on 02.10.1997 (EU 1997, p. 2) in Amsterdam, the Netherlands. It was foreseen to create ''common freedom, security and justice area' as the most important aim of the Treaty. With the Maastricht Treaty EU's policies were described in three pillars. The first pillar composed of economic, social and environmental issues. The second pillar was related to common foreign and security policies and the third pillar was about the provision of cooperation regarding security forces and justice (Lemke 2008, p. 163). In the Amsterdam Treaty, although asylum and refugee policies were located into the third pillar, they were moved to the first pillar afterwards.

The obligations that derived from the Schengen Treaty were included to the Amsterdam Treaty and it has become one of the primary sources of the EU law. Thus, the rules that Schengen countries applied among themselves have become to be placed at the EU's law and implemented by all the EU countries. It is noteworthy to mention here that as it seems hard to implement these rules without any contention, articles that particularly related to the asylum and refugee policies was gathered under 'stay in/opt out' regulations (Bast 2011, p. 58). With

the inclusion of the articles that regulate the asylum and refugee policies to the 'stay in/opt out' regulations, the countries that ask for a permission for a short-term can continue to follow their national law instead of these rules.

5. Dublin System and the Changes in the Asylum Policies

Another change that wanted to be done in the asylum and refugee policies has been tried to be implemented following the Dublin Negotiations in 1990. The primary aim of these negotiations that held among EEC's member states was to provide an adequate asylum process for each refugee. Another aim of the negotiations is to obstruct to take sanctuary in one or two countries. In other words, it is aimed to minimize the abuse of the system. as re control mechanism, an automatic finger print control system, named as EURODAC (EU asylum fingerprint database), would be activated.

Dublin Treaty was entered into force on 01.09.1997 (Lauter, Niemann & Heister, 2011, p. 163), long years after it signed in 1990. Refugees have to start asylum process in an EEC country, in which they have first entered. Dublin System was being applied between the date it was entered into force on 01.09.1997 and 17.03.2003 (Lauter, Niemann & Heister, 2011, p. 163) and then it was repealed by the Dublin II Directive. Dublin II System was concentrated to the similar goals as Dublin I System; within the EU, all asylum applications have to be controlled just one country. Which country would put the applications into operation would be determined by criteria that valid in EU countries and Iceland, Norway, Switzerland and Liechtenstein.

6. Asylum and Refugee Policies

Amsterdam treaty started to constitute the legal framework of European Union's asylum and refugee policy but did not define the content of the main outlines. In order to define these necessary outlines, European Council meeting will be held in the city of Tampere in Finland in 1999.

The main purpose of this two days summit is defined as asylum and refugee policies, increasing regional collaboration between the Union and third countries against organized crime and to establish a common security and justice area. (http://www.europarl.europa.eu/summits/tam_de.htm#a, 19.01.2016) This summit aimed to establish a common system for asylum and make the refugee policy a joint Union policy.

Finland, European Union term president, take up this position in conjunction with comparing all the precautions taken against refugees with Geneva Convention relating to the status of refugees and Universal Declaration of Human Rights.

6.1. Innovations about the Asylum Policy in Tampere

(http://www.europarl.europa.eu/summits/tam_de.htm#a, 19.01.2016)

- *Creating a common action grounds with the country of origin*

In order to remove the causes of fugitative and immigration, it is anticipated that European Council should act in unison with emigrant countries. The EU should fight with poverty and provide employment opportunities and take precautions to increase standard of living. While exercising these functions, the EU also needs to aim to improve democratic infrastructure and human rights and repress conflicts.

- *A Common Refugee System for Europe*

During the Tampere Summit European Council emphasized that asylum is a fundamental right and aimed to establish a common refugee policy for European Union based on Geneva Refugee Convention. First of all, the people or institutions in charge should be determined. Then, in order to create asylum process standards and minimum norms for accepting or rejecting the defector or refugee applications should be decided.

- *Directing Migration and Refugee Surges*

European Commission mentioned various precautions in order to decrease the surges towards the Union in the Tampere Summit. A couple of these are about the countries that the refugees come from. The EU should try to explain the legal ways to migrate including return of immigrant in these countries. Other precautions are fighting with the smuggler who abuse the situation of the refugees and common unison control of the Union borders.

A five years transition period was set for the Tampere program to enter into force. All of the presidents and prime ministers of the Union come to an agreement on the term of this program.

The results of the Brussels summit held in 2004 is the repetition of the decisions decided in Tampere summit. Especially, the elaborated issues in this summit were policies of asylum and refuge, control of the borders, cooperation of security forces and the initiation of the action in this area. (http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/de/ec/83221.pdf, 20.01.2016)

Terrorism activities during millennium, September 11 attacks on Twin Towers in 2001 and the attack on the train station in Madrid in 2004 accelerated the implementation of the decision taken. This events caused revision and solidifying the asylum and refugee policies especially in the area of security and safety. The term "Europe Fortress" (Busch 2006, p. 18) emerging in this period is a result of restricting European asylum and refugee policies.

6.2. Dublin Meetings and the regulation of Dublin II

The legislation of Dublin II repealed the Dublin I system which was in force before and replaced it in 2003. There are not enormous differences between Dublin I and Dublin II. It can be said that the essence of both regulations are the same. According to Dublin I system "*the one in charge of the process of asylum case is the first state to allow or not prevent refugees to cross the borders*". Thus, it was aimed to shorten the process of asylum procedures. As long as the determination of immigration is performed, the refugees who applied for asylum can take part in the immigration. As for the member states, it will be prevented for the refugees to submit petition more than one state thanks to the regulation of Dublin.

The harsher and more determined attitude in controlling the borders the European Union toward refugees is an important result of Dublin II regulation. Refugees choose two routes/ways in order to reach European Union; straight to Italy or Spain with ships and sandals over Mediterranean Sea and the other one is to appealing European states through highways of the Balkans. The security of the borders are highly increased thereby it became almost impossible to reach these states. As a result of these measures against refugees, it is seen that the people applying for asylum has been decreasing rapidly. When examining the general population of refugees, there seems to be an increase in refugee movements and people in war zones who need protection. When we examine this throughout, it is obvious that inversely proportional growth is taking place.

As a result of the security precautions increasing over time in European Union borders, the chances of refugees reaching European countries has become very slim.

6.3. Den Haag Summit and Two Staged Haag Program

The European Union summit took place in Deen Haag, a city of Netherlands, in 4-5 November 2004. European Council decided a new action plan consisting of 10 articles. (http://eur-lex.europa.eu/legal-content/DE/TXT/HTML/?uri=URISERV:l16002&from=DA, 21.01.2016) The main theme of the Haag program is based on the improvement of freedom, security and law in the coming 5 years. The decisions are published in the official gazette of the European Union in May 2005 and entered into force.

As we can imply from the Haag action plan, the aim of the Union can be divided into two categories. The first one is to increase the integration and unity and the second one is taking precautions in order to take common action against all kind of external threats. When looking the numerical increase of safety measures, it can be claimed that the issue of refugees and asylum are primarily viewed with security concerns.

The major conclusion we can deduce is that refugees are perceived as a threat to European order. The most important decision of the Haag action plan regarding immigration policies is undoubtedly the common process of asylum between Union members and legal status of people who are in need of international protection.

6.3.1. The First Stage: Common Regulation in Asylum Policy

In order to apply common regulation in asylum policy, a two phased method is set forth. The first phase which is concluded in 2006 is placing four common law requisites in asylum policy. These are; Dublin regulations, refugee acceptance conditions (RL2003/9/EG), "Recognition principles" (RL2004/83/EG), and "Immigration procedure principles" (RL2005/85/EG) which came into force in 2006. The primary aim of the first phase is to harmonize legal conditions in member states within the framework of minimal standards. As for the second phase, it is to finish the European immigration system explained in Tempere and Haag programs by 2010. There needs to be higher common standards in order to preserve refugees throughout the Union. Thus, "balancing the responsibilities" would be more fair and equal among the member states (Eigmüller 2007, p.62).

Contrary to the success of harmonizing the security policies, humanitarian regulations in immigration policies fell short on the mark and criticized by the non-governmental organizations. The main cause of this negative result is long but empty-handed negotiations. European Commission published a declaration about the protection of refugees who had to immigrate after a long period of negotiation (RL2001/55/EG). In addition to this declarations, it published another declaration in order to regulate the minimal standards for the asylum applications in member states in 2003.

In January 2006 Immigration regulations entered into force. Basic principles and minimal standards for the immigration process are determined with this regulations. Also, it was aimed to regulate the decision makings in immigration process for the member states. Another harmonizing stage is combining norms and drafts in accepting and rejecting the asylum applications. The importance of drafts as the acceptance criteria is the lists of reliable third world countries.

Member states, with this regulation, are obliged to reject the applications of refugees from the reliable third world countries without a valid reason. The same applies to the refugees who have misnamed their identities and have questions about their personal identities.

6.3.2. Second Stage: Green Book for the Common European Union Immigration System

A document named "Green Book" is published aiming to create a common European Union immigration system. Green Book, published in 6 June 2007, can be summarized under four main titles. (http://eur-lex.europa.eu/legal-content/DE/TXT/?uri=uriserv%3Al14561, 21.01.2016)

- Legal instruments,
- Actualization and precautions,
- Solidarity and load distribution,
- Neutralizing the External factors and "push-factors".

6.4. Stockholm Summit and Program

In June 2009 term presidency of European Union was passed to Sweden. The summit held in Stockholm in June 15-17 created a common policy and basic principles for the next five years in order to protect the fundamental rights and freedom, private life, minorities and groups of people who need protection (Frenz 2011, p.764). Stockholm Summit is continuation and supporter of the decisions made in Tampere and Haag summits.

7. Syrian Civil War and Rush of Immigrants to European Union

When the tragedy took place in the offshores on Lampedusa Island in Italy we could have though that solutions in this matter will be produced in short amount of time according to the high ranked politicians. (http://www.spiegel.de/politik/ausland/eu-asylpolitik-barroso-mit-buh-rufen-auf-lampedusa-empfangen-a-926910-druck.html, 01.01.2016) But, the only precaution taken in this area was the creation of a study group called "Task Force Mediterranean" thus we witnessed that even this tragedy was not enough of a reason in order to make progress for the solutions. The continuation of diverge immigration policies in member states are also no longer surprising.

There has been increase in drowned refugees in the Mediterranean Sea from 2013 when the Lampedusa tragedy took place until today. However, the countries are still at dispute over the negotiations. Even though there has been many accidents in Mediterranean Sea similar to Lampedusa, politicians and people who are in administrative positions considered these events as they are ordinary accidents. It is not humanely understandable that the European Union still considers itself as the "European Fortress" despite these huge calamities. Identifying itself as the "European Fortress" results in defining the refugees as a threat. As long as the negotiations over the immigration policies drag on, the fortress will be conserved.

While European Union is stuck with the immigration policies, a new refugee problem threatening the EU has arisen in 2015. Only in a couple of days some ships capsized and over a thousand refugees have died and European Union has become the topic of the negative public opinion. Member states could not make a decision in the meeting which was assembled in April 23 in order to negotiate the refugee tragedies. Former decisions became the main topic of conversation and these decisions were reapproved.

The program consisting of 10 articles which was adopted by the member states mentions the equal relocation of the refugees. However, there was no indication of how and under which conditions this relocation takes place. It only mentioned that relocation of the refugees would happen on volunteer basis. The closure of the European Union session in 23 April 2015 with unfruitful solutions has been criticized by both non-governmental organizations and European Parliament.

Martin Schulz, the European Parliament president, underlined that the studies so far were only speeches but no actions. (https://www.tagesschau.de/ausland/eu-gipfel-fluechtlingspolitik-109.html, 01.01.2016) If we analyze the speeches of other representative, we can easily express that none of the representatives want to take responsibility of taking refugees in their countries.

Angela Merkel the chancellor of Germany which is one of the locomotive countries of the European Union mentioned that the issue of refugees should be considered as a humanitarian subject rather than material. She ensured that the budget for the refugees to increase to 9 million from 3 million Euro Daily. She also stated that if the amount remains incapable, the budget should be increased. (https://www.tagesschau.de/ausland/eu-gipfel-fluechtlingspolitik-109.html, 02.03.2016)

The negative attitude of the heads of states in the session of Brussels not only criticized by the non-governmental organizations but also the president of the European Union Commission Jean-Claude Juncker publicly.

After a couple of weeks after the Brussels summit, the European Commission acted searately for the first time about the immigration issue and introduced "European Migration Agenda"(http://ec.europa.eu/priorities/migration_de, 02.01.2016). This agenda elaborated the former decisions about the future migrations and created strategic rules. European Commission tried to shake off its former passiveness with this agenda.

The European Commission made a decision in order to ease the burden of the states which were exposed to rush of refugees or the first time with the clause 3 of the article 78 of the treaty on the functioning referring :*"In the event of one or more Member States being confronted by an emergency situation characterized by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament."*. (https://dejure.org/gesetze/AEUV/78.html, 03.01.2016) According to this article, it was agreed to distribute the refugees quota-based. The criteria of this agreed distribution would be decided on the economic power, population, unemployment rate and formerly received refugees of the countries. (http://ec.europa.eu/deutschland/press/pr_releases/13347_de.htm, 05.01.2016)

The ministers of internal affairs could not make a decision about the proposal of the European Union Commission in the meeting of ministers of internal affairs in 15-16 June. Especially Eastern European countries and United Kingdom explicitly stated that they are against the regulations of the quota-based refugee distribution. According to Eastern European countries, refugees do not want to migrate to their countries in the first place and some countries should take responsibility for their colonial past. (http://orf.at/m/stories/2284408/2284369/, 05.01.2016)

Even though, the numerous numbers of brickbats existed among the heads of states and prime ministers in the European Union summit which was held after the meeting of the ministers of the internal affairs, some common decisions were made during the summit. They made a decision to distribute the 40.000 refugee living in Greece and Italy to other European

countries in order to ease the accumulation. But, this distribution would be made on a volunteer basis not quota-based. The details of the distribution should be made ready until the next meeting of the council of the ministers of internal affairs. (http://www.consilium.europa.eu/de/meetings/european-council/2015/06/25-26/, 02.02.2016)

The result of these negotiations over the refugees can be described as reconciliation. We can only understand the difference in opinions of member state when we work through the reconciliation. It is clear to see that especially Eastern European countries and Spain will accept less refugees than what was accepted in quota-based system.

Angela Merkel, the German Chancellor, by contrasting East European countries, reminded that East European countries profit from European Union for ages and accepting the refugees is a must of European soul and solidarity (Caro, Schramm 2015, p.4).

When examining the next process, we can easily see that the gross number of Syrian refugees push the limits of European Union countries. These states used to tend thousands of refugees before but now are faced with hundreds of thousands refugees in their borders. Refugees usually tried to reach to Germany through Hungary and Slovenia and received help from these countries at first. But the increasing number compelled Hungary and Slovenia to close their borders to refugees.

Countries like Hungary and Slovenia stated that they will no longer allow refugees to pass through central Europe through their countries and they will only take a certain number of refugees. Australia, being one of these countries, defined the upper limit of refugees as 37.500 and announced that they will gradually decrease the number over the years. (Kurier, 19.01.2016)

Refugees had been starting to be used as a negative domestic policy instrument since their first arrival in European Union. Especially, radical right parties make an instrument of the refugees in order to gain political power. Sweden, being one of the obvious examples, stated that Syrian refugees pose a threat to public order. (Presse, 13.01.2015) Denmark, facing only a couple of thousand refugees, announced that the expenses caused by the refugees will be paid by their own jewelries. (http://www.zeit.de/politik/ausland/2016-01/daenemark-fluechtlinge-grenzkontrollen-wertgegenstaende, 02.02.2016) An AFD politician considered that shooting refugees in order to block them go through borders are appropriate. (http://www.zeit.de/politik/deutschland/2015-11/afd-fluechtlingskrise-schusswaffen, 03.02.2016) It will be suitable to present a survey conducted in Germany in order to show how refugees are received in European Union. According to this survey, 29% of the people participated in the survey considers shooting refugees on borders in order to not take them in legitimate. (http://www.sueddeutsche.de/news/politik/migration-umfrage-jeder-vierte-wuerde-auf-fluechtlinge-schiessen-lassen-dpa.urn-newsml-dpa-com-20090101-160206-99-518396, 06.02.2016)

Conclusion

It has been 56 years since the first step toward the creation of the European Union. It can be assumed that the harmonizing policies in economic fields have brought successful conclusions. It can be understood by examining the recent developments that the European Union is proceeding to economic union step by step as a result of the decisions made in the field of economy.

It can be noticed in general terms that the harmonization of social policies are kept in the background compared to economic harmonization policies. If the decisions taken under

EU summits are considered it became clear that EU has a long way to go. Even if a common policy in this area has been aimed for years, we cannot witness a consensus or common immigration policy adopted by all member states.

European Union has not been able to produce a satisfactory refugee and immigration policy. The reason or reasons why a common policy was not occurred was not occurred is the number of member states. European Union consists of 28 member states. The high number of member states decelerates the process of decision making mechanism. The prepared drafts have to convince board of ministers of states, presidents and prime ministers. 28 states refer to 28 different mentality, historical process and economical structure. When the refugee and immigration policies of the European Union is examined it is seen that it will not be easy to assemble the differences under the same roof.

Even though European Union is called a union, EU consists different political and historical approaches. These differences become clear when the former East Bloc, Mediterranean countries, Scandinavian and central Europe are scrutinized. It would be imaginary to expect a union consisting of countries with such differences to reconcile in the issue of refugees that will only bring burden and expense.

Bibliography:

Akdemir E. (2012), Avrupa Bütünleşmesinin Tarihçesi, *Avrupa Birliği: Tarihçe, Teoriler, Kurumlar ve Politikalar*, Belgin Akçay-İlke Göçmen, Seçkin Yayınları, Ankara

Avrupa Birliği Yayınları (1997), Vertrag Von Amsterdam, Zur Äderung Des Vertrags Über Die Europäische Union, *Die Verträge Zur Gründung Der Europäischen Gemeinschaften Sowie Einiger Damit Zusammenhängender Rechtsakte*, Europäische Union, Germany

Bast J. (2011), *Aufenthaltsrecht und Migrationssteuerung*, Mohr Siebeck Verlag, Tübingen

Busch N. (2015), *Baustelle Festung Europa*, Drava Verlag, Klagenfurt 2006

Caro C. (2015) Schramm L., *Die Flüchtlings- und Asylpolitik der EU*, Konrad Adenauer Stiftung Publikationen, Berlin

Eigmüller M (2007), *Grenzsicherungspolitik - Funktion und Wirkung der europaischen Aussengrenzen*, Verlag für Sozialwissenschaften, Wiesbaden

Frenz W. (2011), *Handbuch Europarecht: Band 6: Institutionen und Politiken*, Springer Verlag, Heidelberg

Hessischer Flüchtlingsrat (2013), *Zehn Jahre Dublin - Kein Grund zum Feiern*, National Dublin Project Report, Hessicher Flüchtlingsrat, Frankfurt/Main

Lauter D., Niemann A., Heister S. (2011), Zwei Ebenen Spiele und die Asylrechtsreform von 1993, *Verfassungswandel im Mehrebenensystem*, Christopf Hönnige, Sascha Kneip, Astrid Lorenz (Ed.), Verlag für Sozialwissenschaften, Wiesbaden

Lemke Ch. (2008), *Internationale Beziehungen*, Oldenburg Verlag, München

Reçber K. (2012), *Avrupa Birliği Hukuku ve Temel Metinleri*, Dora Basım-Yayın, Bursa

Panico R. (2010), *Die Reform des EG-Vertrages nach dem Scheitern der Europäischen Verfassung- Die Politiken der Europäischen Union, Aktuelle Entwicklungen im Europäischen Vertrags- und Gesellschaftsrecht*, C.F. Müller Verlag, Heidelberg

Treibel A. (2011), *Migration in Modernen Gesellschaften*, Juventa Verlag, Weinheim

İnternet

- http://www.europarl.europa.eu/summits/tam_de.htm#a

- http://ec.europa.eu/white-papers/pdf/com85-310-internal-market_en.pdf
- http://eur-lex.europa.eu/legal-content/DE/TXT/?uri=URISERV%3Axy0027
- http://www.proasyl.de/texte/dublin.htm
- http://eur-lex.europa.eu/legal-content/DE/TXT/HTML/?uri=URISERV:l16002&from=DA
- http://eur-lex.europa.eu/legal-content/DE/TXT/?uri=URISERV%3Al16002
- http://eur-lex.europa.eu/legal-content/DE/TXT/?uri=uriserv%3Al14561
- http://www.consilium.europa.eu/en/press/press-releases/2015/04/23-special-euco-statement/
- http://ec.europa.eu/priorities/migration_de
- https://dejure.org/gesetze/AEUV/78.html
- http://ec.europa.eu/deutschland/press/pr_releases/13347_de.htm
- http://www.consilium.europa.eu/de/meetings/european-council/2015/06/25-26/
- http://orf.at/m/stories/2284408/2284369/

Daily Newspaper

- Kurier, Austria
- Die Presse, Austria
- Süddeutsche Zeitung, Germany
- Frankfurter Allgemeine Zeitung, Germany

Journal

- Die Zeit, Germany
- Der Spiegel, Germany

Right to Strike and Its Live Issues in Turkish Positive Law

Özgür Oğuz, Emre Karabacak

1. Introduction

Right to strike has been started to come into law of European Countries in 19th century. However, right to strike has been seen as de-facto in Ottoman regulations at the beginning. Then, it came into Ottoman law as restricted. At the first years of Turkish Republic, right to strike has been accepted by restricted regulations. Right to strike has found constitutional base by 1961 Turkish Constitutional Act's article 47. It has been said that right to strike could be banned by act, in 1982 Turkish Constitutional Act article 54.

We like to research right to strike as Term of the Work-Stoppages Act, Term of the Turkish Labor Act no. 3008, Term of the Collective Agreements Strikes and Lock-Outs Act no. 275 Term of the Collective Agreement, Strike and Lockout Act no. 2822 and Term of the Unions and Collective Agreement Act no. 6356 contrary to general historical separation of Turkish labor law[1].

2. Term of the Work–Stoppages Act

Generally, it is hard to say that there were collective laborer movements in Ottoman Empire. Because there were no developed industrial activities. Usually, laborer movements were individual, however first collective movements were able to seen in the last terms of the empire (more information: Karakışla, 2012).

After those strike movements which came up one by one and had no legal basis, laborers who were working in businesses engaged in public service with concessionary companies, and unionization had been banned (Ökçün, 1982 p. 2-4 and 13-15; Özerkmen, 2003, p. 243; Saymen, 1954, p. 51).

3. Term of the Turkish Labor Act no. 3008

A draft of labor act had prepared and introduced to parliament in 1934. Because, former drafts had been unaccepted and there were lack of new labor act (more information: Erkul and Gökçek, 2000, p. 50-51). Labor Act no. 3008 which has accepted in 1936, had gave important rights to laborers. However, right to strike and lockout were still strictly forbidden by the article 72 of Act no. 3008. The reason for this forbidden is that, strike generally expressed a class struggle and has political character (Saymen, 1954, p. 343). Right to strike and lockout were defined by that act and it was expressed that which situations are strike or lockout. Bans of strike which were in the former labor act -Work–Stoppages Act- were continued and concretized; but other laborer favor regulations were imposed into the Turkish Labor Act no.

[1] Ağaoğlu and Hüdayioğlu, 1939, p. 62's historical seperation of Turkish labor law as 1- Term of Guild (Term to reforms), 2- Term of Mecelle (Term of Reforms and constitutionalism), 3- Term of Republicy (Term of law of obligations) has been get across by other authors (Tolga, 1958, p. 28 ff.; Saymen, 1954, p. 42 ff; N. Çelik, 2013, p. 5 ff); Similar seperation: Aydın, 2005, p. 366.

3008.

4. Term of the Collective Agreements Strikes and Lock-Outs Act (CASL Act) No. 275

Right to strike had constitutional basis for the first time in the Turkish positive law by the regulation as "Laborers have rights to strike and collective agreement for protection or improvement their economic or social situations in their relations with employers" in article 47 of 1961 Turkish Constitutional Act. It was expressed in the second paragraph of same article that usage and restriction of right to strike would be formed by act. So, it has been said that laborers had right to strike; but that right had been suspended until CASL no. 275. Because how to use right to strike was not reported in the constitution (Mimaroğlu, 1964, p. 35).

Regulations about bans of strike and lockout in the Turkish Labor Act no. 3008 had been removed by the article 47 of constitution (Tunçomağ, 1975, p. 40). So there was need to make a new act about right to strike and lockout. Collective Agreement, Strike and Lockout Act no. 275 which was accepted in 15 July 1963, has an important place in Turkish labor law. Because that act describes collective agreement, reconciliation, strike and lockout and reports how to use those concepts. Strike described as "work stoppage which has decided by laborers as collectively or an organization for significantly retard of a work in a branch of industry" in the article 17 of CASL Act no. 275. Right to strike could be used if only demand of consultation to special arbitrator would refuse or at the end of consultation process according to article 19. At the article 20, situations which right to strike has been banned in, was reported (more information: İzveren, 1974, p. 340 ff; Çolakoğlu, 1971, p. 305 ff).

In parallel with those forbidden, jurisdiction of strike deferment because of the protection of public health and national security, had been given to Council of Ministers without any restriction by article 21. That deferment could be declared for maximum thirty days and after the remark of High Board of Arbitration it could be protract for maximum sixty days more. In that deferment term, if counterparties would not agree, strike and lock out decision could be made again.

Keeping broad of those forbidden and jurisdiction of strike deferment which began with CASL Act no. 275, have been came until today with some changes and became the biggest problem of labor unions.

5. Term of the Collective Agreements, Strikes and Lock-Outs Act (CASL Act) No. 2822

5.1. Right to Strike in the 1982 Turkish Constitution

It is expressed that strike is a right and laborers have this right and it could be restricted by act in the article 54 of 1982 Turkish Constitution. Interestingly, constitution formed some details which should be formed by act (Narmanlıoğlu, 1990, p. 43). It is regulated in that article that strike cannot be gone on sinisterly and political strike, solidarity strike, general strike and workplace occupation, slowdown of work, decreasing of performance and other insurgencies are forbidden.

Although article 54 is the direct order about strike, general orders regulates that area too. Namely; because of the general restriction order in article 13 about basic rights and freedom, right to strike would be restricted by act (Tunç, Bilir and Yavuz, 2011, p. 112 ff; Aydemir, 2001, p. 80).

Likewise, right to strike would not use sinisterly because of the reasons which is counted in article 14. Non-use of strike as sinisterly is formed in the article 54 because of its importance. Also, this issue was formed at the article 47 of the CASL Act no. 2822, so law maker cares about this issue so much.

Usage of right to strike could be stopped as partially or completely in war, mobilization, martial law and state of emergency according to the article 15 of constitution. Because, right to strike has not been mentioned in second paragraph of article 15, this right would be stopped partially or completely in situations which mentioned about above.

5.2. Right to Strike in the Collective Agreements, Strikes and Lock-Outs Act (CASL Act) No. 2822

The Collective Agreements, Strikes and Lock-Outs Act no. 2822 which is came into force in 1983, try to answer to lack of new labor act which forms collective labor law. This act which is in force until 2012, was the basis of collective agreement, strike and lockout until the day which it is extinct at.

Legal – illegal strike differentiation, definition of strike and its aims are stated at the article 25 of that act as "Work stoppage which has decided by laborers as collectively or an organization for significantly retard of a work in a branch of industry, is strike. Strike which is made by laborers for protection of their economic and social situations while disagreement on process of collective agreement and appropriates to this act, is legal. A strike which is made before the circumstances which is set by law for legal strike, is illegal. General strike, sympathy strike and political strike are illegal. Workplace occupation, slowdown of work, decreasing of performance and other insurgencies, sanction of illegal strike is implemented. Strike which is against national security, Republic, unity of state with its soil and nation, cannot be gone on". According to this, strike has two elements: Monetary element which occurred by decision and giving up the work, and moral element which is occurred by aim and belonging to group of people whom given the right to strike to (Elbir, 1987, p. 236 ff). If only a strike has all elements and suits the method of law, will be legal.

According to that, a strike which doesn't suit the method and conditions of law, and workplace occupation, slowdown of work, decreasing of performance in any case, are considered illegal (Demircioğlu and Centel, 1997, p. 285; Elbir, 1987 p. 254). Beside that "make one's rounds collectively when they are not ill, going off by sitting in, quit collectively" are illegal strike which specified by supreme court (Güven, and Aydın, 1999, p. 318). So legal strike could be done only when a disagreement is occurred while collective agreement negotiations. Strike must be suit the method of law. Any strike which apart from that would be illegal.

6. Term of the Unions and Collective Agreement Act no. 6356

Strike and lockout is formed between articles 58 and 75 in the eleventh chapter of Unions and Collective Agreement Act no. 6356. This act is the basic and current act which forms right to strike. In our opinion, it is more appropriate that to dwell on legal – illegal strike differentiation, strike forbidden and strike deferment for emphasize problems, instead of similar orders with CASL Act no. 2822.

In other articles about strike which is not detailed below; making decision of strike and its usage, strike vote, laborers who cannot attend strike, insurance of strike, effect of strike to work contract, forbidden of hiring worker and getting a job, pickets and decision of ending strike have been formed.

6.1. Legal – Illegal Strike

6.1.1. Legal – Illegal Strike Differentiation

Article 58 of Unions and Collective Agreement no. 6356 describes the strike and specifies legal or illegal strikes for circumstances. This article is like that: "Work stoppage which has decided by laborers as collectively or an organization for significantly retard of a work in a branch of industry, is strike. Strike which is made by laborers for protection of their economic and social situations while disagreement on collective agreement process and suits to method of law, is legal." So, there will be no such thing like, legal strike except process of collective agreement. If laborers go on strike except the term of collective agreement process, this will be an illegal strike (Tunçomağ and Centel, 2013, p. 486).

There is a similar legal – illegal strike differentiation with act no. 2822 in Unions and Collective Agreement Act no. 6356. According to this any strike which is not made for protection or improvement of laborer's economic and social situations or while collective agreement process, would be illegal. Even if it would not be regulated in constitution of 1982, that all of political strike, general strike, sympathy strike, workplace occupation, slowdown of work, decreasing of performance and other insurgencies will be still illegal. Because, they don't have the goal which is formed by law (Tunçomağ and Centel, 2013, p. 486).

The issue of sinisterly usage of strike is formed in the article 72 of this act. So, if a strike was sinisterly or harmful for national wealth or society, it would be stopped. Courts will make decision if a strike was sinisterly or harmful. Either parties or Minister of Employment and Social Insurance could make the application for determination of being the strike is sinisterly or harmful.

In this order, strike which would be stopped, has to have three elements: being sinisterly, harmfulness for society and harmfulness for national wealth. This order allows for judicial discretion quite much in practice (Günay, 1999, p. 886). About which strike is sinisterly or harmful for national wealth or society, judge should take stock of the situation carefully and should judge equitable. Because every strike harms national wealth or some of the society little or much (Tuncay and Kutsal, 2015, p. 411). In that case, size of harm and aim of strike should be judged well and harm of society and right to strike which is the most

powerful right of laborers, have to be compared equitable. Laborers' right to strike must not be taken as a result of little harm.

6.1.2. Results of Illegal Strike

It is clarified in article 70 of Unions and Collective Agreement Act no. 6356, that results of illegal strike and lockout. According to that article, employer would terminate with rightful reason laborers' work contract who attends illegal strike or decides illegal strike or promotes illegal strike. So, without any compensation, possibility of immediate termination is given to employer in case of illegal strike. Also, if employer could get economic harm because of illegal strike, damage will be compensated by labor union or laborers who attends illegal strike or decides it.

At the e, f, g, ğ, h, ı, i, j paragraph of article 78 of act no. 6356, it is explained that fine will be implemented in situations about strikes. So there will be no prison sentence for laborers who attends illegal strike.

We want to especially dwell on sanctions about labor law instead of fines. Because those sanctions are not a one-time thing like fines. That sanctions affect working relationship between laborer and employer directly and they are subjected to labor lawsuits. The most important one of those sanctions is rightful termination of work contract by employer.

Employer must use his/her right to rightful termination in duration which is assumed in laborers' governing act who attends illegal strike (Tunçomağ and Centel, 2013, p. 492). It is for sure that rightful termination could be made for only laborers who certainly interested in illegal strike (Tuncay and Kutsal, 2015, p. 418). Civil Department no. 9 of the Supreme Court emphasizes that, it would not be a rightful termination when laborer didn't come to work because of illness while illegal strike. (04.02.2014 dated 2013/9609 E. 2014/3167 K. numbered decision and 2013/9610 E. 2014/3168 K. numbered decision). Civil Department no. 9 of the Supreme Court, made a general explanation about case by its the 16.03.1984 dated 1984/2264 E. 1984/2857 K. numbered decision. So, if a judge doesn't investigate actually attendance of laborer to illegal strike, decision would be broken out. In addition to this, there is no certain order about situations which laborer doesn't know if the strike which he/she attends, is legal or illegal. So, if only labor union official laborers could know the strike is illegal, other laborers' work contracts would not be able to terminate by rightful reasons (Tunçomağ and Centel, 2013, p. 491).

Another result of illegal strike is described in the second paragraph of article 70 of act no. 6356. According to that "Damage of employer will be compensated by labor union which decides illegal strike or laborers who attended illegal strike if illegal strike wasn't decided by a union." Via that order law maker try to protect employers' right of compensation.

6.2. Strike Ban

6.2.1. Strict Strike Ban

Strictly strike forbidden works and workplaces have been clarified in first paragraph of article 62 of Unions and Collective Agreement Act no. 6356. In this workplaces and works, strike cannot be enforced in any case (Reisoğlu, 1975, p. 344; Mollamahmutoğlu, 1993, p. 68;

Cengiz and Manav, 2011, p. 222. Those authors said that impression for Collective Agreement, Strike and Lockout Act no. 2822; However, these regulations are similar, so, this impression is also valid for act no. 6356). This forbidden cannot be indoctrinated in any case, so, decision of strike cannot be made in those works and workplaces (Oğuzman, 1967, p. 84). According to that article, these are the works and workplaces which strike is strictly forbidden in: Works of saving life and property; works of funeral and cemeteries; city water, electricity, natural gas, petroleum production, liquidation, distribution and works of petro chemistry which starts from naphtha or natural gas; workplaces which are operated directly by Ministry of Defense or General Commandership of Gendarmerie or Coast Guard Commandership; fire department services which operated by public institutions; hospitals.

Turkish Constitutional Court has been annulled that "banking affairs" and "interplant public transportation" expressions by its reasoned decision which published 11.11.2015. The reason of annulment is "democratic societies has formed right to strike and lockout as broad as possible and there is no need to ban strike in those branches of industry-economic activity. Because they don't affect public order and society considerably, so right to strike which is laborers' the most important right for putting across their demands to employers, must not be banned" (Turkish Constitutional Court's 22.10.2014 dated 2013/1 E, 2014/161 K. numbered decision. Turkish Official Gazette 11 November 2015, Vol. 29529).

Bans in act no. 6356 are in parallel with act no. 2822; however, criticisms of ILO had been considered and scope of bans is restricted (N. Çelik, 2013, p. 635). After all, bans of strike in fire department and public transport services which is operated by public institutions, have been came into force with act no. 6356.

Strike Bans is not just these. Apart from these; there are strike bans in article 27 of Civil Servants Act no. 657; in article 17 of Private Security Services Act no. 5188; in article 22 of Vocational Training Act no. 3308; in article 37 of Capital Market Act no. 6362; and also in article 14 of Executive Order About Repealing of Some Articles of Organization of Government Business Enterprises' Personal Regime no. 399 and in Executive Order no. 233 (Tutal, 2013, p. 444). Also, forbidden of strike is not clearly mentioned about in Unions of Public Officials Act no. 4688; but if a disagreement would be appeared while collective agreement process, disagreement has to be sent to compulsory arbitration according to article 33 (Tutal, 2013, p. 444-445).

6.2.2. Temporary Strike Ban

In temporary strike ban, right to strike is not forbidden strictly for that work or workplace; but if there is a decision of strike which is made before ban, that decision would not been put to use temporarily. Decision of strike could be put to use after that situations will be ended. So, temporary strike ban prevents putting to use of strike decision which is made before, temporarily. It is contradictive in doctrine that could laborers decide a new strike while forbidden is in force (Tutal, 2013 p. 439). Some authors say that even decision of strike cannot be made while forbidden is in force; others say that legal strike has to be decided while forbidden is in force (Seza Reisoğlu, 1975, p. 353).

Temporary strike ban is clarified in 2nd and 3rd paragraphs of article 62 of Unions and Collective Agreement Act no. 6356. According to that, Council of Ministers can ban strikes and lockouts in areas which is affected from natural disasters considerably, until the end of

that situation. Also, strike is banned in rolling stocks, air platforms, vessels and on-road vehicles which has not finish its journey yet at their final destination. After the journey ends, strike could be going on, so this ban is called as temporary. It could be seen that the criticism (Oğuzman, 1973, p. 67) on CASL Act no. 275 has been removed and strike ban is valid until the end of journey at their final destination.

6.3. Strike Deferment

Strike deferment has been come into Turkish positive law from Taft – Hartley Act (more information: Aydın, 2005, p. 376 ff) of United States of Amerika (Aydın, 2005, p. 377; Oğuzman, 1973, p. 31). Strike deferment is formed similar with act no. 2822 in Unions and Collective Agreement Act no. 6356. It is clarified in act no. 6356, that if the parties could not agree after deferment, strike and lockout will not be added to agenda again (Sefa Reisoğlu, 1984, p. 79; Topalhan, 1999, p. 24).

if Council of Ministers decides legal strike or lockout is harmful for public health or national security, it could defer for sixty days a legal strike or lockout which is decided or started. It is not clarified that what national security and public health is. This deferment – although it calls deferment- is not exactly a deferment, but stoppage of strike by administrative decision. If Council of Ministers defers a strike because of national security or public health, Minister of Labor and Social Security or other arbitrager who is charged by minister, try to reconcile parties in that deferment term. Parties could sue that decision. If parties cannot agree in that sixty days, disagreement would be solved by High Board of Arbitration upon application of one of parties in six days. Decisions of High Board of Arbitration are certain.

Council of Ministers uses this jurisdiction for causing unease for labor unions. Kristal-İş Union's strikes were deferred for twice in 2001 and 2003. The strike which was deferred in 2003, was enforced again after the Council of State's decision about motion for stay execution. but, Council of Ministers deferred that strike once more because of public health (Çetintaş, 2013, p. 345-346). Kristal-İş Union's strike which is enforced in 2014, was deferred by Council of Ministers because of public health and national security. There are many examples of deferment like those. The newest Council of Ministers' decision about deferment is decision of deferment for Birleşik Metal İşçileri Union's strike which is deferred because of national security.

Council of State's definition of national security for deferments is "protection and defense of state's legal entity for internal and external treats" (Gündüz and Demir, 2007, p. 88; Seza Reisoğlu, 1975, p. 358). There is a decision of Council of State about "for being harmful for public health of a legal strike, significant part of society has to encounter with a treat about health and there has to be no other way to prevent this treat except deferment jurisdiction which prevents usage of a constitutional right temporary[2]. Also, Council of State

[2] Council of State 10th Department's 16.10.2002 dated, 2000/4445 E., 2002/3895 K. numbered decision about reversal of deferment decision, was approved by Council of State, Plenary Session of the Chambers for Administrative Cases' 14.04.2005 dated, 2003/271 E., 2005/273 K. numbered decision with consensus. it is demanded that the decision of reversal of Council of Ministers' 24.08.2000 dated and 2000/1164 numbered decision of strike deferment because of public health which is set up by Turkey General Service Labor Union (Genel İş) in İzmir Buca local government, should be broken in appellate review. Council of State 10th Department has decided to reverse deferment decision via 16.10.2002 dated and 2000/4445 E., 2002/3895 K.

said that "...There has to be impossible to eliminate loss and harms for significant part of society and significant part of society has to encounter with serious treat about health and social life. Also, for being harmful for national security of a legal strike, there has to be serious treats which makes the state to take precautions about security and special defense..." in its 1994/6497 E., 1997/3777 K. numbered decision about deferment for public health (that decision has been approved by Chambers for Administrative Cases in its 2003/272 E., 2005/274 K. numbered decision).

Because of strike deferment which is formed in act no. 6356, is similar with act no. 2822, criticisms and oppositions are almost same about those two acts. 27 decisions of deferment have been made when CASL Act no. 2822 is in force. For five of those deferments, public health was the only reason, for thirteen of those deferments, national security was the only reason and both of public health and national security were the reasons for seven of those deferments. However, for two of deferments, Council of Ministry did not state any reason (A. Çelik, 2008, p. 107). Council of Ministers decides strike deferment for twice (Kristal-İş and Birleşik Metal İşçileri Union's strikes) since 2012 which is the year of coming into force of Unions and Collective Agreement Act no. 6356. Birleşik Metal İşçileri Union's strike was deferred because of national security and Kristal-İş Union's strike was deferred because of both public health and national security. Even if those deferment decisions were not so many; they are far-reaching (A. Çelik, 2008, p. 107). Because of that, Labor unions usually are lack of right to strike which is their the most important and the most powerful right.

7. Solution Proposals about Strike Forbidden and Deferments

As a result of restriction of right to strike via bans and deferment jurisdiction, laborers cannot use their the most important and powerful right efficiently. Unions have to accept unpleasant collective agreements which is decided by arbitrators or High Board of Arbitration for dozens of times. Especially, strikes of unions which is recognized and has many members nationwide, are deferred mostly by Council of Ministers. So, the case of having many members and efficiency nationwide which should be efficient persuasion mechanism, become an issue against themselves and causes taking away of right to strike because of Council of Ministers' decisions.

In Turkish positive law, only the interest strike is defined as legal strike. So, other species of strikes like sympathy strike, general strike, political strike etc., are defined as

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numbered decision. According to that decision of Council of State, "According to orders of Constitution and Act no. 2822, right to strike which is a constitutional right and insurance of laborer, cannot be deferred except from the reasons which clarified in act. For being harmful of a legal strike for public health, according to act, big size of society must be threatened by a serious danger and also, this threat cannot be prevented via another way except deferment jurisdiction which prevents constitutional right even if it is temporarily. Deferment decision was made because legal strike which has started already, was harmful for public health. As a result of simultaneous examination of defense of defendant administration and data and document in case file, legal strike which is deferred, doesn't harm for public health except inevitable harms of every strike; and also defendant administration didn't try to prevent these harms by other ways. So, deferment of strike is not rightful. Council of State Prosecutor said that "Decision of Council of State 10th Department must be reversed because, strike which is decided by complainant Genel İş Union, caused huge garbage dumps in summer in İzmir Buca, also those dumps forms a negative opinion to so many tourists who came to region. In parallel with that, serious threats have been come up. This deferment decision is made because of article 33 and 35 of law no. 2822. Taking into account all of these, decision of Council of State 10th Department must be reversed." But, decision of Council of State 10th Department was approved with consensus

illegal strikes. Because of that, when laborers have only interest strike as their last persuasion mechanism, restriction of right to strike causes working under hard circumstances and taking a few of their demands in collective agreement and increasing their dissatisfactions.

It is a necessity that bringing new orders to Turkish positive law for decreasing this dissatisfactions of laborers who are powerless against employers. Articles which restricts deferment jurisdiction of Council of Ministers and increases control of courts on this jurisdiction should be reordered in parallel with ILO orders. Besides of right to strike is the most efficient right of laborers, performing works which generates alternative peaceful settlements for strike, have to be increased. Alternative peaceful settlements which are performed in other states, should be worked up and took stock of applicability to Turkish law.

Reference List

Ağaoğlu, S. and Hüdayioğlu, S. (1939). *Türkiye'de İş Hukuku - İş Hukuku Tarihi I.* Ankara: Merkez Basımevi.

Aydemir, M. (2001). *Türk Hukukunda ve Mukayeseli Hukukta Grev Hakkı ve Lokavtın Sınırları*. İstanbul: Selüloz-İş Sendikası Eğitim Yayınları.

Aydın, U. (2005). From the Taft-Hartley Act to Turkish Industrial Relations—Postponement of Legal Strikes: a Legal Borrowing Case, *Comparative Labor Law and Policy Journal,* 25 (3), p. 365-390.

Cengiz, İ. and Manav, E. (2011). Türk hukukunda grev yasakları. *Türkiye Adalet Akademisi Dergisi,* 1 (5), p. 211-256.

Çelik, A. (2008). Milli güvenlik gerekçeli grev ertelemeleri. *Çalışma ve Toplum Dergisi,* 3 (18), pp. 87-132.

Çelik, N. (2013). *İş Hukuku Dersleri (26th Edition).* İstanbul: Beta Yayınları.

Çetintaş, B. (2013). Sendikal Haklar ve Yeni Anayasa. Paper presented at the V. International Social Rights Symposium, Bursa.

Çolakoğlu, H. S. (1971). *Toplu İş Sözleşmesi Grev ve Lokavt Hukuku*. Ankara: İş Hukuku Yayınları.

Demircioğlu, A. M. and Centel, T. (1997). *İş Hukuku (5th Edition).* İstanbul: Beta Yayınları.

Elbir, H. K. (1987). *İş Hukuku (9th Edition).* İstanbul: Filiz Kitabevi.

Erkul, İ. and Gökçek N. (2000). *Uygulamalı Sosyal Politika Dersleri 1. Cilt - Türk İş Hukuku: 1475 Sayılı İş Kanunu ve Uygulaması.* Eskişehir: Birlik Ofset.

Günay, C. İ. (1999). *Toplu İş Sözleşmesi Grev ve Lokavt Hukuku.* Ankara: Türk İş Hukuku ve Sosyal Güvenlik Hukuku Uygulamaları.

Gündüz, S. and Demir, Ö. (2007). Türkiye'de Grev Ertelemelerinin Yasal Düzeni. *Doğu Anadolu Bölgesi Araştırmaları.* p. 87-90.

Güven, E. and Aydın, U. (1999). *İş Hukuku*. Eskişehir: Eğitim Sağlık ve Bilimsel Araştırma Çalışmaları Vakfı Yayımları.

İzveren, A. (1974). *İş Hukuku (I, II, III).* Ankara: Doğuş Matbaacılık ve Tic. Ltd. Şti.

Karakışla, Y. S. (2011). *1908 Osmanlı Grevleri*. Retrieved November 5, 2015, from http://www.aktuel.com.tr/tarih/2012/11/27/1908-osmanli-grevleri .

Mollamahmutoğlu, H. (1993). *Türk Hukukunda Lokavt.* Ankara: Tarhan Yayınevi.

Mimaroğlu S. K. (1964). *Türk Hukukunda Toplu İş Sözleşmesi.* Ankara: Ankara Üniversitesi Siyasal Bilgiler Fakültesi Yayınları.

Narmanlıoğlu, Ü. (1990). *Grev*. Ankara: Dokuz Eylül Üniversitesi Hukuk Fakültesi Döner Sermaye İşletmesi.

Oğuzman, M. K. (1967). *Hukukî Yönden Grev ve Lokavt (2nd Edition).* İstanbul: Fakülteler Matbaası.

Oğuzman, M. K. (1973). *Türkiye'de Toplu İş Sözleşmesi, Grev, Lokavt, Tahkim ve Arabuluculuk Düzeni Nasıl Olmalıdır?* Ankara: Banka ve Ticaret Hukuku Araştırma Enstitüsü.

Ökçün, G. (1982). *Ta'til-İ Eşgal Kanunu, 1909 Belgeler – Yorumlar*. Ankara: Ankara Üniversitesi Siyasal Bilgiler Fakültesi Yayınları.

Özerkmen, N. (2003). Geçmişten Günümüze Türkiye'de Anayasa ve Yasalarda Sendikal Hakların Düzenlemesi ve Getirilen Kısıtlamalar, *Ankara Üniversitesi Dil Tarih ve Coğrafya Fakültesi Dergisi,* 43 (1). pp. 239-257.

Reisoğlu, Sefa (1984). *Grev, Lokavt ve Uyuşmazlıkların Çözümünde Yeni Yasal Düzenlemeler.* Ankara: Tütis Yayınları.

Reisoğlu, Seza (1975). *Toplu İş Sözleşmesi Grev ve Lokavt Kanunu Şerhi (2nd Edition).* Ankara: Ankara Üniversitesi Hukuk Fakültesi Yayınları.

Saymen, F. H. (1954). *Türk İş Hukuku*. İstanbul: Hak Kitabevi.

Tolga, M. V. (1958). *İş Hukuku (3rd Edition)*. İstanbul: Yüksek İktisat ve Ticaret Okulu Yayınları.

Topalhan, T. (1999). Türk İş Hukukunda Grev Ertelemesi ve Uygulamaları, *Gazi Üniversitesi İktisadi İdari Bilimler Fakültesi Dergisi,* 2 (99). p. 17-39.

Tuncay, A. C. and Kutsal B. (2015). *Toplu İş Hukuku (4th Edition).* İstanbul: Beta.

Tunç, H., Bilir, F., and Yavuz, B. (2011). *Türk Anayasa Hukuku (2nd Edition)*. Ankara: Berikan Yayınevi.

Tunçomağ, K. (1975). *Türk İş Hukuku Cilt I: Genel Kavramlar, Hizmet Sözleşmesi ve Rekabet Yasağı Sözleşmesi (2nd Edition)*. İstanbul: İstanbul Üniversitesi Yayınları.

Tunçomağ, K. and Centel, T. (2013). *İş Hukukunun Esasları (6th Edition)*. İstanbul: Beta Yayınları.

Tutal, E. (2013). Türk Hukukunda Grev Hakkı ve Uluslararası Belgelerde Görünümü. *Türkiye Adalet Akademisi Dergisi*, 4 (15). p. 433-460.

The European Union as an Alternative Security System and Turkey's Relations with This System

Ibrahim S. Canbolat

1. Introduction

When the historical formation and organizational structure of the European Union are taken into consideration, it is understood that it has different and unique characteristics at such level that it cannot be compared to any other classical international organization. Especially with the definition of politics and an evaluation based on the social function of the politics, it is expressed that the European Union is a "value distribution system" which projects the transfer of national sovereignty rights in definite areas to a supranational authority.

When the historical process is examined, it is observed that there are eye-opening suggestions and attempts for the security and integration of Europe. It is understood that aforesaid thinkers with suggestions and ideas aim to establish peace and security in Europe by providing integration among the states by means of political liberalism and make a great effort for this. What is expected of the present development process of the European Union is to bring solutions to social problems in the EU organizational structure with a mutual sense of belonging.

The European Union came into existence at the end of long historical and political experience and search process which brought along great torments and destructions as well. This system projects not only economic benefit but also a trust foundation that involves the social life with its all aspects with social, political and cultural values.

In this period of Turkey's ongoing negotiation process for full membership in the European Union, there are several opinions concerning the membership in question both in Turkey and Europe. These will also be analyzed here.

1.1. Overview of the Formation Process of the European Union as a Security System

It is useful to look at the situation of interstate relations in Europe in earlier centuries before explaining the attributes of this system by accepting the European Union as a security system. Europe had a fragmented appearance in the geographical and political sense during that period (see Chaunu, 1979; Jones, 1981). As a result of examining the international relations in Europe with normal historical knowledge, we realize that peace and security have always been problematic between states before and after the 1648 Peace of Westphalia. Realpolitik set the ground for a constant power struggle and conflict instead of long-term alliances in Europe.

This theoretical approach, which is expressed as Political Realism, has formed the fundamental basis of the Balance of Power System which was experienced among European countries for several centuries. Although the system in question seemed to have brought a relative stability at the beginning, it was not permanent and the states continued to fight with each other. Especially the large and destructive wars between Germany and France did not remain only between these two countries, they also negatively affected the European security.

2. Balance of Power Relations

Power and power politics have also been the subject of theoretical studies since the beginning of the history of humanity and have come to the forefront in interstate relations. For instance, the Kingdom of Sicily, the Papal States, Milano and Genova in Italy and some other states that were affected by Machiavelli's opinions on "power politics" and "balance of power" benefited from the principle of balance of power both in disputes and wars among themselves and in wars to protect themselves against other European States from the outside in the Renaissance period (Gönlübol, 1985, p. 45).

Along with the emergence of the nation-states, the wars which were previously made for prestige and with the perception of strategy sport in Europe brought along the effects as well such as forcing opposite sides to accept political and social institutions. This is a fact that needs to be considered with regard to the security problem. Furthermore, it is also a remarkable improvement in that it indicates the need for a military, financial and economic structuring with an international qualification.

Although an equilibrium based on the principle of balance of power pleased certain powers in certain periods, some people took a stand against this and exhibited a revisionist approach. This also indicates that the balance of power has created a relative order. The formations and groupings after the First World War, for instance the emergence of status quoist group led by France (under the control and management of Hitler who wanted to change the order brought by the Treaty of Versailles) and the revisionist group represented by Italy and Germany, showed the impossibility of a long-term peace order under these conditions in Europe.

A new concern appeared in Europe after the disappearance of the great empires constituting the balance of power. France could not enjoy the comfort of taking revenge from Germany in the First World War because they estimated that Germany would want to respond to it. According to the current situation in Europe, France came into prominence, but how long could it last? England was not exactly the continental country, therefore, it could not be expected from England to share a common fate directly with France. They should look for another alternative.

France was "in a quest for security". After 1919, European states were on a perishable structure. The losses and economic collapse brought about by a war that lasted for more than four years were really enormous. France, Germany, and Italy came out of war with great losses. The war also brought about “disease, scarcity and poverty" to Europe” (Aldcraft, 1977, p. 13).

After the Second World War, Europe lost its feature of being "the center of the traditional balance of power", and the United States of America and the Soviet Union emerged as two "superpowers". In addition, the Great Powers of Europe faced the revolt of political and economic colonies outside Europe (Wagner, Kaiser, 1983, p. 16). Western countries that newly came out of war became economically weakened and also discharged their soldiers. European balance of power was also disrupted. Western European countries were in neither political nor economic or military solidarity. Mergers were needed to ensure peace and security in Western Europe.

A new period was beginning for Western European countries: These countries, which had been generally grouped around four or five states within a multipolar "European balance system" until that time, left the "main actor" position after the establishment of Cominform and started to gather around a Great Power outside Europe. Western Europe came together in a military solidarity pact under the leadership of the United States of America for its security (Gönlübol, 1985, p. 462). However, Europe did not want to be dependent on the United States

in terms of economy and was preparing plans and proposals to execute its economic development by its own facilities.

There were various plans for European integration in the 1950s. All of these have a common starting point about the purpose of European merger: Ensuring continuous peace and welfare in Europe.

This difference revealed itself only about the form of merger. Essentially, we are faced with three different opinions on this issue (Pfetsch, 1981, p. 138). The first one is the opinion on a "universalist" European Union involving the eastern and western Europe, the second one is the opinion proposing a United States of Europe based on constitutional arrangements, and the third one is the opinion arguing for the European Union to be established by the formation of functional economic and political conditions in Europe.

The emergence and development of the European Union were in this direction in general. The fact that Europe could make its presence felt as "a third force" between two Superpowers after losing its distinction of being the center that shaped the world politics could only be achieved through an economic and political merger. Therefore, especially Germany and France having an eternal rivalry for many years because of hostility and wars needed to get close to each other. This was essential for ensuring peace and security in Europe.

In fact, the federal or confederal plans for the unification of Europe were occasionally brought forward since the Middle Ages. When we look at the history of European thought, we see that Saint-Pierre and Victor Hugo argued for their plans concerning the establishment of "United States of Europe" (For this theme also see Daltrop, 1986, p. 1), Immanuel Kant argued for his project for "ensuring eternal peace" and also many thinkers such as Montesquieu, Voltaire, Proudhon and Saint Simon argued for an opinion of integration or union based on political liberalism and peace.

In the 17th century, Emeric Cruce proposed the development of international trade and the establishment of a "European Union States" by the removal of customs (Perry, 1984, p. 1-2). In these "united states" in which the decisions were taken by a majority of votes, there would also be the right to use common force against external threats when required.

In the 18th century, J.J. Rousseau argued that the resolution of disputes between states and the achievement of peace would be possible through a supranational qualified federal union (Gönlübol, 1975, p. 34). The "federal union" in question would also have the power of sanction to ensure that member states fulfill their obligations.

The European Union is a peace and security model which was established, or more precisely, discovered after all these historical experiences. The security that can be defined as ensuring and accepting the continuity of the existence presents in the existing political system of the European Union.

The integration will of countries with different economic, political, cultural and historical experiences with the expectation of common interest draws attention in the European Union system which has structured itself in an integration process. We regard this formation as a value distribution system referring to the politics definition of David Easton. It is a supranational political system that performs value distribution with binding decisions for all communities. Here, we need to state on the value concept that everything that we need to maintain our existence can be considered as value.

Now let's try to examine this integration and security phenomenon within the context of politics/political system.

3. Politics and Political System as a Solution Means for Social Wealth

A human being, by its nature, tends to put his relations in a certain order. This is a social requirement. If we accept society as the producer of situations which are attempted to be organized by politics (Lipson, 1984, p. 7), we need to regard politics as the reason for being of management institutions and forms of government. According to Aristoteles (Prelot, 1972, p. 23), politics includes the information regarding the establishment and management of Site. Site comprises all community organizations. Here, there are associations established between families and villages, and they have arisen from the "requirements of the life".

With reference to Aristotle, the existence of a tendency to achieve happiness in terms of the combination of good living and good behavior is mentioned in human nature. While discussing this phenomenon, Frieder Naschold indicates that the above mentioned could be effective only within a Site in a unity of action with other people, that is a political system (Naschold, 1972, p. 19). Here, Site is used as synonymous with the political system and is seen as a condition of good living. The needs and interests of human being constitute the content of *Political*, and the fulfillment of them is realized through the political system or solution is sought in this way at least.

Johannes Althusius, regarded as the founder of Community law, defines politics as "the art of bringing people together to establish, operate and maintain the social life". According to Roy E. Jones, politics is equivalent to reconciliation (Jones, 1967, p. 59). According to him, politics manifests itself in the place where more than one person or groups of people come together. If human relations here are concentrated around the reconciliation and agreement, then a political phenomenon is mentioned here. The object is the people's needs and interests.

According to David Easton, the content of politics consists of value distribution in functional areas regarding the security, prosperity and legislative power. The asset security of the individual and the community in the physical sense and the material and spiritual tools for the development of this existence are produced within and through this community and are distributed to everyone within the political system which is shaped by the participation of each individual (Czempiel, 1981, p. 16).

According to Easton, who perceived politics as a process, political life consists of all relations that significantly affect the acceptance and implementation of “mandatory policy” for a community (Easton, 1971, p. 128). When we look at the political process in this context, we encounter decisions and actions that determine how to distribute the value, an authority that ensures the implementation of decisions and a community consisting of various relations as a place where all these are performed. The political nature of the relationships in this community depends on performing the value distribution here in an authoritarian, namely "mandatory" way. Such a conceptualization takes us to the political system.

A political system set of relations to perform the authoritarian distribution of assets and values for the entire community consists of various units. These are the units that will assume the solution of problems that may arise in the value distribution process. According to Easton, in fact, the political system itself is a resolution unit. After determining the boundaries of the political system by the privilege of authoritarian value distribution, the need for the analysis of environmental variables that affect this system arises.

Here, the relations in the authoritarian value distribution process have an important function. These relations that constitute the political system can be addressed at three separate analytical levels: Political community, political regime, and authority. These are also regarded as the essential elements of the political system.

According to Easton, the political community which is perceived as an analytical concept consists of a group of individuals who come together within the frame of a political

division of laboratuvar (Easton, 1965, p. 177). Here, first of all, there is a common purpose based on cooperation and division of labor. Here, a common bond of feeling is in question. This phenomenon may not be too much effective in the formation of the political community but is necessary for the continuity of the community. Easton also accepts that members of a community resulting in the above-mentioned feature share a common fate, and "a sense of we" is predominated (see Busshoff, 1975, p. 34-48; Hassan, 1977, p. 242).

The existing European Union, the foundation of which was laid with the European Coal and Steel Community as a model that would eliminate the traditional conflicts of interest between countries in Europe after two major world wars, reflects a supranational political system incorporating the features described above. It makes its presence felt as an alternative security system in this way (For the Conceptualizing the European Union of an other view see Ginsberg, 1999, p. 429–454).

4. The Objectives of the European Union as a Supranational Political System

Many of the aforesaid objectives mentioned in the 1992 Maastricht and 1996 Amsterdam treaties confirming it were fulfilled, however, the development process of this system that we should see as an integration process also continues because it has a flexible structure.

In this sense, *one of the primary objectives of the European Union* is to remove the boundaries between traditional national giants by forming an **economic and social field in which a single currency is valid.** Thus, ensuring a balanced social and economic development on the basis of economic and monetary union and the promotion of employment and investment will be possible.

This objective based on the principle of free movement of goods, services, capital and labor which was introduced by the Treaty of Rome in 1957 has been substantially achieved today. Euro was officially adopted in 1995 as a single currency and put into circulation as banknotes and coins in 2002.

The second one is to establish **European Union Citizenship.** With this common policy which is still being implemented, better monitoring of the rights and interests of EU citizens becomes a current issue.

The third one is to form a **European Union Identity**. This identity is different from the classic European identity, it was planned to be like that. We know that the key element in traditional European identity is the Christianity and the loyalty to the Medieval scholastic thought according to the common impression. But now the European Union, as it stated in all its official documents, aims to put forward its identity **by means of a Common Foreign and Security Policy** with a unique sense of identity.

Here, we see more tangible that the European Union is an integration process. The member countries within the system will have compatible image against the outside world to the extent they are close to each other and integrated. Demonstrating a Common Foreign and Security Policy as the main carrier of the European Union Identity is because of this reason.

A *fourth objective*, which complements this objective or is closely related to it, is to transform the European Union into **the area of freedom, security and justice**. How can this be achieved? It is aimed to implement the free movement inside it without any obstacle by taking joint measures on the issues of irregular migration, asylum and fight against terrorism with the control of external borders. Thus, the inside of the system will be transformed into a kind of freedom, security and justice area.

We have also experienced a current (March, April 2016) incident showing that the European Union acted sensitively concerning this purpose. As it is known, in accordance with the *Readmission Agreement which was signed between* the European Union and *Turkey in*

2013, EU officials have made intensive attempts for the refoulement of Syrian refugees who tried to reach Greece via Turkey and other EU countries from there, of course firstly Germany, to Turkey. German Chancellor Angela Merkel visited Turkey for several times in a short time. Why? To send unexpected guests who tried to go to their countries, namely the freedom, security and justice area they want to create within the borders of the European Union back to where they came from.

This shows us what kind of advantage and disadvantage potentials the European Union system have regarding the Balkans and Turkey under the present conditions. Meanwhile, it is necessary to state that the discourse of that **freedom, security and justice area** we have mentioned is also an EU legal acquis heading and important.

So, what does the European Union that has shaped itself by kneading itself for these purposes mean for Turkey and the Balkans? It will be useful to approach the subject from this point. What type of cooperation or risk potential may be concerned? First of all when we look at it from the European perspective, it is understood that the Balkans (as the transition area of illegal immigrants in the recent times) which are a sensitive area for the European Union system also contain a ground that will allow for having a voice usually in the world along with the political risks. The reality, unfortunately, has made the Balkans the householder of political ambitions and the pains caused by them as it is described in Faust. The expression of "Balkanization" in the meaning of instability resulting from the ethnic and political fragmentation and the interference of external forces is especially a product of nineteenth-century Europe.

And now, the European Union and the countries in the region come out with a new system by learning lessons from history and are obliged to make an attempt on security. However, things cannot always go in consistency with the theory and logic. There may be criticisms about the system due to some concrete problems that occur in practice or threat perceptions. For instance, when opinion surveys made in 2007 and 2012 are compared, it is seen that the confidence in the EU institutions has decreased. This period corresponds to a period of time in which the European Union expanded with new members, on the one hand, and, on the other hand, the general economic and financial crisis shook Europe. The problem which is expressed as Euro crisis largely resulted from the fact that Greece failed to fulfill its single currency obligations and made the tremendous impact of Greece as a result of the solution initiative of the EU system. Germany was mostly on the firing line in this period. Namely, the pioneer of the European Union system and one of the main actors. Those that criticized were the some members that firstly expected economic and political benefits from the supranational authority instead of transferring the sovereign rights and who found some decisions risky for themselves, such as Greece, Poland, and Hungary.

It is understood that all of the above-described objectives of the European Union have not yet been fully implemented. This also shows us that, as we have mentioned before, the European Union is an ***integration process.*** This process may never end because the people's preferences and expectations in different cultures come into question. However, the continuation of the process does not imply a negation or weakness.

What is important **here is the existence of a joint will**. The opposite of this is the will of **disintegration and conflict,** in that **historical experiences** get people away from this in Europe and the Balkans.

Here we can give the situation of Poland as an example. Poland Prime Minister Donald Tusk criticized Germany three years ago, his reason was the fact that the European Union made this great power's presence felt in the decision-making process. In this attitude of Poland, we see that the historical and traditional threat perception is still alive in a system where powers of national sovereignty are transferred.

However, interestingly, Poland also added in its appeal and made a statement meaning that "**If the European Union system is made equally dominant in the region, we will tolerate even the hegemony of Germany**". (Because Poland was wracked by Germany in the past. And also by Russia. These two powers, one of them from the west and another one from the east, had eyes on the Polish territory. A Polish Proverb says "*Turks from here, then the Wolves ...".* Namely, it says that Ottoman was wasted after withdrawing from the Balkans.

Donald Tusk, the former Prime Minister of Poland, whose approach on Germany and the European Union was mentioned by us, is now leading a very important institution in the European Union: Chairman of the Permanent Council of the EU. This development may give us an idea about the present situation of the European integration process.

So, the European Union in the nature of the supranational political system that envisages transference of authority to a higher authority that will engage in an activity for the common interest and security instead of an interest tracking based on former national ambitions in the realpolitik sense is recognized even by Poland. A Polish politician is leading this, as well.

Having historical and current impact potential regarding the Europe's security, Balkans has always been on the agenda of the European Union. For all Balkan countries, a statement was made for the preparation of the conditions for the membership perspective as a principle in 2003 Thessaloniki summit. Since 2004, many countries joined the system. After Bulgaria and Romania in 2007, Croatia was also included in the European Union on July 1, 2013, as the 28th member.

5. Relations with Turkey

Turkey made its first application for the European Union (European Economic Community) in 1959 and started relations with the Association Agreement signed in 1963. After the *preparation process, transition process and customs union* stages, full membership to the European Community was aimed. Turkey, that entered the negotiation process for membership in 2005, is still in this process.

It will be useful to look at the issue from two different aspects considering that former Eastern Bloc countries were included in the EU system although Turkey is still waiting as a candidate country that entered the Association Process even in 1963: Firstly,the importance of Central and Eastern European countries for the European Union in terms of the existence problem (For this issue see Canbolat, 1997); and secondly, the issue of whether Turkey has fulfilled the envisaged conditions in the said criteria. The reasons for this may be various. Of course, it is not true to attribute the shortcoming to Turkey as single-sided. However, while taking a political step that will affect the future and generations of the country and protecting it, it is necessary to think carefully on the realizability (feasibility) of it for the country in question. Unfortunately, short-term policies were followed in this regard in Turkey, these were usually inconsistent with each other and also led to non-compliance with the European Union objectives.

It is understood that there is not a parallelism between the European Union's viewpoint on the issue and the viewpoints of executives and even largely people in Turkey on the same issue. However, the European Union is always obliged to regard Turkey in terms of its own interests and need it on a large scale. Perhaps, right beside of Turkey as an associate member but not within the European Union System as a full member.

The meaning of the European Commission's proposal of "A European Strategy for Turkey"[3] with the thought of making Turkey closer to the European Union should largely be sought here.

It is useful to approach the subject at two different levels not to do injustice to both sides in the discussions for the European Union-Turkey relations, partnership or membership. At one point, it is necessary to think about the European Union within its formation, development and existence conditions, on the contrary, Turkey within its own conditions; and at another time, the European Union and Turkey within a single system but without forgetting the necessary requirements for this.

The point lying behind the European Union's insistence on the adoption of EU norms and laws to dominate Turkey's national legislation is better/correctly understood on such an objective ground. Otherwise, the country's agenda will have been occupied with useless discussions and unrealistic promises or unnecessary anxieties.

So, what do people think about the membership to the European Union in Turkey? What about the public's choice on various issues on which EU demands are focused? When the Progress Reports and some survey results in the time elapsed are analyzed, it is understood that there are differences between the EU's and Turkey's approaches to the subject. In the calls for compliance with the political criteria, the European Union may be acting with concerns about the functioning of its system, this is true. However, Turkey's perspective on the issue gives a different and distinctive image. Basically, **it is noticeable that there is a significant difference between the European Union and Turkey in terms of priorities and main tendencies.** Here, we witness the EU's discrimination or exclusion with political, cultural and economic approach against Turkey along with different types of mutual prejudices compared to other candidate members for full membership. Surely, Turkey' gross negligence is also the point in question, but this is not the only obstacle.

Turkey's ability to fulfill the obligations of membership is considered as the ability to comply with the Legal acquis. Turkey has to bring its institutions, administrative and judicial systems into conformity with EU standards at the national and regional levels, insofar as conditions permit.

For this purpose, firstly it will be useful to bring up the issues about on which ground the European Union-Turkey relations will be discussed and what kind of concrete policies and decision-making areas it will cover to the agenda and awareness of the people. Moreover, not only the people but also the executives, intellectuals, opinion leaders and universities should find the *real ground* in this regard.

Another conclusion we obtained from the public choice is that very little is attributed to the European Union membership. The Common Foreign Policy and Security Policy that have been included in the European Union's legal texts and reflected in the Progress Report have not been imprinted on public opinion's mind in Turkey. It is still expected that external relations and international issues will be addressed by traditional diplomacy which is continued between the governments. However, the European Union has prepared the necessary legal and organizational structure for a common foreign policy and security policy for the outside world. Although there are some problems in practice and it is not exactly implemented in each area in an effective manner, it is apparent as a declaration of intent and the legal basis.

Generally, the majority of people express opinions in favor of the European Union membership, but the fact that the objective that justifies the membership is primarily in the economic character draws attention. Therefore, it is not compatible with the *original*

[3] In response to a request made at the Luxembourg Council, the EU Commission prepared a document on 3 March 1998 as “the Commission’s initial operational proposals” on “a European Strategy for Turkey".

historical, political and cultural objective in the basis of the European Union formation. Unfortunately, several preferences which are very different from each other on EU membership are seen in a short time in Turkey's public opinion. Although 74% of people want the EU membership, this ratio excessively decreases two or three years later and even can turn into an EU opposition with a reactional attitude. In fact, both attitudes are not in accordance with reality since an accurate view/opinion based on reliable/correct information has not developed.

5.1. Attitudes of the Parties Regarding Turkey's EU Membership

The opposing views and approaches regarding Turkey's European Union membership are observed both in Turkey and Europe. Firstly, let us have a look at those in Turkey. Generally, it is possible to talk about four different sections objecting to EU membership in Turkey. *The first of them are the* socialists and Marxists who consider the European Union as the "capitalist form of integration". *Secondly*, it is possible to talk about anti-EU attitudes of nationalist and conservative people who mostly address the issue with a historical, psychological, and cultural sensitivity. *Thirdly,* those who think that they cannot protect their excellence reinforced by them in the political, economic and bureaucratic sense and accordingly their power (powerfulness) positions in the European Union system. *The fourth* one consisted of various sections that developed a nationalist/national and protectionist/conservative attitude against external threats for the imperialist policies and integrity of the country in the process of globalization.

Those who make "nationalist" judgments about the EU membership and especially about the accession criteria that Turkey needs to adapt by looking at Turkey-EU relations from a historical and cultural perspective remain distant from the European Union. It can be said that national, cultural, religious, psychological and historical motives are effective here.

5.2. Different Views on Turkey from the West

We are witnessing the existence of two different views from the West regarding Turkey's European Union membership. There are also opponents, supporters and even those who consider it necessary. For instance, according to a German historian named Hans-Ulrich Wehler, Turkey should not be included in the European Union. According to him, Turkey does not belong to Europe in terms of its geographic location, history, religious identity, and worldview. There is no place for Turkey in Europe that he considers it as has been kneaded with Christianity (Die Zeit, 2002a).

Wehler's assessment does not comply with the objective reality manifesting itself at least in official documents in Europe today. Christianity is not implied as a reference in none of the treaty or official documents of the European Union. The democracy, superiority of law, respect for human rights and the ability to adapt to free market economy conditions have been taken as a basis for membership.

Another German, Günter Seufert states that Europe can make a fresh start by learning lessons from the bad experiences in its history, besides the purpose of EU founders such as Schuman and Adenauer is something far beyond writing down particular traditions (Die Zeit, 2002b). Opposing Wehler’s opinion on the fact that political association cannot develop outside its own cultural boundaries, Günter Seufert suggests that it is possible to merge around the values that do not belong to any country or region by overcoming the exclusion resulting from language, culture, language, and history. He states that this is implemented by the EU example by passing from the nation-state centered structure to the pluralist structure

(supranational) and Turkey has taken the first important step in this direction with the law reform in August 2002. He also states that the Ottoman Empire was a Muslim state hosting the most crowded Christian population, Christian communities lived together with the Ottomans in Anatolia and the Balkans for 700 years, but it is difficult to say the same thing for the minorities in Christian Europe.

Another issue that Seufert cares about is the potential role of Turkey regarding the EU foreign and security policy. Seufert argues that EU's common foreign and security policy cannot develop without Turkey and even cannot be implemented. Indeed, this issue has not been comprehended adequately by us, but I think it will be better understood in the future (For an evaluation about this see Canbolat, 1999). Seufert mentions that Turkey will also be needed for the security of petrol transport roads by drawing attention that Europe is more dependent on the Middle East petrol than the USA. He argues that Turkish army is valuable for Europe both from this perspective and due to its competent and reliable contribution to the studies of moderating the crises in the Balkans. In addition, he also argues that Europe cannot follow an adequate foreign policy and security policy in Balkans and the Middle East against a Turkey "that opposes EU's acting alone in the region as a key member of NATO with understandable reasons".

The former member of the European Commission Günther Verheugen is also one of them who consider Turkey's membership necessary for the implementation of EU's common foreign and security policy.

The above opinions and assessments demonstrate a very positive view about Turkey and Turkish people regarding their possible membership to the European Union. All these are good, but there is also one dimension of the issue regarding the technique and system required by the European Union membership. Moreover, this dimension is convenient for the accurate/inaccurate inferences and accordingly making a judgment on the European Union. Günter Seufert sheds a light on a phenomenon that reflects the essence of the EU system while praising Turkey's study on EU harmonization laws: he states that "National state ideology" cannot be in harmony with the European Union model.

In conclusion, we need to point out that the citizens' hope/fear of the European Union membership should never be exploited for future political accounts. People should be supported to form their own opinion with an accurate information and self-consciousness. Because, eventually, the EU membership will need to be asked to the public through a referendum in the candidate country. The EU member states have become members through this way. As it is seen in the example of Norway, membership is not realized if the will of people is not in favor of the EU membership in the referendum. There is also a requirement for absorption.

This is so interesting. It is remarkable that Croatia started membership negotiations on 3 October 2005, on the same day with Turkey. However, the European Union announced an additional criterion for the first time in this period, saying that "*Negotiations are open-ended and also the absorption capacity of the EU system will be considered*".

Here we understand that the EU will include Turkey when it can absorb it. It is understood that there is not a problem of absorption with respect to the inclusion of Croatia. I wonder, in what sense should we think this issue of absorption? Will economy, population, security.... Or history and culture be adsorbed?

Another Polish proverb came to my mind: "*To sit in stomach like a Turk in front of Vienna.*" This historical experience is important. If the absorption criteria are in this sense, our work is difficult.

However, we can also determine by historical observation that the most brutal and bloody wars in the past occurred between the countries forming this European Union system. Between Germany and France at the maximum. Besides, this bad experience underlies the

idea of the European integration. A common welfare and security with a new understanding and model ...The European Union was founded for this purpose. It is useful to take into consideration them.

6. Conclusion

Contemporarily, the security of all Europe and the Balkans can be ensured well by making use of the restorative and crisis preventive power of human, cultural, economic and historical stock. A system of governance in the manner that will serve the people and social welfare by means of cultural and economic production instead of the policy of neutralizing the opposite side through military force. The European Union constitutes a favorable environment for this. Because the Balkans are, in one sense, considered as the Europe's soft spot. Historical experiences demonstrate this.

Turkey's historical experience in the Balkans is important in this sense. Today, some municipalities in Turkey actually present a model in history to the attention and knowledge of today's human beings while restoring and unearthing Ottoman monuments in various Balkan countries and bringing them into service. For instance, people understand that the like of Fidan Han, Emir Han or Pirinç Han in Bursa are located in the Balkans when they see the Bakır Han in Macedonia. Such a similarity reflected the originality of perspective on life and being. The presence of people belonging to different ethnic and religious identities in peace and freedom in the eastern Europe during that period was possible due to the Ottoman Empire's original being policy, that is security model.

Today, although Turkey has turned towards the European Union system examined above with interest; it has not completely internalized its specific reasons for the formation and continuity conditions. However, the European Union is a common living space and requires a harmonized economic, political and social structure which is homogeneous as far as possible. Turkey has a sensitivity resulting from its national, historical and geopolitical position, therefore, the EU's demands on the protection of human rights and minorities and decentralized management design are approached cautiously (for this issue see Canbolat, 2012, p. 249-324). This may have understandable reasons at this stage.

In conclusion, Turkey has always been a country at the centre of geopolitical and strategic plans and reality and is still so. Tomorrow it will remain so. Historical experiences demonstrate that Turkey is important in the eye of West not only as a European but also both as European and Asian and the Middle East country. Certainly, Turkey' geopolitical feature should not be ignored for its own interests. This situation is also a decisive attribution in Turkey-European Union relations.

7. References

Aldcraft, D. H. (1977). *From Versailles to Wall Street, 1919-1929*, London.

Busshoff, H. (1975). *Systemtheorie als Theorie der Politik*, Pullach bei München: Verlag Dokumentation.

Canbolat, İ. S. (1997). Üyelikte Israr Etmek Yerine…[Instead of Insist on Membership], *Radikal,* 14.12.1997.

Canbolat, İ. S. (1999). Avrupa'ya Açılan Kapı [Access Door to the Europe], *Radikal,* 22.06.1999.

Canbolat, İ. S. (2012). *Uluslararası İlişkilerde Türkiye. Savaş ve Barış Arasında Dünya [The Turkey in International Relations. The World Between War and Peace]* (4. Ed.). Bursa: Alfa Aktüel Yayınları.

Chaunu, P. (1979). *European Expansion in the Later Middle Ages*. Amsterdam.

Czempiel, E. O. (1981). *Internationale Politik*. Pedarborn, München, Wien, Zürich.

Daltrop, A. (1986). *Politics and the European Community*. London: Longman.

Die Zeit, (2002a). 12.09.2002.

Die Zeit, (2002b). 19.09.2002.

Easton, D. (1965). *A System Analysis of Political Life*. New York.

Easton, D. (1971). *The Political System* (2. Ed.). New York.

Ginsberg, R. H. (1999). Conceptualizing the European Union as an International Actor: Narrowing the Theoretical Capability–Expectations Gap. *Journal of Common Market Studies, 37*(3), 429–454.

Gönlübol, M. (1975). *Milletlerarası Siyasi Teşkilatlanma [The International Political Organization]* (3. Ed.). Ankara.

Gönlübol, M. (1985). *Uluslararası Politika [International Policy]* (3. Ed.). Ankara: Ankara Üniversitesi Siyasal Bilgiler Fakültesi Yayınları.

Hassan, Ü. (1977). *İbn Haldun'un Metodu ve Siyaset Teorisi [Ibn Haldun's Method and Political Theory]*. Ankara: A.Ü. Siyasal Bil. Fak. Yay.

Jones E. L. (1981). *The European Miracle: Environments, Economics and Politics in the History of Europe and Asia,* Cambridge.

Jones, R. E. (1967). *The Functional Analysis of Politics*. London.

Lipson, L. (1984). *Demokratik Uygarlık [The Democratic Civilization]* (Trans., H. Gülalp & T. Aklan). Ankara.

Naschold, F. (1972). *Politische Wissenschaft* (2. Ed.). München.

Perry, K. (1984). *Britain and the European Community*. London.

Pfetsch, F. R. (1981). *Die Aussenpolitik der Bundesrepublik,* 1949-1980. München.

Prelot, M. (1972). *Politika Bilimi [Political Science]* (Trans., N. Önol). İstanbul: Varlık Yay.

Norbert, W., & Martin, K. (1983). *Ökonomie der Entwicklungslaender*. Stuttgart: Gustav Fischer.

Libertarian Understanding of Abortion and its Critics

Seval Yaman

1. Introduction

Abortion has become a very political and contentious issue all around the world. There are very different political, psychological, medical, social, moral as well as legal and theoretical standpoints on this issue. Debates about abortion divided the world into two main camps; i.e. the pro-life and the pro-choice groups. The struggle started in the US after the case of Roe v. Wade in 1970s and spread like a wild fire to all around the world. The pro-choice group, seeing it as a matter of personal choice over their bodies, their health and their life, supports the right of women to terminate their pregnancy. The pro-life movement, on the other hand, developed as a reaction to the pro-choice group. The pro-life supporters changed the subject in the discussion about "right", shifting it from woman to the fetus. Therefore, they started their argumentation with the fetus' right to live and treated the fetus like an unborn individual full of rights.

Broadly speaking, there are two main levels on which discussions about abortion intensifies. In the first level, the discussions focus on the morality of abortion, while in the second they concentrate on the legality of it. Debates about the morality mostly include the discussions about the moral status of the fetus, women's rights on their body and the fetus' right to live. On the other side, debates about legality mostly focus on the law where the main question concerns whether to outlaw abortion or accept it as a legal choice. It is also in the framework of these discussions that the impacts of various legal actions regulating abortion is considered from a utilitarian outlook on the individuals concerned in particular as well as on the society in general.

While the topic has been discussed by many different disciplines including political science, philosophy, sociology, demography, law and medicine with sizable literatures in each using their respective tools and perspectives, this paper discusses how libertarians view and conceptualize abortion. As it shall be explained in more detail in the following, abortion constitutes a very special case study to reflect many of the main tenets of libertarian thinking. The paper also discusses the critics of a libertarian perspective on abortion since the topic presents extremely relevant and difficult challenges for the core assumptions of this theory.

2. The Core Principles of Libertarianism: Self-Ownership and Non-Aggression

Before discussing the libertarian take on abortion, it is necessary to review some of the most important principles that define this theory, as they are extremely relevant for the debate. The discussion should start by noting that libertarianism does not mean classical liberalism as the two are sometimes used interchangeably in the Anglo Saxon literature. Liberalism in some Anglo Saxon countries, particularly including the US, has a rather different meaning referring to the ideas and beliefs of social democracy, because of this terminological shift in such countries, classical liberals started to call themselves libertarian to clarify their position. However, libertarianism as taken in this study is significantly different from classical liberalism and it includes Robert Nozick's concept of minarchism, Murray Rothbard's concept of anarcho-capitalism, Ayn Rand philosophy of objectivism, and Lysander Spooner and Benjamin Tuckers's philosophy of individualistic anarchism.

Both libertarians and other liberals are in favor of limited government, and the protection of individual rights and liberties. Nonetheless, liberty is a matter of degree and its

unique emphasis on the degree of liberty appears to be the defining factor for libertarianism differentiating it from all the other versions of liberalism such as American liberalism, neoliberalism, egalitarian liberalism, and classical liberalism.

Two main principles of libertarianism shape its perspective on abortion: Self-ownership and non-aggression. Self-ownership is the core and the first moral principle of libertarianism defined as one's ownership of his/her body including its parts, capacities, labor and by extension of whatever acquired by these in a non-aggressive manner. It is expressed as the moral or natural right of a person to have bodily integrity and be the exclusive controller of his/her own body and life.

As the second principle, non-aggression axiom underlines the immorality of initiation of coercion, physical force, threats, or fraud against other people to achieve personal, social or political goals. Each person has the right not to be harmed by others. Here "others" does not only refer to the "other individuals", it refers also to the other groups in the society and also the state. This principle is another basis of libertarian understanding of morality, and therefore, violation of this principle is immoral. There can be no justification for the violation of the rights of individuals not to be harmed. Libertarianism embraces opposition to authority and to all manner of controls over the individual and property, especially when exercised by the state or society. However, non-aggression is not an absolute right as there are some exceptions. And abortion can be conceptualized as one of these exceptions.

Liberals mostly discuss these principles in a political manner in the context of individual-state relations. The discussions are centered around the aim of minimization or removal of state intervention to the individual sphere. However, since it also a moral philosophy, libertarianism applies these principles to all individual issues to formulate its moral stance towards the case.

It should be noted that while basing their analysis and arguments on the same core principles, not all libertarians have a unanimous view on abortion or any other significant topic at all. The differences derive from the fact that all these principles are interpreted differently with different agendas. Among libertarians, there are both pro-life and pro-choice supporters and both groups use the same principles of self-ownership and non-aggression to defend their argument. Despite this heterogeneity among libertarians, the main thinkers such as Murray Rothbard, Ayn Rand, Walter Block approach the issue as a matter of choice and zone of privacy, and therefore the majority of libertarians stand with pro-choice group.

The libertarian principles have been employed at many different levels of the debates and libertarian theorists have made some remarkable contributions of their own, the original contribution made by the libertarians in this debate is that they start with the assumptions of pro-life group and end up with the conclusions of the pro-choice group. In other words, they usually start with the assumption that the fetus is an individual with rights and they conclude that the decision to whether or not to have an abortion is ultimately a matter of personal choice of the woman whose right of self-ownership reigns supreme on any other rights. This matter of hierarchy of rights is discussed in the context of abortion debates in the next section.

3. Complexity of the Abortion Debate: Moral status of the fetus and the problem of hierarchy of rights

What makes the discussion very complicated about abortion is the moral status of the fetus. The problem is that there are no universally accepted answers to the questions about when life begins (e.g., at conception or at birth) or when a fetus becomes an individual or a person. There is a wide range of spectrum of answers on these questions, while two marginal poles can superficially be identified. At one extreme, the fetus is accepted as a person or individual

full of rights at conception and there is no justification in killing the fetus to defend the rights of women. Here, abortion equals unjustified murder, end of discussion.

At the other extreme, the fetus is not accepted as a person but merely a part of the individual (woman) with no will, so there is nothing wrong with destroying it like a tonsil operation or having a tooth out. Between the two extreme edges, there are those positions and arguments in the middle grounds. For example, Werner distinguishes human being from the person. He defines "human being" as a member of the biological species *homo sapiens*. By "person", in contrast, he means a fully fledged member of a human community, someone who has a developed concept of self, memories, a language and moral obligations as well as moral rights (Werner, 1976, 178). According to these definitions, fetus is not a person or an individual with rights; it is just a biological human being.

From radical and marginal to moderate and mainstream definitions, the ontological status of the fetus remains as an unsolved problem. Most of the libertarians are not engaged in these ontological questions and by taking a step forward, they just accept the fetus as an individual and make their argumentation and reasoning accordingly. The two main principles of libertarianism, i.e. self-ownership and non-aggression axioms give a solid theoretical background to the debates over abortion.

The second complexity within the abortion debate concerns the problem of hierarchy between two fundamental rights: right to life and right to property (i.e. self-ownership). Speaking from a moral standpoint, fetus's right to life seems superior to the property right of a woman, especially considering the fact that it is an innocent party to this discussion. However, for Thomson, having a right to life does not guarantee having either a right to be given the use of or to be allowed continued use of another person's body - even if one needs it for life itself (Thomson, 1971, 56). In other words, since the fetus's use of its right to life *must* involve a continued use of the woman's body, it may and often does contradict her right of self-ownership. For libertarians, fetus cannot gain the right to life at the expense of the woman's property right with imposition. According to Rothbard, if an adult human being does not have the legal right to remain enclosed within the body of another human being without the latter's consent, the fetus does not either.

4. Libertarian Understanding of Abortion

Murray Rothbard was one of the most important libertarian political philosophers of the 20th century. He inspired many young scholars and made a big challenge to classical and neo liberalism. The starting point of Rothbard is the principle of self-ownership, which is the *absolute* right of property of a person on his/her own body. In the context of discussions about abortion, for Rothbard, one's body also includes the fetus or embryo in itself. The position of Rothbard and also most of the other libertarians is in the realm of ethics, not science. He states:

> The proper groundwork for analysis of abortion is in every man's absolute right of self-ownership. This implies immediately that every woman has the absolute right to her own body, that she has absolute dominion over her body and *everything within it*. This includes the fetus. Most fetuses are in the mother's womb because the mother consents to this situation, but the fetus is there by the mother's freely granted consent. But should the mother decide that she does not want the fetus there any longer, then the fetus becomes a parasitic "invader" of her person, and the mother has the perfect right to expel this invader from her domain. Abortion should be looked upon, not as "murder" of a living person, but as the expulsion of an unwanted invader from the

> mother's body. Any laws restricting or prohibiting abortion are therefore invasions of the rights of mothers (Rothbard, 1998, 98).

This quote shows, without any confusion, that Rothbard considers the fetus's status as dependent on the mother's choices. In other words, as long as the mother gives her full and free consent there is no moral question. Similarly, if such consent is non-existent, then there is no question of morality because the fetus has no right whatsoever for being there, it is a blatant violation of the woman's right of self-ownership. The more striking aspect of Rothbard's view on the topic is that he clearly suggests that it is perfectly OK for the woman to decide to terminate her pregnancy at any point according to her free will. In other words, even if she might have given full consent in the beginning and the fetus entered her body through such consent, she still has the right to destroy the fetus if and when she decides she doesn't want it any longer.

Jason Brennan in the blog of *Bleeding Heart Libertarians*[4] gives an interesting example to show his approach to abortion debates. He uses the example of Peter Singer about a drowning child and extends this example to the dying baby to apply the principle on the abortion case. Accordingly, Peter Singer pose the following question to his students: "if you see a drowning toddler in the pool, do you have any obligation to rescue the child with the expense of getting your clothes muddy and missing the class?" His students responded that you do have a moral obligation and you are obliged to save the child. The following question was whether they would have any obligation to save a child, "if the child were far away, in another country perhaps, but similarly in danger of death, and equally within your means to save, at no great cost -and absolutely no danger- to yourself?" His students agree that distance and nationality make no moral difference to the situation. Jason Brennan applies this example to the abortion case and adds an important expense or a cost to the situation that makes the case more complicated. In Brennan's example you see a baby dying, but now there is a personal expense to save the child, you have to carry the baby inside your body for a few months. The analogy to the case of abortion here is that to save the life of a fetus all you need to do is to allow it to remain in your body for several months- that's the personal expense. The difference between the dying and the drowning baby depends on the cost it brings on you. For Brennan, if you think you're morally obligated to rescue the toddler in Drowning Toddler, you should think that you're equally morally obligated to rescue the baby in Dying Baby (Brennan, 2015). Therefore, it follows, if you consider it to be a moral obligation to save a baby with whom you have no prior connection then it should be considered an even larger moral obligation to save your unborn baby.

Another famous metaphor in these discussions, this time about an ill violinist, belongs to Judith Jarvish Thomson and is used by many libertarians to defend the right to abortion. She develops this metaphor in a story of an ill violinist whose life depends on you. Accordingly, you were kidnapped and the violinist is plugged into you. You will be free after nine months if you chose to let him live. But if you don't, the violinist will die (Thomson, 1971, 48). In other words, the life of the violinist depends on your choice; just like in the case of the unborn baby, you can decide whether or not to let it live. The cost of the decision to let it live is enduring about 9 months of cohabitation. Thomson argues that you have a right to your body and no one could blame you if you unplug him whereby causing the violinist to

[4] Bleeding Heart Libertarians represents a different type of libertarianism that developed under an internet blog with the same name. They believe that addressing the needs of the economically vulnerable by remedying injustice, engaging in benevolence, fostering mutual aid, and encouraging the flourishing of free markets is both practically and morally important. Matt Zwolinski, Jason Brennan, Roderick Long are important writers of the blog.

die. However, you can also decide not to unplug him for all those months and thereby causing him to survive. It would be nice, charitable and morally appraisal to do this but it would not be unjust or a crime if you don't help him because the violinist does not have the right on your body, he cannot live at the expense of your body. The violinist's right to life does not include the right to your continued support of his life. It may be selfish to separate your body from the violinist and kill him but this does not mean that you don't have this right. It will be your right even if it is a selfish behavior or choice. By all means violinist has the right to life, but the woman does not decide about the violinist's life, she decides only about her body. So the subject and thus beholder of the right is not the violinist but the woman. Edward Feser uses this metaphor and further discussing Thomson's ideas, concludes that the mother is not, or needs not be, positively killing the fetus, but only letting it die (Feser, 2004, p.101).

Another perspective within the libertarian debates on abortion is to consider pregnancy as a contract (except for pregnancy after rape) and hence treat abortion as the violation of this contract. The proponents of this view suggest that pregnancy is willfully created as a contract between individuals including the mother and therefore it is her contractual obligation to carry on with it until the baby is born. To do otherwise, i.e. terminating the pregnancy with an abortion is an open violation of this contract and it is not acceptable by libertarian principles. Rothbard criticized this view by referring to the inalienability of the will. If the woman is forced to carry on her pregnancy, then it will mean she is alienated from her will and becomes a slave who can not control her own body and does not have the right of self-ownership. Secondly, contracts need two or more persons with consent, consciousness, and will. But the fetus cannot be considered as a voluntarily and consciously contracting entity. Therefore, there can obviously be no contract here (Rothbard, 1998, 98).

Walter Block also denied the contract theory of pregnancy, because there is simply no child to have the contract with at the point of intercourse when the child is created. The fetus does not yet exist, and even when it does, it is impossible to have a contract with a one-week old baby (Block, 2005, 20). According to Block, the woman owns her own body, and the unwanted fetus growing within it is in effect a trespasser or parasite similar to Rothbard's view of the fetus. This may sound harsh, but when the property rights in question are thoroughly analyzed, Block see abortion as the only possible conclusion that may be reached (Block, 2005, 20)

Block develops a theory of evictionism as sort of a compromise between the two main abortion theories of pro-life and pro-choice. Block's theory of evictionism distinguishes the act of ejecting a fetus from a mother's womb from the act of ejecting a fetus from a mother's womb and then killing it: the former is eviction, the latter is abortion (Grisillo, 2015, 76). The starting point for him is to reconcile the two core principles of self-ownership and non-aggression. While the former is still prioritized over the latter here, a solution is searched to have both principles upheld. In the theory of evictionism, evicting and killing are two very different actions. Explaining his theory, Block invites readers to a mental experiment starting with the premise of future high technology, which provides fetus a safe place (test tube, host mother or any place) to live out of the woman's womb. In this case abortion does not end with killing or harming the fetus and the mother will not be a murderer because she can evict the fetus, in the gentlest manner possible, but not kill it (Block, 2005, 23-24). Block argues that, in such a context, the woman has a right to evict the fetus. However, since in today's conditions it is not a viable option to evict and not kill the fetus, it is the right of the woman to abort. In other words, in the absence of any non-lethal eviction options, abortion cannot be considered murder.

Block gives an example of a plane to explain his theory of abortion. According to this example, you invite someone to your airplane on a trip and then halfway, while he is up in the air, you suggest that time is up and you want your guest to leave the plane. The plane is your

property and you have the absolute right on it. So, do you have the right to throw out your guest knowing that he will die just because you change your mind during your trip? And if you don't have this right, will it make you a slave violating the inalienability of your will? According to his theory of evictionism, if there is a chance of evicting the passenger without harming him such as a giving him a parachute, that course of action should be followed. If not, in other words, if it is impossible to evict him in a non-lethal way, then letting him die as a result of evicting him from your property should not be considered as murder.

Wisniewski challenges Block and defends the pure pro-life position by stating that "even in those cases where there are no non-lethal eviction options available, aborting the fetus should count as murder" and offers the following scenario to support his viewpoint. "X gets Y drunk to the point of the latter's passing out and drags him onboard the plane, and then, as soon as Y regains consciousness, asks him to jump out." There are two main points in this critique. Firstly, according to Wisniewski, the initial setting of a passenger "invited" on your plane does not accurately reflect the fetus in mother's womb. In Block's example, the invited passenger willfully choses to come to your plane. However, claims Wisniewski, the fetus does not have any control whatsoever on where it ends up. It is not a willful, conscious or consenting party to what happens to itself. Hence, the person who ends up in the plane in Wisniewski's example is a passed-out, unconscious individual. Secondly, not only the fetus has no willful part in the process, it is actually being forced to be there by the other individuals who conceive it. Wisniewski highlights this point by suggesting that you "get the person on the plane drunk". In other words, the responsibility of the fetus's predicament rests on the shoulders of the mother (and the father). Wisniewski contends that this is perfectly analogous to the act of a mother intentionally getting pregnant and then "evicting" the fetus from her womb, ultimately causing its death. This is because in both cases we have someone putting a non-consenting person in an environment and then "kicking them out." (Grisillo, 2015, 77).

5. Concluding Remarks

Rothbard and Block's understanding of abortion seems like a prescription of private property but it also includes contradictions and deficiencies. First of all, it is noteworthy that several words and metaphors they use to refer to the fetus have usually negative connotations. These include words such as invader, parasite, and trespasser that seem to be deliberately chosen to show the fetus as the aggressor of the private property of woman. It is in line with the general tendency amongst libertarians to consider the fetus as an individual on its own right. However, the words chosen to characterize the fetus do not change the fact that it doesn't have any will or consciousness. Fetus cannot willfully engage in any act. Libertarians mostly oppose the idea of pregnancy as a contract because of this absence of the will of the fetus. Curiously, however, to invade someone's property also necessitates the will of the invader. So the fetus has a will to invade someone's property but does not have the will to make a contract.

Secondly, according to libertarian principles, the punishment of a crime has to be proportional to the harm it causes. But in the case of abortion, this principle doesn't seem to be honored because the fetus comes into the womb after a biological process without its control as the only "innocent" party and yet gets punished by a very severe punishment by getting killed. It is wrong for someone to get into your property without permission but you don't kill a young boy for simply stealing some fruits from the apple tree in your garden. You definitely wouldn't kill the neighbor's baby crawling to your garden. There has to be a proportion between crime and the penalty.

Thirdly fetus does not occur in the womb with its own accord. Fetus comes into being after an action of people. If there is an invasion, responsibility of invasion belongs not to the fetus but to the woman and the man. Woman cannot act like being invaded or completely innocent (except for rape) if she has the most important role in this process.

Libertarians use marginal and extreme examples or concepts when they are dealing with especially sensitive and potentially explosive topics. This is exactly the case with discussions about abortion. The metaphors they use in these discussions are very good examples of how they approach sensitive real life topics with mental exercises and hypothetical scenarios. These metaphors include invader, trespasser, parasite, unwanted visitor.

At first such an approach may appear disturbing to people but this is precisely what they attempt to achieve. They start with simple basic principles and apply these to all extreme cases. They try to reach the broadest and most inclusive definition of liberty and private property or in short self-ownership.

In the framework of the debates over abortion libertarians try to construct a coherent idea, however self-ownership, which is the basic essential principle of libertarianism, has been insufficient by itself to resolve debates over abortion. In particular, it has been unable to resolve the conflict arising from the application of two central rights in this context: right to life and right to property. In addition, there is a rich plethora of arguments and debates over the moral status of the fetus to which the libertarians attempt to contribute.

This paper attempted to review some of the major libertarian approaches to the topic of abortion. There is no doubt that as it is the case with any academic discipline or theory, there is a number of competing views and arguments over this topic within libertarianism as well. While it is not possible to determine “the strongest” or “the most influential” of these views, it has been suggested here that having a diverse perspective contributes immensely to the overall debate. Libertarian discussions pose very challenging moral questions and propose extremely thought-provoking mental exercises and hypothetical scenarios presented in the above account.

References

Block, W., Whitehead, R. (2005). Compromising the uncompromisable: a private property rights approach to resolving the abortion controversy. *Appalachian Journal of Law*, 4/1, 1-45.

Block W. (2010), Rejoinder to Wisniewski on abortion. *Libertarian Paper*, 2/32.

Block, W. (2011). Evictionism is libertarian; departurism is not: critical comment on Parr. *Libertarian Papers*, 3/36, 1-15.

Brennan, J. (2015), A Singerian argument against abortion. Retrieved from, http://bleedingheartlibertarians.com/2015/08/an-singerian-argument-against-abortion/

Feser, E. (2004), Self-ownership, abortion, and the rights of children: toward a more conservative libertarianism. *Journal of Libertarian Studies*, 18/3, 91-114.

Grisillo, T. (2015) Block versus Wisniewski: Not Over Yet. *Reason Papers*, 37/2, 76-78.

Rothbard, M. (1988). *Ethics of liberty*. New York: New York University Press.

Thomson, J.J. (1971), A defense of abortion. *Philosophy and Public Affairs*, 1, 47-66.

Werner, R. (1976). *Hare on abortion*. Analysis, 36/4, 177-181

Wisniewski, J. B. (2010) A critique of Block on abortion and child abandonment. *Libertarian Papers. 2/16*, Retrieved from, http://libertarianpapers.org/2010/16-wisniewski-block-on-abortion/.

New media in formal and informal higher education in social sciences

Ljubica Kordić, Željko Rišner, Dubravka Papa

Introduction

Modern time is characterized by expansion of IT-media in every field of human activity. Accordingly, electronic media have inevitably been implemented in professional education, particularly in the higher education system. Social sciences, specifically law schools, have also made use of those inexhaustible sources of information. Power Point presentations represent nowadays a most commonly used teaching tool, and use of the internet sources has become an integral part of teaching approach at Croatian law faculties. Modern teaching approach includes analysis and discussion of different legal documents, laws and international conventions available online as well as implementation of audio-visual materials, like trials or video conferences in delivery of subject-matter courses.

Goal and the Method

As usage of IT and electronic media has become an indispensable part of modern teaching process even in the most traditional higher education institutions, the main goal of this paper is to present the extent and the manner of usage of IT and modern electronic media as teaching devices at the Faculty of Law, University of Osijek, Croatia. Special attention is paid to a specific type of non-formal education delivered at that faculty, which includes the course founded on and aimed at productive usage of modern technologies.

In the introductory part, the authors discuss the role of new media in contemporary higher education. As illustration, the usage of the Internet sources and electronic media in delivery of subject-matter courses in Croatian higher education institutions is presented by analyzing the results of the questionnaire conducted among the teachers of the Faculty of Law Osijek and the Faculty of Law Zagreb in the year 2013 (Kordić, Papa 2013). In that part of the paper, we use a comparative approach and the method of statistical analysis. The main part of the paper is focused on the use of modern IT media and online translation tools within the informal (non-formal) education program carried out at the Faculty of Law Osijek: the Lifelong Learning Program for Lawyer-Linguists. Special attention is paid to the course *Online Translation Tools and EU Vocabulary*, in which online database and machine translation tools perform two functions: they serve as a means of instruction, and at the same time, the ability to use them independently represents the principal goal of the course. In that part of the paper, the authors use a qualitative approach to the analysis of the subject presented. Although this paper only partly relies on the research results, we are convinced that it gives a valuable contribution to modern education science by presenting and discussing a non-formal type of higher education developed in Croatia as a response to changed economic and employment circumstances in which modern electronic media play an important role as teaching devices.

IT and modern higher education system

The upcoming generations of the 21st century have all grown up surrounded by computers, the internet and mobile phones and are often considered as generations of the „digital natives“. This fact has quite clearly defined their relationship to digital technology. They

expect the features such as the IT- founded creativity and communication to be a part of their everyday lives, their education and the way they learn and communicate. In this context, the students of today are no longer similar to the students taught by the 20th century methods. In order to make the universities competitive, these technologies need to be integrated into the curricula and the courses designed, in order to reflect professional real life. On the other hand, most academic teachers assume digital technology to be an integral part of social and educational lives of their students but not of the people of their own age. Many discussions about modern education focusing on IT are related to its effect on teachers, institutions and learners as end users.

The academic circles and educators are challenged by the way current generations feel comfortable in using digital technology. For the sake of students' intrinsic motivation as well as for the purpose of productive and elaborate computer assisted learning, it is important to introduce information technology into the teaching process. According to Dudeney and Hockly (2007), information technology can be used in education in different ways. Students and teachers can use websites to browse for authentic information unlike teacher created materials, which facilitates at the same time the personalized learning experience and approach to learning. Internet-based project work incorporates task based and cooperative learning (from simple information gathering to simulations and web-quests). Communicative approach to language learning is supported by using email, chat and skype, which again points out the importance of cross cultural communication and intercultural competence. Furthermore, opportunities for collaborative tools such as Wikis, Google Docs, or Share Point incorporate a wide variety of audio-visual items supporting the communication both written and oral. Online reference tools can be used to relate to online resources (corpuses, dictionaries, thesauruses etc.).

The New Media Consortium (NMC) is a non-profit group of more than 250 higher education institutions, museums and companies, whose task is to stimulate and promote the exploration and use of new media and technologies for learning and creative expression. The NMC points out that in the years to come, the key trends speeding up the introduction of technology in higher education will be " (…) advancing cultures of change and innovation, increasing cross-institution collaboration, growing focus on measuring learning, proliferation of open educational resources, increasing use of blended learning and redesigning learning spaces" (2015 Horizon Report, Higher Education Edition, http://www.nmc.org/).

Implementation of IT at Croatian law faculties

IT in the formal type of education

As pointed out previously, modern technologies and new media need to be integrated into the teaching process of higher education institutions worldwide. In order to explore the extent of the usage of IT and modern media in education of prospective lawyers in Croatia, we included several questions related to this issue into a wider questionnaire conducted in 2014 at the Faculties of Law in Croatian towns of Zagreb and Osijek. General purpose of the questionnaire was to establish the attitudes of specialized teachers at those faculties towards the importance of knowledge of the English language for law students and to explore their own usage of teaching materials and legal documents in English available on the internet and accessible by using modern technologies. Overall results of that research were published in the professional journal of the Faculty of law Osijek *Pravni vjesnik* (Kordić, Papa 2014), but for the purpose of this paper we shall present and analyse the part of the research results

relating to the role, function and usage of computer technologies and other new media at Croatian law faculties.

Research results. At the Faculty of Law Osijek, 29 out of 50 teachers participated in the research. At the Zagreb Faculty of Law, which employs 140 teachers, only 38 were willing to take part in the research. Before comparing the results gathered at the two faculties, our presumption was that the respondents at both faculties would offer similar answers. It is interesting that almost all respondents use computer technologies to prepare their lectures and most of them (95% on average at both faculties) use Power Point in delivering their lectures. The fact relevant for this paper is that 35% of specialized teachers of the Osijek faculty and 18 % of teachers of the Zagreb Law Faculty claimed that they used sources in English in teaching their courses but also recommended such sources as obligatory exam materials to their students. Those materials include textbooks, book chapters, but also court decisions and other legal documents, as well as international bills and conventions available on the internet. Such internet sources are most intensely used in teaching Private International Law, European Law, Labour and Social Law and Commercial Law. The difference in the percentage that can be observed between the two faculties may have resulted from the fact that 79% of the Osijek respondents are younger than 35 and belong to the young generation trained in using (and open to) new technologies. The percentage of recommended supplementary exam materials in English available online is high at both faculties: 82% of respondents at the Faculty of Law Osijek and 63% of respondents at the Faculty of Law Zagreb recommend to their students additional (supplementary) learning materials in English, most of which are available online. That percentage is mostly covered by the courses in Private International Law, European Law, Labour and Social Law, Commercial Law, followed by Revenue Law and Civil Law. At the Faculty of Law of Osijek the usage of teaching materials in English available on the internet is especially intensive in exercises and seminars: 80% of teachers (mostly teaching assistants) use internet materials, 30% use chapters or shorter legal texts available online and 23% use video-clips. As for student activities, at both faculties students are instructed and encouraged to use the internet sources in their academic activities. According to our respondents, law students at both faculties mostly use materials available on the Internet for writing their seminar papers (92% on average at both faculties) and for preparatory reading before courses (35% on average at both faculties).

By analysing the results presented above, we can conclude that new media and IT take a significant place in preparing and delivery of most exercises and seminars at Croatian law faculties (the questionnaire was conducted at two out four law faculties in Croatia). However, the percentage of teachers using internet sources in English for their lectures and as obligatory exam materials for students is rather low, especially at the Faculty of Law Zagreb. The percentage of positive answers is substantially higher at the Faculty of Law Osijek, which is in close correlation to average age of the respondents (almost 80% of respondents from Osijek are 35 and younger), and to the respondents' knowledge of English (most Osijek respondents asses their knowledge of English as very good). A relevant variable is also the fact that our young respondents are mostly teaching assistants who do not deliver lectures but exercises and seminars that are primarily focussed on students' activities and additional reading. Our results indicate that teaching staff at both faculties is aware of the importance of IT and new media in the lives of young people and in their university education, which is confirmed by the fact that student activities at both faculties are significantly oriented at the resources and possibilities of learning offered by computer technologies.

Limitations of the research. The relevance of the presented results for this paper may have some limitations, taking into account the fact that they primarily relate to using teaching materials in English available on the internet, and that the respondents' bodies compared here differ in number. It is indicative though, that the respondents' age and knowledge of English have significantly influenced the results. That is why we can claim that these data confirm the growing trend of implementation of computer technologies in higher education in Croatia and the fact that they have become an indispensable part both of the everyday and professional life of young generations. However, from the educators' point of view it should be highlighted that new materials from the internet and other electronic media should be selected carefully in order to be integrated in specific courses in accordance with the curriculum and the outcomes planned for specific course. This requires more workload and preparation for teachers. As Dudley-Evans and St John state: "The Internet is bringing further changes as courses can now be downloaded from all over the world. For the teacher as provider of material, the concern will largely be with evaluating and using rather than preparing materials – and they nearly require more time to preview than paper-based materials" (Dudley-Evans and St John, 2007, p. 185). In the following part of the paper, we shall present specific and intensive application of computer technologies in the informal type of education, which has been carried out at the Faculty of Law Osijek for several years now: the Lifelong Learning Programme for Lawyer-Linguists.

IT in informal education at the Faculty of Law, University of Osijek, Croatia

Following the Strategy of Josip Juraj Strossmayer University of Osijek, the Faculty of Law made an effort to bring about prosperity and well-being of its social community. One of its strategic goals for the period 2010-2020 is to promote lifelong learning programmes as non-formal ways of education, which should equip citizens with additional competences and skills required by the labour market (Strategy, 2011: 54). In accordance with this goal, in the period of accession of Croatia to EU and its labour market, the Chair of Foreign Languages of the Faculty has developed a new programme of informal (non-formal) education that represented a direct response to economic changes and employment chances opened to Croatian legal professionals on the EU labour market. This specifically refers to professions required by European Personnel Selection Office of the EU Commission, like translators, legal administrators and lawyer-linguists. The new programme was developed within the lifelong learning education programmes of the Faculty of law Osijek and was called the Lifelong Learning Programme for Lawyer-Linguists. The programme was accredited by the Senate of the Osijek University in 2012. Since then, it has been carried out every year in January, February and March. It encompasses seven courses with altogether 160 teaching hours, which are allocated 22 ECTS credits. Attendants are graduate lawyers with thorough foreign language knowledge (primarily English and German). This knowledge must be proved by corresponding certificates before enrolling into the programme. After passing all exams, attendants obtain certificates verified with an official stamp and signed by the Dean of the Faculty. The Programme comprises the following courses: *Introduction to the EU Law, Introduction to the Theory of Legal Translation and Terminology, Exercises in Legal Translation – English Language, Exercises in Legal Translation – German Language, Introduction to French Language of Law, Croatian Language for Lawyer-Linguists* and *Online Translation Tools and EU Vocabulary*. Modern teaching methods, Power Point presentations and EU legal documents available online are used in all the courses. Within the course *Online Translation Tools and EU Vocabulary,* possibilities offered by new computer technologies are implemented in a specific way and by using a specific teaching approach**.**

The course Online Translation Tools and EU-Vocabulary

Historical Background

Translating legal texts has never been an easy task and, like any other activity involving language, it was for a very long time reserved for linguists. They also translated everything in the sphere of law, either as interpreters providing oral translation, or as translators working with texts. In this context, we may distinguish between translators of texts in the field of law and legal translators. Translators in the field of law actually translate all kinds of texts including those with legal contents and they are primarily expected to have the required linguistic knowledge and skills, which they can apply in a specific language pair. Legal translators are also primarily language experts, but they specialise in translating legal texts, for which they must also learn the essentials of law relating to the language pair(s) they translate from and into. The creation of the European Communities, which have eventually evolved into the present-day European Union, has introduced a new problem based on one of the essential principles of the Union: the principle of equality – not only of member states and their people but also of the languages spoken in them. At the time, this noble idea did not seem to be a potential source of huge problems since there were only 4 languages in question (Dutch, French, German and Italian). However, this will change drastically because the years that followed brought six enlargements of the EU with a number of new languages and thousands of new regulations for translation. What the administration and bureaucrats in the bodies of the EU were now asking for were experts who not only understood the basics of law but who themselves were legal experts in one or more fields of law, and who also possessed a very high level of proficiency in the required language pair or pairs. This turned the old ideas about translating as an exclusive domain of linguists upside down and new experts were in demand. These experts are now referred to as lawyer-linguists. Croatia has become painfully aware of the lack of such experts the moment it expressed the desire to join the EU. Only then the relevant bodies in Croatia realised that there are actually very few people who could take up the daunting task of translating the Acquis Communautaire into Croatian and at the same time of translating Croatian legislation into other languages in the EU. This is one of the reasons why, as the accession talks between Croatia and the EU were approaching their final stage, a series of lifelong education programmes were developed equipping attendants with the necessary knowledge and skills that were in demand at the time. One of such programmes is also our programme for lawyer-linguists as a part of lifelong learning projects for lawyers.

EU-Vocabulary, Data Bases and Translation Tools

The contents of the course Online Translation Tools and EU Vocabulary are divided into two parts covering periods: a) before the accession of Croatia to the EU and during the accession talks, and b) the period since the accession of Croatia to the EU with the localization of most of the data bases and services. This division was necessary for practical reasons because there are still many cases where materials are available only in one of the “older” official languages and where the databases or the service have not been translated into Croatian (yet) although Croatia has now been an EU member for two and a half years and should have all resources available in Croatian as one of the official EU languages. The attendants of the course are therefore instructed both how to find and access information and documents in English (as the most commonly used language) and also how to search those databases that are available in Croatian.

EU-Vocabulary. The first thing one observes when reading a legal text from the EU is the number of very strange and unintelligible abbreviations using characters and digits. This is why our course includes a subject dealing with on-line databases and programmes, and why this subject starts from the explanation and definition of the commonly used abbreviations, which are used in actual search for information, data and documents.

EU Who Is Who? Some of the course attendants are likely to compete for different employment options in the institutions and services of the EU. It is therefore necessary for them to know whom to address, how the system is organised and how it works, what requirements have to be met in a specific directorate or department, etc. The best place to collect such information is EU Who Is Who? – the official directory of the European Union. After an introduction of this directory and a demonstration of the options it offers, attendants have to search the directory and find specific information.

European Union Vocabulary Manual – EuroVoc. EuroVoc is a multilingual and multidisciplinary thesaurus covering terminology from 21 domains and 127 sub-domains relating to all fields of activities in the EU. Its focus is on the terminology used by the European Parliament and there are currently versions of EuroVoc in 24 languages used in the EU plus Albanian, the language used in the FYROM (Former Yugoslav Republic of Macedonia) and Serbian. It can be accessed directly from its own home page offering localised versions in any of the 24 languages or from within other databases (e.g. from EurLex) in the same language version as the respective database. It is regularly updated and managed by the Publications Office and can be searched in various ways: alphabetically, by domain or by subject matter. EuroVoc can be searched on-line or downloaded freely, following different criteria. Attendants are given a demonstration of various search modes upon which they practice the use of EuroVoc.

IATE. IATE is the official site introducing InterActive Terminology for Europe. It may be the first source of information about the terminology of the EU documents but it also has some serious limitations. It is primarily intended for general public and not for any legal or technical purposes, and there are no guarantees that the available documents actually reproduce officially adopted texts; the only exceptions are texts published in the Official Journal, which are always authentic. The portal provides initial information about the meaning of the sought term and the document(s) in which it may be found in use. Almost entire European documentation is available in four languages (English, French, German and Spanish). Most documents have also been localised and are available in all other official languages of the EU but this depends on the year of a country' accession to the EU: countries that have accessed the Union only recently – such as Croatia – only have limited (but constantly growing) number of entries. In spite of its shortcomings, IATE is a good site for any initial search for meanings of certain terms.

EUR-Lex. EUR-Lex offers access to all laws of the European Union including treaties, legislation and consolidated legislation, EFTA documents, preparatory acts, case law of the EU, international agreements and even questions raised in the Parliament. It also allows insight into national case- law and measures for the implementation of national laws in the member states through N-Lex. Furthermore, users can access relevant judgments of courts in the member states and of the EU Court of Justice through the JURE (Jurisdiction, recognition and enforcement of judgments in civil and commercial matters) collection. JURE has a serious fault, however, because cases are only available in their original languages with summaries in English, French and German, so they can only be used as examples of how certain terms can be used in respective languages. Probably the most useful feature of EUR-

Lex is the possibility to access directly the Official Journal (OJ) from within the EUR-Lex and to find all OJ issues that exist only in printed version. For all these characteristics, the EUR-Lex home page may well be the starting point for any research relating to EU legislation and its versions in different languages. The practical part of the subject therefore includes different search options both in the Official Journal and in the EUR-Lex URI-database with and without full information about the navigation elements (such as, for example, the OJ publication reference, or the Celex number). To start an efficient search in the EUR-Lex database, it is very useful to know the Celex number of the sought document. Celex database is the inter-institutional documentation system for Community law and it contains coded numbers of the documents published in the Official Journal (documents of the European Communities and those produced by the Court of Justice including legislation, treaties, case law and preparatory documents). The first thing attendants of the course must learn is how to interpret, understand and distinguish different Celex numbers. The attendants are only required to remember the meaning of particular parts of the Celex number and in everyday use they are encouraged to use the Celex table that makes the search for particular types of documents a lot easier. Practical assignments include decoding the Celex number, using the table, interpreting the types of documents according to their Celex number, searching the database using Celex numbers and, finally, producing a Celex number for a specific type of document.

European Union Open Data Portal. This very useful site offers information about all data that are freely available to general public but also to legal and language experts who can access the requested data without previous registration. The data-base can be searched in a vast variety of ways - from alphabetical search, search according to subject matter or subject group, search according to popularity of search topics, to search according to date of publication or according to source of information. The Portal may also serve as the starting point from which users can "jump" into other databases, such as CORDIS (EU-funded research projects database), Eurostat (statistical data from various domains within the EU), DORIE (collection of all documents issued by the European Commission), ESCO (European Skills, Competences, Qualifications and Occupations database), etc. It should be noted that ESCO is very useful not only for people seeking employment in the EU, but also for agencies providing employment. Furthermore, the Portal allows access to the already mentioned EuroVoc as well as to the DGT-Translation memory (a data-base with sentences and their direct translations into 24 languages of the EU; its content includes segments of the Acquis Communautaire and all treaties, regulations and directives adopted by the EU as part of the European legislation). Attendants of the course are instructed on how to use the most popular and helpful features of the European Union Data Portal and receive assignments to search for specific information at home.

IPEX. The principal function of IPEX is to facilitate inter-parliamentary cooperation in the EU by offering a platform for inter-parliamentary electronic exchange of all EU-related information between parliaments of the EU member states. The platform contains information about parliamentary scrutiny in EU affairs including aspects of subsidiarity and regularly updated calendar of scheduled inter-parliamentary meetings. There are also forums for the exchange of views on topical issues. The site is therefore a valuable source of nearly first-hand information about the state of affairs in the EU and in all of its members. It is primarily intended to be used by national parliaments' members and IPEX correspondents in national parliaments. However, it is also open for use to every citizen of the EU interested in inter-parliamentary communication within the EU. Citizens can access the databases as 'general users' who can only search the data base or as 'authentified users' who can also store

the searched documents but first have to create an account with IPEX. The portal is fully operational only in English with parts that have been localised in other EU languages. In addition to search options for the portal, attendants are also informed about other databases accessible from the IPEX website (ECPRD, ECPRD and the Council of Europe).

TAIEX. TAIEX is the Technical Assistance and Information EXchange instrument of the European Commission. This tool was of great importance for Croatia as the candidate for EU membership, but it also remains operational and usable in the years of adjustment after the accession. It offers information about European neighbourhood policy and funds available for the financing of cross border cooperation and other activities. One serious limitation of the site is that it is intended exclusively for the experts from the public administration of the member states. However, as Croatia has become a full member of the EDU, its citizens can apply for the status of registered experts willing to assist future candidates for Union membership in their preparation for accession. Since this largely applies to Croatia's neighbouring countries, attendants of our course are well advised to consider the possibility and maybe apply for the status of registered experts.

TED. TED (Tenders Electronic Daily) is an online version of the Supplement to the Official Journal of the EU focusing on public procurement. The course attendants are informed about its contents and options it offers, because it provides free access to business opportunities from the EU, the European Economic Area and even beyond that with information published in all 24 official languages of the EU. After registration, users can personalise their search profiles, receive email alerts about available positions, etc. All this makes this portal unavoidable for anyone seeking quality employment in the EU.

Machine Translation (MT) and Machine Assisted Translation (MAT)

The vast number of documents and other written information produced daily in the bodies and institutions of the EU must be made available at least in all working languages and preferably also in all other of the 24 official languages of the EU. This puts an enormous burden on the translation service provided by the member states and administered by the DGT (Directorate General for Translation) responsible for the translation services. The 21st century with its many technological wonders has brought some relief for translators of some languages by providing automated/machine translation for particular language pairs. Years of use and experience have resulted in drastic improvements of the service in some languages so that today translations between particular language pairs (e.g. English < - > German; English < - > French or French < - > Spanish) work almost flawlessly rendering instant translations of most communicated documents. These translations must be proofread by translators to eventually become official. Unfortunately, machine translation software was primarily oriented towards the so-called "big" languages, and Croatian is not one of them so that, for the time being, machine translation is still unavailable, while machine assisted translation is merely an option for translators of Croatian. Nevertheless, course attendants must be informed about the possibilities offered by automated translation tools.

Machine/Computer Translation. At the moment, there is no quality machine translation software for Croatian either as target or source language. However, the principle on which the software operates for other languages raises the hope that at some time in the future machine translation will be also available for Croatian. The principle is very simple: the translation software searches a vast database that contains previously produced documents in all available language versions. The software then re-samples texts by simply

replacing the text in the source language with already existing sentences from other texts from the target language database. This requires an enormous bank of texts so it is rather a matter of time needed for a language to fill the text bank before any language could be translated by machines and only proofread by humans. What now works with the working languages in the EU will one day also work with Croatian as well.

Machine/Computer Assisted/Supported Translation. Unlike the machine translation where the machines do all the work and humans only exercise control, machine assisted translation still requires a lot of human work, and unlike machine translation, which is still out of reach for most "small" languages such as Croatian, machine assisted translation is also available for these languages. Here the users have a choice between word translators and text translators, which are obviously a better solution since they work with entire texts. There is also the choice between freely accessible translation services such as Google Translator or Babylon and commercial online translation services provided by many local companies in their respective countries. The problem with free translation services is that the translation is not always of good quality, especially (again) for "small" languages; commercial online translation services, on the other hand, may be quite expensive. Both these types of services also share a common feature: the user has no influence on the translation process – one can only work on the finished text. The good news here is that Croatian translators can use localised commercial translation software for language pairs such as English – Croatian/Croatian – English or German – Croatian/Croatian – German that works quite well. The software can be purchased and installed on the user's PC and it comes with a renewable 1-year license for one machine. Since this is the only quality translation software available on the market, course attendants are given a demonstration of how to use the programme and how to make it progressively more efficient. The programme can be "taught" about the language by editing texts while they are being translated, by expanding the programme's dictionary database and by feeding finished translations into the programme's memory (so that eventually it will work almost in the same way as machine translation programmes do). The attendants can download a trial version of the programme with limited functionality (but offering most of the important options for users) and practice its use by translating a text they receive as a home assignment.

Conclusion

From its earliest days, the EU has been developing a specific language of administration that had to be incorporated into all official languages in use in the member states. This includes all of the treaties, directives, recommendations and other legal documents and materials that have been produced in the Communities since their foundation and that are now known as the Acquis Communautaire. Its translation into the respective language is the first step any candidate for membership in the EU must take. In the 65 years since the birth of the present-day EU many things have changed, and that also includes the amount of materials, programmes, data bases and other forms of aid for the translators in EU institutions, all of which is now provided by the DGT – Directorate General for Translation).

In this paper we have tried to demonstrate how foreign language teachers at the Faculty of Law, University of Osijek, responded to new requirements that modern higher education system is faced with in the new circumstances of the 21st century. It was by developing a non-formal type of education programme – the Lifelong Learning Programme for Lawyer-Linguists, in which electronic media play an important role and in which possibilities they offer are excessively used. As we have seen, they are most intensely applied within the course

Online Translation Tools and EU Vocabulary, in which teaching contents are delivered by using computer technology (translation tools, data-base accessible online and computer assisted translation). In the course, modern media serve not only as devices for teaching translation but their skilful use also represents the principal goal of the course.

There is no doubt that new media and IT will play an even more important role in formal and informal types of education in the future. This fact, however, represents a new challenge and new requirements for teachers who should be instructed how to use them properly, efficiently and in accordance with specific curricular tasks and planned learning outcomes. The question is: should we accept those changes open-mindedly and only with positive attitudes, or should we take into consideration some rather critical approaches, like the opinion "that teachers should have at the same time a positive attitude towards and a healthy scepticism of these technological devices" (Dudley-Evans and St John, 2007, p. 185)?

References

Dudeney, G. & Hockly, N. (2007), *How to Teach English with Technology*. Essex: Pearson Education Limited.

Dudley-Evans, T. & St John, M. J. (1998, 2007). *Developments in English for Specific Purposes*. Cambridge: Cambridge University Press.

Kordić, Lj. & Papa, D. (2014): Suradnja među katedrama u svrhu podizanja kvalitete nastave stranih jezika struke – komparativni pristup /Cooperation between faculty departments in order to improve the quality of teaching discourse in foreign language courses – a comparative approach/. *Pravni vjesnik Pravnog fakulteta Sveučilišta Josipa Jurja Strossmayera u Osijeku*, 30 (1), 73-88.

Novak, J. (Ed.), (2003). *Priručnik za prevođenje pravnih akata Europske unije* /Manual for the Translation of EU Legal Acts/. (2003). Zagreb: MEI.

Novak, J. (Ed), (2006). *Priručnik za prevođenje pravnih propisa Republike Hrvatske na engleski jezik* /Manual for Translation of Legal Acts of the Republic of Croatia/. Zagreb: MVPiEI.

Overy, P. (2009). *European information: a guide to official sources*. Mold, Flintshire (United Kingdom): European Information Association.

Pozzo, B. & Jacometti, V. (Eds). (2006). *Multilingualism and the Harmonisation of European Law*. Alphen an den Rijn (The Netherlands): Kluwer Law International.

Eurovoc. Vol. 4.4 (2012) - Croatian (Permuted Alphabetical Version)

Strategy of the Josip Juraj Strossmayer University of Osijek 2011-2020 (2011). Osijek: J. J. Strossmayer University of Osijek.

Internet-sources:

2015 Horizon Report, Higher Education Edition. Retrieved January 4, 2016, from http://www.nmc.org/.
http://cordis.europa.eu/ Accessed January 11, 2016
http://ec.europa.eu/enlargement/tenders/taiex/index_en.htm. Accessed December 21, 2015
http://eur-lex.europa.eu/content/help/faq/intro.html#top Accessed January 11, 2016
http://europa.eu/whoiswho/public/index.cfm?lang=en. Accessed December 29, 2015
http://iate.europa.eu. Accessed December 28, 2015
http://www.ipex.eu/IPEXL-WEB/home/home.do.Accessed December 28, 2015
http://open-data.europa.eu/en/data/ Accessed December 21, 2015
http://ted.europa.eu/TED/main/HomePage.do. Accessed December 23, 2015

Effect of the Immigration Policy of Great Britain on Its Relationships with the European Union

Gulzar Ismayil

1. Introduction

There have always been problems between Great Britain and the European Union. Britan's opposing attitude against the union is both related to the history of the country and its relationships with the European Union. Development of Great Britain over the last century and its conflicting position following the World War 2 caused the country to be against the European Union (European Economic Community – EEC – then) for 15 years.

Great Britain reached its highest level of development in the 19th century, but the country lost its economic superiority when the World War I started. World War II greatly affected the policy of Great Britain. Unlike France and Germany, Great Britain completed the war with full victory with the USA and the Soviet Union. In addition, since it is an island country as a result of its geographical location, it experienced no serious damage and loss bacause of the war. The British government continued to see its country as a world power, and was careful to protect its special position (Shemyatenkov, 2003).

Main concern of the foreign policy of Great Britain is to establish "special relationships" with the USA and protect the British Commonwealth of Nations. For these purposes, first, it was necessary to protect the full freedom of actions not limited by any political commitments related to the integrated Europe. Second, it was necessary for Great Britain to protect the system of sovereign choices with the EU countries. In this context, Great Britain proposed, during the negotiations for establishment of a large integration group - the European Free Trade Association -, its own plan of which the key provisions were provided in the declaration dated 1957, February 17. Great Britain firstly had aimed to protect these two provided principles of its foreign policy. However, this plan was not accepted by the participants during the negotiations since it was about assigning a better position for Great Britain compared to the other countries (Shishkov,1972).

After the plan of Great Britain to establish the EFTA failed in this way, the country was left out of the EEC. Therefore, Great Britain suggested establishing its own integrative system – European Free Trade Association (EFTA) – together with Austria, Denmark, Norway, Portugal, Sweden and Switzerland with positive provisions for itself. These seven states signed an agreement for establishing the EFTA in Stockholm in 1960, January 4 (Dmitriyeva, 2008).

At that time, the dominant environment of Great Britain thought that the economic potential of the country was not in accordance with its status of a world state. Industry of Great Britain, an island country, began to be dependent on the continent of Europe. Therefore, G. Makmillan, the Prime Minister of Great Britain in 1961, July 31, stated that the country wanted to apply for entering the European Economic Community with advantageous provisions. Despite an application, it was not successful because Şarl de Gol, the President of France at that time, was against the participation of Great Britain in EU. However, after establishment of new governments in France and Germany, Great Britain was accepted to the EEC together with Ireland and Denmark in 1973, January 1 (Grant, 2008).

Participation of Great Britain in the community was not considered as positive in the country, the political parties presented this step to the society as if it was a required action: If Great Britan had not participated in the Union, it could have lost its position in Europe. Government of Great Britain stated that the country had political problems more important than participating in the process of integration into Europe. Therefore, Great Britain has been known as a Eurosceptic country, that is, for its sceptic approach towards Europe since the first

day. Great Britain demonstrated that it did not want a 'deep' relationship with EU with the opt-outs provided for it by EU. Among the exceptional privileges provided for the country by EU are not using Euro as currency, continuing using the visa of Great Britain and United Kingdom of North Ireland instead of Schengen, which allow for free movement between the countries member of EU for the citizens, and not participating (until the Amsterdam Agreement) in the regulation in the area of social policy planned at that time with the Maastricht Agreement. The fact that the country did not support partnership in the mentioned areas indicates that it did not really want to participate in the integration in the Union, and is one of the main possible examples of its being Eurosceptic. Over the years passing, Great Britain has not taken any important steps to contribute to the European Integration. In contrast, it tried to prevent the other member countries from this kind of actions.

2. Methodology

Aim of the study is to investigate the effects of the immigration policy of Great Britain on the country's relationships with EU. Within the study, demographic data, and market of workers of Great Britain, and the immigration rush to the country over the recent years will be analysed, and causes of them will be demonstrated. At the same time, causes of differences of opinion about immigration between Great Britain and EU will be identified, and the relation of the problem with the debates over the country's disintegration from the Union will be mentioned. Within the study, the works of the researchers who discussed the subject of the immigration to Great Britain have been reviewed, and the research was conducted based on the data from Eurostat and Eurobarometer.

3. The Immigration Problem, the Cause of the Differences of Opinion between Great Britain and EU

Discordance of interests of the separate countries member of the European Union with the integration policies of the Union leads to conflicts in the relationships between the governments. EU faces serious obstacles on the way to being an integrated union because of these conflicts. Effort of EU to accelerate the process of creating a genuine political, economic, legal and intellectual area of information gets different reactions by economy specialists, politicians, and generally among the society, and leads to an acceleration of the conflicts between some of the member countries and the European Union. The possible results of these problems for separate countries and the world in general is a subject that continues to be current today.

There have always been problems and conflicts between Great Britain and the European Union, but they have deteriorated over the recent years. One of the most important problems that cause differences of opinion between the country and EU is the immigration problem. Immigration for Great Britain is a painful problem that originated well before participating in the family of EU. Great Britain has been one of the countries of the European Union that have been most affected by the immigration accelerated by globalization. Britain, keeping itself apart from the immigration policies of the European Union, sometimes imposed limitations to immigration. Britain, limiting immigration after the Jewish and Eastern European refugees immigrated to the country in 1900s, provided the colonies living in its country with the same rights with its citizens in 1914, and allowed its colonial citizens to settle in the country in 1948. However, it completely cancelled this application in 1962 (Dedeoğlu & Gökmen, 2011). Visa applications were on the agenda following the intense unemployment emerging after the oil crisis of 1973. Britain, keeping itself apart from the

scope of the Schengen visa, used various visa applications. These include the visas for students, workers, freelancers, business establishment, family integration, over age of 65, child adoption, marriage, engagement, visitors, tourists, and academic research. Immigration applications were used in 1980s, and the "Act for Application for Refuge and Immigration" was made for the growing number of refugees applying after the Cold War ended in 1993. The Labor Party, coming into power in the chaos because of the increased inequality, social disorganization, and immigration in the country, signed the EU Social Protocol and the European Convention on Human rights (1997) (Özcürel, 2010). The Labor Party, newly coming into power, declared that controls for immigration, refuge, and citizenship acquisition would be carried out more fairly and quickly, the most strict applications in history of the country were brought, and therefore significant reduction was observed in the number of people immigrating to the country. With the Highly Skilled Migrant Programme put into effect in 2002, the obligation for the skilled workers to enter the country to have a job was cancelled. In addition to this application, working period for the low skilled seasonal workers was determined as 6 months, and a scoring system was adopted in 2008, and it was stated that this permission was only for the workers from Romania and Bulgaria from the year 2010 on.

On looking into the recent developments on immigration in Great Britain, it draws attention that the subject of immigration is still one of the most important debate areas since the effects of the economic crisis experienced in the year 2008 have not been totally eliminated yet, and that citizens demand immigration limitations because of unemployment problem. When David Cameron, the leader of the Conservative Party, took over the duty in May 2010 from Gordon Brown, who had started the duty in the year 2007, the conservatives, who have a more strict approach about immigration, started studies for new regulations. The new British government had planned to bring an upper limit for immigration, and aimed to reduce the numbers of immigration by controlling especially the entrances of the skilled and highly skilled workers not a citizen of EU. The mentioned application was critisized by employers in that it would negatively affect the employment of skilled immigrants (United Kingdom Immigration, 2011).

The policy implemented by Great Britain on immigration mostly differs from the relevant policies of EU, which it is a member of. Formation of a general immigration policy for the countries member of the European Union is a critical element of the European integration process. The difficulty to go to a supranational level for decision-making in this area is not only because of the fact that the authority to form an immigration policy traditionally belongs to national governments. Application of an immigration policy is related to the concepts of national security, citizenship, and legality of the political power. Today it can be said that government of Great Britain has two "policies of immigration": one for the EU citizens, and the other for the rest. The general policy of immigration of EU is about the coordination of the tasks, aims, and priorities of the immigration policies of the member states (Shaparov, 2010). There are several obstacles preventing the formation of the European common immigration policy. The first is the protective approach of the member states of EU determined with their national interests in economic and social areas. The second is the increased problems of culture and religious identity in the member states of EU after the immigration flow following the World War 2. The social reaction to the immigration-induced problems depend on the countries. According to the results of the research conducted by Eurobarometer in 2006, the immigration problem was the most important problem of the agenda in Great Britain. The research participants thought that this problem should be resolved at the national level (Standard Eurobarometer, 2006).

The third problem is the problem of security. This problem emerges from the conflict between the limitations of the government of Great Britain because of the international obligations about the immigrants and the public opinion demanding that the government

control over the immigration flow to the country be strengthened. The mentioned conflicts are the main reasons why a common immigration policy cannot be formed by and between EU and Great Britain.

Although Great Britain is one of the EU member countries most affected by immigration, it has kept itself apart from the efforts to form an EU common immigration policy (Britain is not affiliated to the fourth section of the Amsterdam Agreement related to the subjects about the immigration policy, and has no obligation related to this section at the Union level.), and it also keeps itself apart from the regulations of the Union in the mentioned section. The sharp breaking points found in the immigration policy of Great Britain, having a rooted history of immigration like France, are important in that they show the extent to which an immigration policy can change both in the light of domestic and foreign economic, social and political developments. The fact that Britain keeps itself apart from the efforts to form a common immigration policy although it is one of the most important EU countries and one of the countries most exposed to immigration poses a risk for a common immigration policy desired to be formed at the Union level.

In 2012, D. Cameron, at his speech at the annual conference of The Confederation of British Industry, CBI, stated that immigration should be contolled, and that a "quota" or "limitation" should be imposed for the entries to Great Britain from the other European countries (Koksharov, 2014). This is an unacceptable policy to EU because Great Britain has to support the European common policy of immigration as a member state. Therefore, there has been a problem between Great Britain and Germany. Germany has been strict about this problem. That is, angela Merkel, the Prime Minister of Germany, has repeatedly emphasized that she would not make concessions about the right of free movement, which she consideres as one of the most important principles of the European integration. A. Merkel has stated that she has been ready for the possible undesired results because of the possible limitations of the Prime Minister of Great Britain to the right of free movement, that is even for disintegration of Great Britain from EU (Dejevski, 2014).

This great importance of the problem of immigration to Great Britain is generally because this problem is one of the biggest problems that the globalized world has ever experienced. Immigration has important economic effects both on the countries that have been left and the ones that accept. First of all, immigration might be considered as an effective solution to the problems stemming from the aging populations of the European countries having developed economies. For instance, the population aged over 65 has increased from 12% up to 17% in Great Britain over the last 50 years, and this percentage is estimated to increase up to 26% by the year 2060 (Lisenkova, Merette & Sanchez-Martinez, 2013).

Changes in demograpic structures are determined by three factors: birth, death, and immigration. Birth and death generally have long-lasting effects on the demographic structure, and immigration is more important in that it can quickly change in a short time. In addition, immigration movements are more sensitive to the changes in policies. Therefore, most of the developed countries use their policies of immigration as a means of solution to the demographic problems. That is, immigrants, because of being younger and having working possibilities compare to the local population of the countries, stop the decline in the number of the population that is the workforce of the countries. Secondly, the effects of immigration generally on the economy of the host country can be analysable in terms of competition. It is proposed as a main argument that the immigrant workers compete with the local workers for workplaces. This competition leads to unemployment, and employment of the local workers with lower wages. Immigrants also apply for social aids, and make use of the fee-free public services. Therefore, those who defense this opinion propose that negative effects of immigration go up to the state treasury. Although most of the researchers find no sufficient evidence related to the negative effects of the expansion of immigration on the market of

workforce for the local workers (Dustmann et al., 2008; Lemos and Portes, 2008), this argument is popular in press and public opinion.

We can see that the similar perception is also dominant in the British society. Integration of Great Britain into the European Union has led to a great increase in population of the immigrants. The population is estimated to be 67 359 640 in 2020, 69 444 050 in 2025, and 71 352 687 in 2030 (Danilçenko & Balamut, 2015). Considering the size of the country, it is certain that overpopulation problems will arise in time. The population density in Britain, that is number of people per 1 kilometer square, now is 350-400. In comparison, number of people per 1 kilometer square in Turkey is 101 according to data of 2013 (Turkish Statistical Institute, 2015).

265000 (223000, the previous year) people, most of whom were from Bulgaria and Romania, immigrated to Great Britain from the other member countries of the European Union in 2014-2015. Number of the immigrants from the other countries has been 286000 (269000, the previous year). Number of the citizens who lived in other countries and now have returned to Great Britain in 2014-2015 has been 85000 (82000, the previous year) (Office for National Statistics, 2015).

A comparative research for the average age of the population and immigrants of Great Britain shows that the distribution the local population by the groups of age is consistent, and most of the immigrants are between the ages of 20 and 24 (34% of the immigrants), and between the ages of 25 and 29 (21% of the immigrants) (Table 1).

Table 1: The research conducted based on the Eurostat data (Eurostat, 2015)

Age	Population		Immigrants	
	people	%	people	%
younger than 5	4.021.067	6,25	10677	2,04
5-9	3.797.485	5,91	8287	1,58
10-14	3.514.919	5,47	7849	1,50
15-19	3.863.690	6,01	58565	11,19
20-24	4.327.873	6,73	177243	33,88
25-29	4.380.645	6,81	111598	21,33
30-34	4.340.690	6,75	55164	10,54
35-39	3.975.327	6,18	30040	5,74
40-44	4.434.728	6,90	18456	3,53
45-49	4.673.641	7,27	12471	2,38
50-54	4.396.123	6,84	9015	1,72
55-59	3.794.166	5,90	6811	1,30
60-64	3.521.834	5,48	5279	1,01
older than 65	11.266.073	17,52	11682	2,23

The most important reason for this is the fact that people immigrate for employment. 294000 (241000, the previous year) immigrants entered the country for working between the years 2014-2015. Of them, those who had found a workplace before coming make up the 64% (187000 people), and 36% (107000 people) was made up by those who came for looking for a job (Office for National Statistics, 2015).

The government's increased expenses for spending to meet the social needs of the increasing number of immigrants in the country cause a dissatisfaction among the local people of Great Britain. However, this cannot be said to be related to the real situation because the mentioned expenses make up the 55-60% of all the government's expenses, and this percentage increases not only because of the immigrant movements (Eurostat, 2015). The negative attitudes of the British people today against the immigrants are not based on the real economic data, but largely on the pattern of perception in the society against the immigrants.

This perception has emerged from the fact that the immigrants and the refugees have been considered as the cause of the increased competition in the market of workers, increased social expenses, and increased crime rates. However, results of the research studies show that this perception is baseless.

According to the research by Kristian Dustman and Tommazo Frattini from the University College of London (UCL), the immigrants coming from the Eastern Europe in between the years 2001 and 2011 paid taxes in a bigger amount, that is 7,9 billion US dollar, than that of the social security fees that they had received from the government budget of Great Britain. The immigrants (French, German, Italian, etc) coming from the countries previously member of EU paid taxes in a bigger amount, that is 24,3 billion US dollar, than that of the social aid and government aid fees that they had received from the government budget of Great Britain. The immigrants coming from the countries out of EU provided an income of 8,3 billion US dollar to the government budget of Great Britain. According to the comment of the Office for Budget Respinsibility (OBR) in charge of financial controls in Great Britain, this net contribution will increase even more (Center for European Reform, 2014).

Number of the foreigners born in the other countries of Europe, but living in Britain and Uels is 2,7 million. 1,6 million of them consists of those coming from EU-15 countries, Norway, Liechtenstein, and Iceland, and the remaining 1,1 million consists of those coming from the Eastern European countries (Center for European Reform, 2014).

These two groups of immigrants have different age and educational levels. Compared to the people of Great Britain, the Western Europeans are younger. For instance, percentage of those younger than 40 is 51%, which is 49% in Great Britain. The immigrants coming from the Eastern European countries are younger: 53% of them are younger than 30, and 85% of them are 40 years old. Compared to the people of Great Britain, both the Western Europeans and the immigrants coming from the Eastern European countries have a higher level of education. However, their participation in the British market of workers is different. Since thay are younger than the British people and they play an active rol in the market of workers, they make up an important source of income within the British budget (Center for European Reform, 2014).

Every year 34500 people who have completed their higher education come to Great Britain from the EU member countries. Total number of the immigrants coming from the EU countries to Great Britain every year since 2004 has been 150000. 23% of them have been the people who have completed their university education. Most of the people who immigrate to Great Britain from Europe go there for work. Among those coming from the Eastern Europe, the employment rate is higher than that of the citizens of Britain, that is, it makes up a 83% versus a 77%. Unemployment rate is 8,2 percent among the citizens of the Eastern European countries, and 7,4% among the British people. Compared to the British people, less of the immigrants from the Eastern European countries make use of the government aids for healthcare, retirement, and child care. A very small percentage of the immigrants from the Central and Eastern European countries live in the social houses, and only 5% of the immigrants make use of the support of social houses (This percentage is 8,5% among the British people.) (Springford, 2013). The British government state that some of the immigrants immigrate to Great Britain not for working, but for making use of the social aids and opportunities, and call them “opportunity tourists” (Elliot, F., 2013). However, there is no evidence provided related to the dimensions of the problem.

Debates over the limitations to immigration in Great Britain are considered by many member countries of the European Union (especially Poland and Romania, which are the Central and the Eastern European countries) as a direct attack against the right of free movement of people and capitals within the limits of the parket, which is a fundamental right.

At the same time, Austria, Netherlands, Finland, and Italy are worried that their governments will be influenced by the Euroscepticism of Great Britain in solving these problems (Möller & Oliver, 2014).

The continuing war in Syria led the immigration policy of Great Britain to be more strict. Since the beginning of the war, the number of Syrians accepted to Britain only has been about 4200. This number has declined to 187 beginning from 2014. In addition to the intolerance by Great Britain against the refugees and the immigrants, its policies of immigration applied against those that are not citizens of the European Union and those who come to the country for education and work have been harshened since 2008.

Since 2012, the immigration problem has caused a deterioration in the sceptic, negative attitude of the population of Great Britain against the integration processes within the European Union. David Cameron, the Prime Minister of Great Britain, at his speech in 2013, pointed out that Euroscepticism increased among the country's population, and that this led to an increase in the tension in the relationships between Great Britain and the EU, and stated that the government would revise the relationships between Great Britain and the EU if the Conservative Party won the general elections to be held in the year 2015, and that as a result, a referendum would be held for continuation of its membership of the EU (Coates, S., 2013). When the Conservative Party won the elections and came into power alone, it became necessary to hold a referandum about the EU membership planned to be realised in 2017. However, the referandum was held on June 23, 2016, earlier than expected. The referandum to be held was not the first one about the Great Britain-EU relationships. Great Britain had held a referandum in 1975, two years after the country joined the then-called European Economic Community, and decided to stay in the 'Common Market'.

In a referendum held on June 23, 2016 the Great Britain has voted to leave the European Union. The leave campaign has won with more than 52% of the vote (BBC News, 2016). In fact, this was an expected result. That is, the economic problems being experienced by the effect of deepening the crisis in recent migration within the European Union. Especially the efforts to fix the economies of the developing states from the budgets of the powerful states lead to a loss of trust against the EU in the populations of these countries. According to a public opinion research conducted by the Pew Research Center, the American Research Center, in June 2015, most of the British people (55 percent) wanted their country to continue to be a member of the EU (Krasnenkova, 2015). However, according to a recent public opinion research, it made up 41 percent who wanted Great Gritain to continue to be a member of the EU, and it made up 42 percent who supported the disintegration (EU referendum poll, 2016). The reason why the positive attitude towards the EU membership has this radically changed in less than one year is firstly the dangerous crisis of immigrants experienced in Europe. In addition, the terrorist attacks experienced in the EU countries such as France, Belgium are among the reasons why the British people are against the EU membership.

Another reason why the British people are against the EU is the idea that the contribution of the country to the EU is much greater that that of the EU to Great Britain. As in the other members, in Great Britain, part of the taxes collected from the people is used for funding various budget items of the EU. 11.3 billion Euro of the EU budget making up 116 billion Euro by 2014 was provided by Great Britain. So Great Britan is the biggest contributor to the budget after Germany, France, and Italy. On the other hand, the contribution of the EU to Great Britain is well less than expected by the British people (Erhan, 2016).

Considering the recent relationships between Great Britain and the EU, the historic agreement that can end the differences of opinion between the country and the Union was made in 2016, February 19. The agreement will help Great Britain protect its special status within the EU, and not join the EU integration process. The most important development in

the immigration policy for Great Britain, according to the agreement made, is that the contribution to the EU budget by the country especially for the "immigrants" will not increase. In addition, an application will be implemented that imposes important obstacles against those coming to Great Britain for work from the other countries of the EU, and especially from the Eastern European and the Balkan States that joined the union following the expansions of 2004 and 2007. It will be required to have lived in the country at least for 4 years in order for the immigrants coming from the EU member countries to Great Britain to receive the government supports. The agreement will have the immigrants coming from the EU to Great Britain leave the country following a certain period of time if they do not have any professionalism in any areas and if their services are not needed.

4. Conclusion

Relationships of Great Britain, one of the powerful countries in the world, with the European Union, the largest community of the civilization history that brings different nations and states together based on voluntariness, have never been easy. Britain, preferring the provisional membership to the EU, has always kept itself from this community since 1973. The fact that Great Britain has not joined the Schengen agreement, which is about the right of free movement of people and goods within the limits of the market, the fundamental principle of the European Union, is just one of the results why the country has a sceptic approach towards the idea of the European integration. Because it is one of the countries which accept immigration for a long time and because of its policies applied at different times in order to restrict the increasing immigration movement, there have been differences of opinion between Great Britain and the EU. The opposing attitude against the refugees and the immigrants in public opinion in Great Britain has affected the decisions of the government related to this subject. Comprehensive research conducted up to date proves that this opposing attitude in the public opinion against the immigrants and the refugees coming into the country is based on no reliable data. Despite this, the phenomenon of being against the refugees and the immigrants never changes. Since the beginning, the sceptic attitude of Great Britain against the EU integration has increased as a result of the economic crisis in 2008 and the immigrant crisis in the recent years, and David Cameron, the Prime Minister, stated that a referandum would be held related in 2017 to the continuation of the EU membership of the country if the Conservative Party won the general elections of 2015. Because the Conservative Party won the general elections and came to power alone, the process of referandum accelerated, and in a referendum held on June 23, 2016 the Great Britain has voted to leave the European Union. Even an agreement reached February 19, 2016 between the EU and the United Kingdom to continue privileged membership in the union did not affect the outcome of the referendum. As a result of the agreement Great Britain made the EU accept its strict restriction policy applied related to the subject of immigration and the other provisions of privileged membership. The European Uninon had to make concessions not only related to the subject of immigration, but also related to some other critical subjects in order not to lose a powerful country like Great Britain and not put at risk the future of the whole community. After the agreement with the EU, David Cameron, the Prime Minister, invited the peoples of Great Britain to vote at the referandum to be held in 2016, June 23 for the continuation of the EU membership of the country (Cameron, D., 2016). But the majority of the Great Britain population continuing

skepticism about the EU, in the referendum voted for Brexit. EU law still stands in the Great Britain until it ceases being a member - and that process could take some time. The Great Britain will continue to abide by EU treaties and laws, but not take part in any decision-making, as it negotiates a withdrawal agreement and the terms of its relationship with the now 27 nation bloc.

5. References

Center for European Reform. (2014). *The economic Ccnsequences of leaving the EU*. The final report of the Centre for European Reform commission on the UK and the EU single market. London.

Dedeoğlu, S. ve Gökmen, Ç. (2011). *Göç ve sosyal dışlanma* [Migration and social exclusion]. 1.Basım. Ankara: Efil Yayınevi

Lemos, S.& Portes, J. (2008). *New labour? The impact of migration from Central and Eastern European countries on the UK labour market*. IZA Discussion Paper.

Grant, C. (2008). *Why is Britain eurosceptic*?, London: Centre for European Reform.

Özcüre, G. (2010). *Avrupa Birliği'nin sosyal politikası ve Türkiye* [The European Union's social policy and Turkey] İstanbul: Derin yayınevi.

Möller, T & Oliver T.(Ed.).(2014). *The United Kingdom and the European Union: What would a «Brexit» mean for the EU and other States around the World*? DGAPanalyse

Springford, J. (2013). *The CER commission on the UK and the single market: Is immigration a reason for Britain for leave the EU?*. London: Center for European Reform, London.

Shishkov, Y. (1972). *Common market: expectations and reality*. Moscow: Publishing house Mysl.

Shemyatenkov V. (2002). *Quo vadis Europa: The European Union before the historical choice // Europe: Yesterday, Today, Tomorrow*. Moscow

Shemyatenkov, V.(2003). European İntegration, Moskow: International relations Press

Danilchenko, A. & Balamut, N.(2015). UK migration policy. *International Law & International Relations Journal*, 4: 40-46

Dejevsky, M.(2014). Angela Merkel Has Exposed David Cameron's Gravest Failing as a Politician. *The Guardian*, 3 November.

Dmitriyeva, D. (2008), EFTA countries on the European integration process and the position of Switzerland. *N.I.Lobachov Nijegorod University Journal*, 4: 149-163.

Dustmann, C., Glitz, A.& Frattini, T. (2008). The labour market impact of immigration. *Oxford Review of Economic Policy*, vol.24 (3): 477–494.

Erhan, Ç. (2016). İngiltere AB'den çıkabilir [Britain may exit form the EU]. *Akademik Perspektif* [Academic Perspective]. Sayı: 29 Şubat [No: February 29]

Kargashina, K. (2015). British exit from the EU The problem: causes and key contradictions. *Saratov State University Journal*: 1-6.

Koksharov, A. (2014). The aggravation of ireland syndrome. *Expert*, 47.

Krasnenkova, İ. (2015). The history of relations of the EU and the UK. TASS: Russian news agency.

Lisenkova, K., Marette, M. & Sanchez-Martinez, M.(2013). The long-term economic impacts of reducing migration: the case of the UK migration policy, *National. Institute of Economic and Social Research*, 1-31.

Shaparov, A. (2010). The British immigration policy: the heritage of past problems for future. *Journal of Problem Analysis and Public Management*, 6: 104-116.

Standard Eurobarometer (2006), № 66

Türkiye İstatistik Kurumu Haber Bülteni (28 Ocak, 2015), [Turkey Statistical Institute Newsletter] sayı 18616.

Coates, S.(2013, August 16). Cameron targets curbs in migrant benefits in EU reform talks. *The Times.* Retrieved from http://www.thetimes.co.uk/tto/news/politics/article3844355.ece

EU referendum poll: Support for Brexit edges ahead of Remain (2016, April 29). *The Week.* Retrieved from http://www.theweek.co.uk/eu-referendum/65461/eu-referendum-poll-support-for-brexit-edges-ahead-of-remain

Eurostat (2015). Retrieved from http://ec.europa.eu/eurostat/data/database

Office for National Statistics.(2015). Retrieved from http://www.ons.gov.uk/ons/datasets-and-tables/index.html

Şentek, Z.(2015). *İngiltere'nin Göç Politikası: Eskiler Gitsin, Yeniler Gelmesin* [British Immigration Policy: let go the old, not come the new ones]. BİA Haber Merkezi [BIA News Center]. Retrieved from http://bianet.org/biamag/siyaset/166941-ingiltere-nin-goc-politikasi-eskiler-gitsin-yeniler-gelmesin

Elliot, F.(2013, September 6). Cameron lines up Merkel pact over migrant reform. *The Times*. Retrieved from http://www.thetimes.co.uk/tto/news/politics/article3861966.ece

Cameron, D.(2016, February 27). Brexit would be "gamble of the century". *The Telegraph*. Retrieved from http://www.telegraph.co.uk/news/politics/david-cameron/12176325/David-Cameron-Brexit-would-be-gamble-of-the-century.html

UK Immigration (2011). *Study Finds UK Immigration Cap will be Harmful to Business.* Retrieved from http://www.ukimmigration.com/news/2011-03-06/uk/study-finds-uk-immigration-cap-will-be-harmful-to-business.htm

Wheeler, B. & Hunt, A. (2016). *The UK's EU referendum*. BBC News, June 25.

Citizens' Perception of Local Government and Their Level of Satisfaction with Local Services in the Context of Political Preferences: The Case of Konya

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Introduction

As it is known, political ideologies are worldviews, having the aims of making social life more liveable and sustainable; shaping attitudes and behaviour of individuals in accordance with a set of values and making them happier. Therefore, the main purpose of political ideologies is improving the social life. The political parties may be considered as organizations acting in order to come to the office for realising targets in line with those ideologies. Taken from this perspective, it is very natural for both the political ideologies and the political parties to have an understanding and framework of social services.

In this study, the ideological positions of the citizens; the political parties, which present their political preferences; and the local governments identified with a political party, will be discussed. The level of the effect of citizens' political preferences on their satisfaction with and perception of local governments and local services is important for the legitimacy and effectiveness of the local governments. Because the reality and the perception towards it emerge as two phenomena to be considered separately. In particular, when the issue is about services, that difference becomes increasingly important. Because it is relative how well a service is provided and the satisfaction with a service field it is shaped by the perceptions. It is thought that consideration of the individuals' political preferences, which affect their perceptions, will be effective in increasing the satisfaction level with the services.

The aim of this study is to analyze whether there is a relationship between the political preferences of citizens and their perception that local services. If so, the degree of such a relationship will give an idea on the requirement for taking those factors into consideration.

Political Preferences of the Electorate and Satisfaction with the Local Services

There are various scientific studies in Turkey on the citizens' perceptions towards and satisfaction levels with the local services. Usually in the studies, the relationships between the perceived and expected quality of local services, and the mayor's administrative style and the attitudes of the employees and satisfaction with local services are discussed. However, it is almost impossible to see studies to test whether there are relationships between the citizens' satisfactions and their political preferences, their ideologies and their political party memberships. When the literature is regarded, a set of factors affecting the voters' level of satisfaction with municipal services appear to exist. At that point, the question to be answered is whether the political preferences influence the satisfaction with local services. As a natural need of the human being, people will make an effort in order to legitimate their businesses, their political opinions or the ideologies they had adopted and the services in this context, albeit not satisfied with them.

In order to determine the citizens' perception of satisfaction with local services in Turkey, it is required to identify the factors they consider in terms of their preferences at general and local elections. Because every citizen fulfil his/her civic duty upon the motion given by a set of motives, while making political preferences. In a conventional approach, any human behaviour is towards a purpose and need. In other words, each behaviour aims to meet a need or expectation. So that, notably the underlying ideology determining the attitudes

on political preferences; political expectations; positive or negative evaluations about the general or local services; and personal, familial or regional expectations about the same services can affect a person's political vote choice. In this context, the factors influencing the voting behaviour in Turkey in general and local elections has been the subject of various studies. However, while assessing the citizens in the context of the general or local elections, the criteria on whether they are members of political parties or have sympathy towards any of them" should be taken into account, as well.

In the literature, some studies (Akbulut, 2004; Çiftçi, 1989) state that the factors affecting the political preferences of citizens in local elections common and similar with those of general elections and even local elections are overshadowed and influenced by general elections; while some studies (Usta and Memiş, 2009; Doğan and Göker, 2010: 159) emphasise that both types of elections point to different variables in terms of issues, objectives, methods, and expectations. Kamalak (2013: 444) taking Akbulut (2004) and Çiftçi (1989) as reference, suggests that party preference is significant at local elections although the most important political actor determining the voting behaviour at local level is the mayoral candidate.

There are some fundamental approaches concerned with analyzing the reasons for the differentiation of political preferences and behaviour of voters. These are sociological, psychological and socio-economic approaches in general (Akgün, 2007; Çakır and Biçer, 2015). Several studies have been conducted about the political preferences and attitudes of citizens in the framework of those fundamental approaches. These studies, deal with the citizens' political preferences in two dimensions from the perspective of general elections and local elections. Do the factors affecting the political preferences of citizens vary at national and local levels? At which level do those perceptions affect the satisfaction with local services? In accordance with those questions, the factors affecting national and local preferences in Turkey are dealt separately. First, the factors related to general elections, then those related to local elections will be put forward in the study.

According to a study by Limanlılar (1991) Turkish voters consider issues such as leader, team, programs and campaigns, while making political preferences. Usta and Memiş (2009: 2019), underline in their work that; personality of the candidate, services of the candidate in the past, party leader, the party's past activities, the party's ideology and electoral promotions are influential in determining voter preferences. In a survey conducted by Çaha et al. (2002), the researchers highlight that the most important factor influencing political preferences of the voters, who are not a member of any party, is the set of policies put forward by the party. Also Sistembölükbaşı (2004: 158-159) in his study conducted in Isparta province, puts forward that, the party ideology has the first place among the factors controlling the voting behaviour; and the factors such as leader, performance of the party come after it.

When studies on the factors that drive the voting behaviour in Turkey are made subject to a general assessment, the factors influencing the voting behaviour are grouped under the following main headings. Political party leader, devotion to the leader, the party's ideology, the candidate's personality, the electorates’ expectations, agenda, propaganda, mass media, public opinion researches, religion, family, interest groups, community leaders, economic policies, party's past actions, party policies and the demographic composition of the electorates (Öcalan et al., 2011; Çakır and Biçer, 2015 Akdoğan and Göker, 2010; Akgün, 2007; Kalender 2005; Sistembölükbaşı, 2004; Usta and Memis, 2009; Özsoy, 2009).

It is seen that various studies have been conducted over the factors to affect the voter behaviour at local elections. In our study, that kind of studies is mentioned in order to see if

there is a difference between the national and local levels. Some of the studies are summarised below.

Kamalak (2013: 427) states the mayors to be an important factor to affect the preferences of the voters, taking the results of a study conducted by him in Mersin taking the 2009 local elections as a base. In their field study on the voters in Kayseri at the 30 March 2011 elections, Çakır and Biçer (2015: 98-111) summarises the most important factors, which affect the preferences of the voters in local elections, such as: charisma of the party leader, projects and promises of the candidate, the list of the city councillors and the team of the candidate.

Kalkan and Erdoğan (2011), in their study in Bucak-İzmir about the elements to have an effect on the voter behaviour and the local government success had achieved the result that the personality of the candidate for mayor; educational level, ethnical past and the socio-economic structure of the voters affects the political preferences of the voters in the local elections. In another study taking the 1999 local elections as a base, it is highlighted that the citizens take the following criteria into consideration when voting: the party of the candidate for mayor, his/her personality, positive beliefs in the future success of the party and the success of the candidate in the past (Usta and Memiş, 2009: 220).

According to Kaya (2004) the most important three factors to have an effect the voting behaviour in local elections are personality of the candidate, his/her party, and the leader of the party respectively. Doğan and Göker (2010) had researched whether the voter behaviour was under the influence of some elements while determining their preferences about the elections, in their study with the name "Voting Behaviour in Local Elections: The Case of Elazığ". The following are the results achieved: The voters do not consider merely the political party or the candidate alone. The voters evaluate parties and presidential candidates together; and they hold especially the ruling party and their candidate in the foreground in their preferences. Because, it is believed that a mayor from the ruling party will bring much more services to the local area. On the other hand, in the same study, it is stated that the party's ideology and cadre takes the second most important place after the personality of the mayoral candidates. In this case it is seen that local factors are important in local elections and mayoral candidate's service performance stands out as the most important factor in determining the rate of the votes of the electorate (Doğan and Göker, 2010: 159-187). Akgün (2007) has also mentioned that there is no difference in local and national elections in terms of voting behaviour. According to Akgün; the electorates prefer the party and their candidate, who looks close to his/her heart, in national and local elections without distinction.

Local Service Satisfaction in Turkey

The issue that whether the local governments satisfy the citizens through their services has become one of the most popular problems for the researchers studying public administration and politics. Local governments are the public legal entities, which are the nearest ones to the citizens. While there are various studies in our country about the local services and citizen satisfaction, it is seen rather difficult to determine generally adopted criteria on the issue of the local services to satisfy citizens. Some of the studies in that fields are given below.

In a study by Şahin et al., (2011) in Karatay Province, it was seen that there is no significant relationship between demographical factors and local service satisfaction. However there is a significant relationship between the administrative styles of mayors and citizen satisfaction. The citizens, who think the municipality is governed well are seen to be more satisfied with the services.

Menteş (2013) states that, there is no significant relationship between the demographical characteristics of the citizens and their satisfaction with the local services provided by Tunceli Municipality. The citizens seem to be moderately satisfied with the services of Tunceli Municipality. According to Menteş (2013: 831-862) the image of the local government administration and the communication quality of them with the citizen in Tunceli has a positive effect on the citizens' level of satisfaction.

Usta and Memiş (2009) state with reference to Öztemel (2001) that the citizens do not have the opportunity to change local governors frequently and it is more possible for them to feel close to the candidates, whom they expect to provide better services. The more quality services than those of the other candidates the mayors provide, the longer their term of office will be. Then as it is seen, the political preferences and their perception of quality are shaped through their expectations. Such as Usta and Memiş (2009: 213-235) state considering the results of their study conducted in Giresun that: "the perceived service quality has positive significant effect on both attitudinal and behavioural voters commitment".

Method and Sample of The Study

The field study was conducted in Konya on 20-26 February, 2014. Questionnaires were given to the participants according to random sampling method and the number of participants was determined considering the population of Konya city centre. 1500 questionnaire forms were delivered to the citizens living in Meram, Karatay and Selçuklu regarding the populations of the districts; and 1452 of the forms were taken into consideration.

The questionnaire consists of two parts: demographics and items on service satisfaction. The items on service satisfaction involve both closed ended and open ended questions. The questionnaire form was subjected to consistency and reliability tests. The data on the questionnaire forms was coded and uploaded to SPSS 16.0 (Statistical Packages for the Social Sciences) software, and the analysis was realised using the same software.

Findings of The Study

Table 1: Gender Groups of the Participants

Gender Groups	Percent
Male	59.2
Female	40.8

59.2 percent of the participants are male, while 40.8 percent of them consists of female citizens.

Table 2: Age Groups of the Participants

Age Groups	Percent
18-29	35.3
30-43	38.3
44-55	19.7

56 and older	6.7

When the participants' groups according age are observed, it is seen that 35.3 percent of them are at the age of 18-29, 38.3 of them are 30-43 years old, and 19.7 percent of them 44-55 and 6.7 of them are over 56. That results show that the larger groups of participants are young and middle aged ones.

The participants were asked how they defined themselves regarding the political spectrum and the question of "Where do you see yourself on the political spectrum?" was directed to the participants. The answers given to the question are arranged on the Table 3 below.

Table 3: The Participants Definition of Themselves on the Political Spectrum

Political View	Percent
Conservative/Religionist	28.4
Liberal/Democrat	5.4
Conservative /Nationalist	17.0
Centre	11.0
Turkish Nationalist	15.8
Social Democrat	7.0
Radical Leftist	1.8
Radical Nationalist	1.8
No idea/No Reply	10.9
Others	0.8

The citizens involved in the sample define themselves respectively as: conservative/religionist, conservative/nationalist, Turkish nationalist, in the centre, liberal/democrat, and social democrat. According to those results, the voter profile in Konya may be seen to be religionist, conservative, nationalist, liberal and democrat, in general.

The question of "Which party did you vote for in the elections on 29 March 2009 for the Metropolitan Municipality?" was directed to the participants. The answers are arranged on the Table 4 below.

Table 4: The Parties Voted for by the Participants

Party	Percent
AKP	52.3
CHP	8.6
DP	0.7
MHP	17.0
SP	2.8
DSP	1.1
DTP	0.3
ANAP	0.3
BBP	2.3
None	7.9
I do not remember	3.8

I was younger than 18, I did not vote	1.8
Others	1.1

According to the findings, 52.3 percent of the participants stated that they had voted for AKP, 17 percent for MHP and 8.6 percent for CHP, in the local elections on 9 March 2009.

Table 5: Level of Satisfaction with the Services of Konya Metropolitan Municipality

Replies	Percent
Strongly Dissatisfied	5.4
Dissatisfied	9.2
Partly Satisfied	29.4
Satisfied / Strongly Satisfied	56.0

When the question of "Are you satisfied with the services provided by the Konya Metropolitan Municipality?" was subjected to the participants; it was seen that approximately 15 percent of them are dissatisfied and 56 percent of them are satisfied with those services.

Table 6: Level of Satisfaction with the Attitudes and Behaviours of The Employees of The Konya Metropolitan Municipality

Replies	Percent
Strongly Dissatisfied	6.6
Dissatisfied	17.9
Partly Satisfied	40.1
Satisfied / Strongly Satisfied	35.4

When the Table 6 is observed it is seen that one fourth of the voters in Konya are not satisfied with the attitudes and behaviours of the employees of Konya Metropolitan Municipality. On the other hand 35.4 percent of them are satisfied, and 40 percent of them are partly satisfied with those of the staff.

Table 7: The Perception towards the Administration of the Mayor

Replies	Percent
Very bad	6.2
Bad	14.6
Partly well	28.0
Well / very well	51.2

The participants were addressed the question of "In your opinion, does the mayor administrate the Metropolitan Municipality well?" Most of the participants (51.2 %) stated that the current mayor of the Konya Metropolitan Municipality administrated the municipality well or very well. However, 28 percent of them perceived the administration of the mayor partly well, while the rest (20.8 %) of them saw the mayor's administration bad or very bad.

Table 8: Mean Differences of Political Groups According to Local Service Satisfaction

ANOVA						
		Sum of Squares	**df**	**Mean Square**	**F**	**Sig.**
Are you satisfied with the services of the Metropolitan Municipality?	Between Groups	81.170	9	9.019	8.223	0.000
	Within Groups	1555.222	1418	1.097		
	Total	1636.392	1427			
Does the Mayor of the Metropolitan Municipality administrate the Municipality well?	Between Groups	67.384	9	7.487	6.740	0.000
	Within Groups	1572.981	1416	1.111		
	Total	1640.365	1425			
Do you want the Mayor of the Metropolitan Municipality after the next local elections?	Between Groups	15.186	9	1.687	8.149	0.000
	Within Groups	290.290	1402	0.207		
	Total	305.476	1411			
How satisfied are you with the behavior and attitudes of the employees of the Metropolitan Municipality?	Between Groups	89.973	9	9.997	11.820	0.000
	Within Groups	1180.650	1396	0.846		
	Total	1270.623	1405			

The participants involved in the sample were addressed the question for learning their political preferences. The results of the ANOVA test conducted at the 95% confidence interval are given of the Table 8. According to the findings, it is seen that there are significant differences of local service satisfaction regarding the political preference groups. The voters, who define themselves as conservative religious and vote generally for the AKP member mayor candidate, are satisfied with municipal services. On the other hand social democrats, Turkish nationalists, and the conservative nationalists state that they are partly satisfied with the local services. However the radical leftists are not satisfied with municipal services.

There are significant differences between the political preference groups in terms of perception towards the administration of the mayor, as well. While the conservative religionist people admire the administrative style of the mayor; social democrat and Turkish nationalist voters think that the mayor exhibits partly good administration. It is seen that the ones satisfied with the administration of the mayor want him to be in the office after the next election; while the Turkish nationalist and social democrat electorates seem unwilling for him to continue as the mayor.

The studies in Turkey show that there is a linear relationship between the attitudes and behaviours of the municipal employees and the service satisfaction of the citizens. The voters in Konya, who position themselves as different in terms of politics, have different perceptions of satisfaction towards the attitudes and behaviours of the employees of the municipal employees. According to ANOVA test and the post hoc Scheffe test results; the liberals, Turkish nationalists, and social democrats state they are not satisfied with the attitudes and behaviours of municipal employees, while the religionist conservatives are partly satisfied with them. Accordingly, the religionist conservatives are satisfied with the services however they are partly satisfied with the employees' attitudes and behaviours. It is possible to say that the level of satisfaction with services increases while the satisfaction with attitudes and behaviours of municipal employees increases.

Table 9: Mean Differences of Voter Groups According to Local Service Satisfaction

ANOVA						
		Sum of Squares	**df**	**Mean Square**	**F**	**Sig.**
Are you satisfied with the services of the Metropolitan Municipality?	Between Groups	137.245	12	11.437	10.794	0.000
	Within Groups	1488.746	1405	1.060		
	Total	1625.992	1417			
Does the Mayor of the Metropolitan Municipality administrate the Municipality well?	Between Groups	200.771	12	16.731	16.463	0.000
	Within Groups	1425.794	1403	1.016		
	Total	1626.565	1415			
Do you want the Mayor of the Metropolitan Municipality after the next local elections?	Between Groups	31.644	12	2.637	13.569	0.000
	Within Groups	269.553	1387	0.194		
	Total	301.197	1399			
How satisfied are you with the behavior and attitudes of the employees of the Metropolitan Municipality?	Between Groups	107.120	12	8.927	10.744	0.000
	Within Groups	1149.089	1383	0.831		
	Total	1256.209	1395			

In order to see the relationship between the citizen satisfaction and the political preferences; an analysis was made in the context of the parties, which the electorates of Konya voted for and felt close to at the heart. The data in this regard was analysed using ANOVA and post hoc Scheffe tests. The mayor in office in Konya Metropolitan Municipality is the candidate of AKP. The ones, who had voted for the candidate of AKP are satisfied with the local services. On the other hand, the voters for BBP are not, and the voters for CHP and MHP are partly satisfied with those services of the municipality under the administration of a mayor from AKP. The results are not so different, when the voter satisfaction with the administration of the mayor is taken into consideration. AKP voters are satisfied, CHP and MHP voters are partly satisfied, and BBP voters are dissatisfied with the administration style of the current mayor.

There are significant relationships in terms of the perceptions towards the municipal employees, as well. The AKP voters are satisfied with the attitudes and behaviours or the municipal employees, while CHP and MHP voters are dissatisfied with them. The results are similar regarding the term in office. The AKP voters want the current mayor to continue his duty after the next election, while the CHP, MHP, SP and BBP voters do not want to see him in office after the terms of office again.

Discussion and Conclusion

In Turkey, there are various studies on municipal services and citizen satisfaction towards them. Those studies mostly focus of on local service quality and citizen satisfaction. In various scientific researches, the differences of citizen satisfaction is tried to be measured regarding their demographical characteristics. The administrative styles of the mayors, the attitudes and behaviours of the municipal employees are less frequently researched issues among the studies on citizens satisfaction. Especially the issue of citizens' political preferences and its effect on their level of satisfaction is one of the least frequent subjects of the scientific studies in our country. Many factors to affect citizens' local service satisfaction are discussed in the scientific literature. Among those factors to effect citizen satisfaction, this study regards the political voting behaviour and the ideological positions.

In the study it was determined that voting behaviours -or in other words political preferences and ideological positions- of the citizens effect their level of satisfaction with the local governments, according to the findings derived from questionnaire forms. It is known that there are many factors to effect citizen satisfaction with the local services in the literature. On the other hand, it is seen that the citizens tend to be more satisfied with the mayors, who share similar political and ideological ideas with them, and *vice versa*. However, the political preferences or ideological positions should not be taken as the unique group of factors to affect local citizen satisfaction, as well.

The points discussed in the theoretical part of the study and the findings achieved in the field study match in some part. It has been stated that he political party, ideology of that political party, the candidate of the party and his/her personality, the cadre of the party and their service performance are effective on the voting preferences of the citizens in the local elections. In addition it can be easily stated in the light of our findings that; the same factors also effect the citizen satisfaction. Because in our study, the political and ideological structure of the voters, the parties they vote for, and the perception towards the municipal employees as the cadre of the political party and the mayor himself were seen to be effective on the level of Konya voters' satisfaction with the local services. That is thought to be a method of legitimating their votes for the current mayor. It may be result of psychological effects of the citizens voting behaviour on their view of the services provided for them.

References

Akbulut, Ö. (2004). "Yerel Seçimlerin Yerelliği". *Kamu Yönetimi Dünyası Dergisi*, 17-18: 1-9.

Akgün, B. (2007), *Türkiye'de Seçmen Davranışı, Partiler ve Siyasal Sistem*, Ankara: Nobel Yayınları.

Ardıç, K.; Yüksel, F. and Çevik, O. (2004), "Belediyelerde Hizmet Kalitesinin (Vatandas Tatmininin) Olculmesi (Tokat Belediyesi'nde Bir Uygulama)", *Çağdaş Yerel Yönetimler*, 13(3), 63 - 81.

Çaha, Ö. et al. (2002), "Siyasal Parti Üyelerinde Siyasal Katılım Düzeyi: Kırıkkale Örneği", (Ed. Çaha, Ö.), *Seçmen Davranışı ve Siyasal Partiler*, İstanbul: Gendaş Yayınları, 44-115.

Çakır, H. and Biçer, A. (2015), "Türkiye Yerel Seçimlerinde Seçmen Tercihlerini Etkileyen Kriterler: 30 Mart 2014 Yerel Seçimleri Kayseri Örneği", *Erciyes İletişim Dergisi "Akademia"*, 4 (1), 98-112.

Çitçi, Oya (1989), *Yerel Yönetimlerde Temsil*, Ankara: TODAİE Yayınları.

Doğan, A. and Göker G. (2010), Yerel Seçimlerde Seçmen Tercihi (29 Mart Yerel Seçimleri Elazığ Seçmeni Örneği), *Eskişehir Osmangazi Üniversitesi İİBF Dergisi*, 5(2), 159-187.

Duman, T. and Yüksel, F. (2008), Belediyelerde Vatandaş Memnuiyetinin Ölçümü: Mersin Büyükşehir Belediyesi Örneği, *Çağdaş Yerel Yönetimler*. 17(1), 43 -57.

Gümüşoğlu, Ş.; Erdem, S.; Kavrukkoca, G. and Özdağoğlu, A. (2003), "Belediyelerde Beklenen Algılanan Hizmet Kalitesinin "Servqual" Modeli ile Ölçülmesi ve Muğla ilinde Bir Uygulama", *3. Ulusal Üretim Araştırmaları Sempozyumu*, 19-20 Nisan 2003, İstanbul.

Hazman, G. G. (2009), "Küçük ve Orta Ölçekli Belediyelerde Performansı Etkileyen Unsurların Belirlenmesine Yönelik Bir Araştırma", *Çağdaş Yerel Yönetimler*. 18(4), 53-66.

Kalender, A. (2005), *Siyasal İletişim Seçmenler ve İkna Stratejileri*, Konya: Çizgi Kitabevi.

Kalkan, A. and Erdoğan H. (2011),” Yerel Yönetim Başarısını ve Seçmen Tercihini Etkileyen Unsurlar Bucak İlçesinde Bir Araştırma”, *Süleyman Demirel Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, 13 (1), 217-240.

Kamalak, İ. (2013), “Yerelin Yerel Seçimlere Etkisi: Belediye Başkan Adayları Üzerinden Bir İnceleme”, *Dokuz Eylül Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, 15 (3), 419-446.

Kaya, K. (2004), *Yerel Seçimler: Seçmen Davranışını Etkileyen Faktörler*, Birinci Baskı, Isparta: Fakülte Kitabevi.

Kurgun, A.; Özdemir, A.; Kurgun, H. and Bakıcı, Z. (2008), “Belediyelerde Hizmet Yeterliliğinin ve Hizmet Kalitesinin Artırılmasını Etkileyen Faktörlerin Analizi: İzmir Karşıyaka Belediyesinde Uygulama”, *Dokuz Eylül Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, 10(2), 29-54.

Limanlılar, M. (1997), “Siyasal Pazarlama”, *Pazarlama Dünyası*, 5 (39), 29-39.

Menteşe, S. (2013), Halkın Belediye Hizmetlerinden Memnuniyet Düzeyinin Tunceli Belediyesi Yönünden Değerlendirmesi, *The Journal of Academic Social Science Studies International Journal of Social Science*, 6(6), 831-862.

Öcal H, et al. (2011), “Siyasal Pazarlama Faktörlerinin Seçmen Eğilimleri Üzerindeki Etkileri: Afyonkarahisar İl Merkezinde Bir Uygulama”, *E-Journal Of New World Sciences Academy*, 6 (4), 400-421

Özsoy, O. (2009), *Seçim Kazandıran Siyasal İletişim*, İstanbul: Pozitif Yayınları.

Öztemel, E.. (2001), *Belediyelerde Toplam Kalite Yönetimi*, Adapazarı: Değişim Yayınları.

Sistembölükbaşı, Ş. (2004), “Isparta’da Seçmenlerin Parti Tercih Nedenleri Üzerine Bir Araştırma: 1995, 1999 Ve 2002 Genel Seçimleri Karşılaştırması”, *Akdeniz İİBF Dergisi*, (8), 156-176.

Şahin, A. et al. (2011), “Belediyelerde Hizmet Kalitesi Ve Vatandaş Memnuniyeti Ve Karatay Belediyesi’nde Bir Uygulama”, *Selçuk Üniversitesi Akşehir Meslek Yüksek Okulu Sosyal Bilimler Dergisi*, 1 (2), 67-75

Usta, R. and Memiş L. (2009), “The Effect of Service Quality on Voter Loyalty in Municipalities” , *Sosyal Bilimler Dergisi*, 11 (1), 213-235.

The Relationship between the Components of Psychological Capital and Job Satisfaction in Public Organizations: The Case of Karapınar Public Hospital

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Introduction

There are many studies on the issues of psychological capital and job satisfaction. Some studies among them are about the relationship between psychological capital and job satisfaction, while there are various studies about the effect of those on employee behaviours and attitudes such as turnover, absenteeism, commitment etc. The main aim of this study is to determine the effect of the job satisfaction on the components of psychological capital in the public hospitals. Being stressful working environments hospitals negatively affect the psychological situation of the employees. On the other hand the public hospitals have almost zero turnover rates and absenteeism, due to being subject to public official law.

In the first part of the study a short literature review will be given about the issues of psychological capital and the factors to influence the level of social capital in a working environment. In the second part brief information will be shared on job satisfaction. The third part will be about the field study conducted in the Public Hospital of Karaman Province. The data derived through the questionnaire forms and uploaded to SPSS software will be analysed and the findings will be discussed. The study is expected to contribute to the studies on the public institutions in Turkey, in terms of both literature and findings.

Psychological Capital

Positive organizational behaviour, which is expected to improve organizational performance through human resource management and psychological capacity, forms the basis for psychological capital (Torr and Ofori, 2010: 342; Avey et al., 2010: 20). The individual positive behaviours of the member of an organization create a dynamo effect and lead to a positive climate that brings more than the sum of the individual positive contributions.

That potential of the positive organizational behaviour and psychological capital aroused the attention of the researchers. In the short period since the description of psychological capital by Luthans, various studies that make the positive relationship between psychological capital and job satisfaction, have been published (Fu et al, 2013: 947; Wang et al., 2012: 233). Due to the fact that psychological capital promotes the productivity of the individual (Cole, Daly and Mak, 2009: 465), the number of the studies on the issue increased day by day.

The psychological capital involves some sub-capitals, which create the psychological capital of the individual and the organization. Luthans et al. (2007), state that those components, which characterises the psychological capital of the individuals, are: self efficacy, optimism, hope and resilience. Among those components; self efficacy means “taking on and putting in the necessary effort to succeed at challenging tasks”. Optimism is “making a positive attribution about succeeding now and in the future”. Hope is defined as “persevering toward goals, and when necessary, redirecting paths to goals in order to succeed”. Resilience is “sustaining and bouncing back and even beyond, to attain success when beset by problems and adversity”. (Luthans, Youssef, and Avolio, 2007, p. 3)

Self-Efficacy

Self-efficacy makes the individuals perform a given goal successfully, through grounding on their beliefs in their abilities, their motivation and knowledge. By creating a combination of challenging, motivation and perseverance, the individuals become able to produce new and useful ideas in accordance with their goals (Rego et al., 2012: 431). The organizations may achieve greater effort for success from the ones having self-efficacy.

Optimism

Optimism promotes positive well being and life satisfaction. In addition, highly optimistic ones are happier, and it is easier for them to cope with and benefit from challenging situations. They put forward optimal functional behaviours and are more likely to act positively (Culbertson, Fullagar and Mills, 2010: 423). Therefore optimistic individuals inside the organization may contribute the well-being of others through their positive perception of life.

Hope

Hope may be defined as the positive expectancy from the future. On the other hand that is not pure expectancy. The main difference between optimism and hope –although in contemporary approach they are considered to be highly similar- is the level of cognition in them. Hope is not merely the simple desire for positive consequences. That is rather a realistic process of evaluation of the behaviours and goals, with respect to the desired consequences (Avey, Nimnicht and Pigeon, 2010: 388). Regarding that approach, one may say that hope involves optimism, however is more than it in terms of realistic approach.

Resilience

Resilience may be considered having the most significant influence in coping with stressful and turbulent environments. Current researches put forward that the personnel with higher resilience can more easily deal with constantly changing environments, be flexible when demands for changing are faced and exhibit stability in terms of emotions in case of adversity. In that context, there is a positive relationship between performance and resilience, and resilience may be taken a key factor for determining individual responds to stressful environments (Avey, Luthans and Jensen, 2009: 682).

Job Satisfaction

Job satisfaction, which is seen to be a major effect on job-related behaviours such as absenteeism, turnover etc. (Piko, 2006: 312), may be defined as "*pleasurable or positive emotional state resulting from the appraisal of one's job or job experiences*" (Resnick and Bond, 2001: 12 *cf* Locke, 1976: 1300). In 1959 Herzberg and Mausner formulated the two-factor theory and stated that satisfaction and dissatisfaction are two distinct phenomena. Even though the intrinsic (to the experience and nature of working) factors, which are named motivators and seen to be motivators by them, and the extrinsic factors, which are named hygiene factors and seen to be dissatisfiers by them, may sometimes be unrelated (Lu, While and Barribal, 2005: 212). Also in this study the intrinsic and extrinsic factors f job satisfaction will be taken separately. 12 items of job satisfaction scale are about intrinsic

factors, while 6 of them are extrinsic ones.

Field Study

In this part of the study, some information about the method, sample and scale of the study will be given. Then, the findings of the study, which will be derived through the data of the questionnaire forms, will be put forward.

Method, Sample and Scale

The method of the study is the quantitative method. 50 questionnaire forms were distributed to the hospital staff working at Karapınar Public Hospital in Konya-Turkey from 15.03.2016 to 18.03.2016 and duly filled 42 questionnaire forms were taken into consideration.

The data to be obtained from the field study was used for trying to determine the impact of optimism, resilience, hope, and self-efficacy, which are the sub-dimensions of psychological capital, on intrinsic and extrinsic job satisfaction of the public employees. The items in the questionnaire form sere prepared according to 5 point Likert Scale. Data about some of the items were reversed by taking 1 instead of 5, 2 instead of 4, 4 instead of 2, and 5 instead of 1; due to the items involving negative meaning distinctly from the other items.

SPSS 16.0 software was used for analysing the data. Statistical methods such as descriptive statistical analysis, t test, ANOVA and Pierson Correlation will be applied to the data derived through the questionnaire forms. The demographical characteristics of the participants and reliability of the scale and sub-scales are given below.

Table 1: Demographical Characteristics of the Participants

Var.	Group	Frequency	Percent	Var.	Group	Frequency	Percent
AGE	*19-26*	21	50,00	MARITAL STATUS	*Married*	23	54,76
	27-34	8	19,05		*Single*	19	45,24
	35-42	11	26,19		*Total*	42	100,00
	43-50	2	4,76	UNIT WORKED	*Emergency*	9	21,43
	Total	42	100,00		*Internal diseases*	12	28,57
GENDER	*Female*	21	50,00		*Surgeries*	10	23,81
	Male	21	50,00		*Laboratory*	4	9,52
	Total	42	100,00		*Administrative units*	7	16,67
INCOME LEVEL	*1500-2500 TL*	22	52,38		*Total*	42	100,00
	2500-3500	13	30,95	POSITION	*Doctor*	6	14,29
	3500-4500	2	4,76		*Nurse-delivery*	22	52,38
	4500 and higher	5	11,90		*Laboratorian*	5	11,90
	Total	42	100,00		*Administrative staff*	9	21,43
EDUCATION	*Primary School*	1	2,44		*Total*	42	100,00
	Secondary School	17	41,46	WORKING TIME	*Shorter than 1 year*	9	22,50
	High School	8	19,51		*1-5 years*	20	50,00
	Graduate	12	29,27		*5-10 years*	4	10,00
	Postgraduate	3	7,32		*10-20 years*	7	17,50
	Total	41	100,00		*Total*	40	100,00

Half of the participants are younger than the age of 26. The numbers of female and male ones are equal to each other. The groups of income levels get larger, while their incomes get lower. Most of the participants had been graduated from high school or they have higher levels of education. The rate of married participants is higher than that of the single ones. The participants work at the units of emergency, internal diseases, surgeries, laboratory, and administrative units. The largest group in terms of the units worked is formed by the ones working at the clinics and policlinics on internal diseases. More than half of the participants are nurses and deliveries. Approximately two thirds of the participants had worked less than 5

years in the hospital they work today.

Table 2: Reliability of the Scale and Subscales

Scale	Chronbach's Alpha	N of Items
Whole Scale (All)	0,921	44
Psychological Capital (All)	0,921	24
Job Satisfaction (All)	0,942	20
Psych. Cap. (Self Efficacy)	0,846	6
Psych. Cap. (Optimism)	0,701	6
Psych. Cap. (Hope)	0,745	6
Psych. Cap. (Resilience)	0,746	6
Job Sat. (Internal)	0,880	12
Job Sat. (External)	0,841	6

The reliability of the whole scale is 0,921 and it means that the scale is reliable and the items in the scale are internally consistent with each other. The least level of reliability is 0,701 (subscale of optimism). That level of reliability is just above the critical boundary of reliability. On the other hand, the other scales and subscales used in the field study are highly reliable and consistent.

Findings

In this part of the study the findings of the field study will be given. The means of the items in the scales, the mean differences between the demographical groups and the correlations between subscales will be discussed.

Table 3: Mean Values for Self Efficacy Subscale of Psychological Capital

ITEM	N	Mean	Std. Dev.
I feel confident while I acknowledge a group of workmates.	42	3,71	0,92
I believe in myself in determining goals/objectives on my field of work.	42	3,74	1,01
I feel confident while explaining my own working field at the meetings with managers.	41	3,51	0,98
I believe in myself while trying to find a solution to a long-term problem.	42	3,69	0,98
I feel confident in contributing to the discussions on the strategy of the organization.	42	3,31	1,00
I believe in myself in contacting with people outside the organization (suppliers, consumers, and so on.) in order to discuss the problems.	42	3,67	0,93

The participants' self efficacy is at the level of "agree". That means that the participants have self-confidence. That may be due to the education given to the health staff. Because the health staffs have significant level of theoretical and practical education, before having a job, they feel confident about their experiences, abilities and knowledge.

Table 4: Mean Values for Optimism Subscale of Psychological Capital

ITEM	N	Mean	Std. Dev.
Things never work out the way I want, at this workplace.	42	2,88	1,17
If there are uncertainties for me, I always want the best.	42	3,88	0,99
If something goes wrong for me at my work, so it goes.	39	3,03	1,33
I always see the good side of the things related to my job.	41	3,46	0,93
I am optimistic about what to happen to me in the future about my job.	42	3,64	1,12
I approach to my job as "every cloud has a silver lining".	42	3,74	1,19

The participants seem to be partly optimistic. The difficult nature of hospitals may make the health staffs depressive or stressful. The environmental factors are important for the people at a workplace to have positive feelings for the future.

Table 5: Mean Values for Hope Subscale of Psychological Capital

ITEM	N	Mean	Std. Dev.
These days I fulfil my business goals I set for myself.	42	3,40	0,99
There are many ways to solve any problems.	42	3,79	0,98
If I find myself working in a bottleneck, I may think of many ways to get rid of it.	42	3,69	0,98
At the moment, I see myself very successful at my work.	42	3,71	1,04
Currently I follow my business goals, strictly.	42	3,52	1,07
I may think many ways to reach my current business objectives.	42	3,74	0,91

The participants are seen to be hopeful about their job and working environment. Although they are not so optimistic, they are hopeful. That finding gives some clue about the personal situation of the staffs. They think that they have the required features for the job and expect to achieve their goals.

Table 6: Mean Values for Resilience Subscale of Psychological Capital

ITEM	N	Mean	Std. Dev.
Due to the fact that I previously had difficulties, I may overcome difficult times in my business.	42	3,50	1,09
Usually, I can handle with stressful things in a calm manner, at my workplace.	42	3,43	1,06
When I meet a challenging situation at my workplace, I have troubles to overcome it.	42	2,88	0,97
If I have to, I may do the best on my job alone.	42	3,38	0,99
I feel that I can overcome many things at my job.	42	3,67	0,90
I usually muddle through the challenges with my work.	42	3,69	0,68

The participants are seen to be resilient. That finding is not surprising for health staff. Their job is so stressful and they face so many adverse and challenging situations that, they should learn how to cope with or should leave their jobs.

Table 7: Mean Values for Intrinsic Factors of Job Satisfaction

ITEM	N	Mean	Std. Dev.
Being able to keep busy all the time satisfies me.	41	3,51	0,84
The chance to work alone on the job satisfies me.	42	3,29	1,22
The chance to be somebody in the community satisfies me.	42	3,48	1,19
Being able to do things that don't go against my conscience satisfies me.	42	3,60	1,01
The chance to do things for others satisfies me.	40	3,52	1,15
The chance to do something that makes use of my abilities satisfies me.	41	3,68	1,04
My pay and the amount of work I do satisfy me.	42	3,10	1,17
The chances for advancement on this job satisfy me.	40	3,12	1,09
The chance to try my own methods of doing the job satisfies me.	41	3,32	1,15
The working conditions satisfy me.	42	3,43	1,13
The way co-workers get along with each other satisfies me.	42	3,48	0,94
The feeling of accomplishment I get from the job satisfies me.	42	3,12	1,04

In general view, the participants partly agree with the items on intrinsic job satisfaction. That means they are partly satisfied with the conditions, which are internal characteristics of their job.

Table 8: Mean Values for Extrinsic Factors of Job Satisfaction

ITEM	N	Mean	Std. Dev.
The chance to do different things from time to time satisfies me.	40	3,18	1,04
The way my job provides for steady employment satisfies me.	41	3,63	1,14
The chance to tell people what to do satisfies me.	42	3,29	1,13
The way company policies are put into practice satisfies me.	42	3,38	1,10
The freedom to use my own judgment satisfies me.	42	3,12	1,23
The praise I get for doing a good job satisfies me.	41	3,44	1,23

The participants partly agree with the items about extrinsic job satisfaction factors. In the light of that finding, they may be considered to be party satisfied with the hygiene factors of

their job at the hospital.

Table 9: T- Test for Gender Groups

T-Test According to Gender		Levene's Test for Equality of Variances		t-test for Equality of Means						
									95% Confidence Interval of the Difference	
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
Optimism	Eq.var. assumed	1,083	0,305	-0,095	37	0,925	-0,02061	0,21773	-0,46179	0,42056
	Eq.var.not assumed			-0,096	33,550	0,924	-0,02061	0,21562	-0,45903	0,41780
Resilience	Eq.var. assumed	0,053	0,819	-0,360	40	0,721	-0,07143	0,19829	-0,47218	0,32932
	Eq.var.not assumed			-0,360	39,929	0,721	-0,07143	0,19829	-0,4722	0,32934
Hope	Eq.var. assumed	0,639	0,429	-0,542	40	0,591	-0,11111	0,20517	-0,52578	0,30355
	Eq.var.not assumed			-0,542	39,522	0,591	-0,11111	0,20517	-0,52593	0,30371
Self efficacy	Eq.var. assumed	0,002	0,967	-0,946	39	0,350	-0,21587	0,22821	-0,67746	0,24572
	Eq.var.not assumed			-0,943	37,867	0,352	-0,21587	0,22891	-0,67933	0,24759
Intrinsic Job Satisfaction	Eq.var. assumed	9,903	0,003	-0,693	34	0,493	-0,16204	0,23378	-0,63714	0,31307
	Eq.var.not assumed			-0,693	24,089	0,495	-0,16204	0,23378	-0,64445	0,32037
Extrinsic Job Satisfaction	Eq.var. assumed	3,468	0,070	-0,588	38	0,560	-0,15998	0,27227	-0,71117	0,39120
	Eq.var.not assumed			-0,601	33,850	0,552	-0,15998	0,26615	-0,70095	0,38098

As seen on the Table 9, there is no significant difference between the male and female participants in terms of the subscales of psychological capital. On the other hand, when the subscales of job satisfaction are considered, there is a significant difference between gender groups at the 99% confidence interval, in terms of the intrinsic job satisfaction factors. Also there is a significant difference between gender groups at the 95% confidence interval, in terms of the extrinsic job satisfaction factors. In other words the men are more satisfied with their jobs than the women among the hospital employees.

Table 10: T- Test for Marital Status Groups

T-Test According to Marital Status		Levene's Test for Equality of Variances		t-test for Equality of Means						
									95% Confidence Interval of the Difference	
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
Optimism	Eq.var. assumed	0,039	0,844	-0,030	37	0,976	-0,00661	0,21833	-0,44900	0,43577
	Eq.var.not assumed			-0,030	31,458	0,977	-0,00661	0,22300	-0,46115	0,44792
Resilience	Eq.var. assumed	0,115	0,736	-0,128	40	0,899	-0,02555	0,19947	-0,42870	0,37760
	Eq.var.not assumed			-0,129	39,131	0,898	-0,02555	0,19856	-0,42713	0,37602
Hope	Eq.var. assumed	0,006	0,939	0,645	40	0,523	0,13272	0,20579	-0,28320	0,54865
	Eq.var.not assumed			0,643	37,971	0,524	0,13272	0,20650	-0,28533	0,55078
Self efficacy	Eq.var. assumed	0,026	0,873	0,653	39	0,517	0,15032	0,23011	-0,31511	0,61575
	Eq.var.not assumed			0,652	37,912	0,518	0,15032	0,23043	-0,31620	0,61684
Intrinsic Job Satisfaction	Eq.var. assumed	0,134	0,717	0,246	34	0,807	0,05833	0,23668	-0,42267	0,53933
	Eq.var.not assumed			0,244	31,139	0,809	0,05833	0,23869	-0,42839	0,54505
Extrinsic Job Satisfaction	Eq.var. assumed	0,611	0,439	0,576	38	0,568	0,15741	0,27335	-0,39596	0,71077
	Eq.var.not assumed			0,565	32,908	0,576	0,15741	0,27877	-0,40982	0,72464

According to t-test results given above, there is no significant difference between marital status groups, in terms of subscales of psychological capital and job satisfaction. This finding means that the married participants do not perceive their job and working environment so different than the single ones.

ANOVA test was applied to the data to determine if there were significant differences between the perceptions of the participant groups formed according to their age, income, education, working unit, working position and working period.

According to ANOVA test results, there are no mean differences between the age groups ($p>0.05$).

Table 11: ANOVA Test for Mean Differences between Income Level Groups

		Sum of Squares	df	Mean Square	F	Sig.
Optimism	Between Groups	1,059	3	0,353	0,771	0,518
	Within Groups	16,036	35	0,458		
	Total	17,095	38			
Resilience	Between Groups	0,075	3	0,025	0,058	0,982
	Within Groups	16,492	38	0,434		
	Total	16,567	41			
Hope	Between Groups	0,021	3	0,007	0,015	0,997
	Within Groups	17,788	38	0,468		
	Total	17,810	41			
Self efficacy	Between Groups	1,227	3	0,409	0,755	0,527
	Within Groups	20,056	37	0,542		
	Total	21,283	40			
Intrinsic Job Satisfaction	Between Groups	4,813	3	1,604	4,226	0,013
	Within Groups	12,147	32	0,38		
	Total	16,960	35			
Extrinsic Job Satisfaction	Between Groups	5,369	3	1,790	2,803	0,054
	Within Groups	22,985	36	0,638		
	Total	28,355	39			

There is a significant difference between the income level groups, in terms of intrinsic job satisfaction. The table showing the mean differences is prepared as a post hoc scheffe test result below.

Table 12: Post Hoc Scheffe Test for Self Efficacy Mean Differences between Income Level Groups

Internal Job Satisfaction		**Subset for alpha = 0.05**
Income	**N**	**1**
2500-3500	13	2.9487
3500-4500	2	3.5000
4500 and higher	5	3.6333
1500-2500 TL	16	3.7448

As seen in the table above, the participants having the lowest and highest levels of income have the highest levels of satisfaction with their job and working environment, while the ones with middle level of income are less satisfied than them. The finding shows that the ones with lower and higher incomes than the others do not criticize their internal working conditions, as much as the ones having middle levelled incomes. Most probably the participants with the highest income levels are the doctors and those with the lowest income levels are the administrative staff. The other groups with middle levels of income are most probably nurses, deliveries, and laboratorians. The administrative staffs with the lowest incomes have similar working conditions at any public institutions. The doctors have higher education and higher positions than the other hospital staffs and the patients and other employees in the hospital are respectful towards them (especially in Turkey). So, if they take the satisfaction issue in a comparative perspective, the administrative staffs and the doctors perhaps see themselves luckier than the others. On the other hand the nurses, deliveries and the laboratorians probably feel stressful about their jobs and especially the working environment.

According to ANOVA test results, there are no mean differences between educational level groups, working unit groups, working position groups and working period groups ($p>0.05$). Regarding the volume of the study the tables are not involved.

Table 13: Correlations of the Subscales

Correlations		Optimism	Resilience	Hope	Self efficacy	Intrinsic Job Satisfaction	Extrinsic Job Satisfaction
Optimism	Pearson Correlation	1	0.681**	0.713**	0.774**	0.415*	0.243
	Sig. (2-tailed)		0.000	0.000	0.000	0.016	0.147
	N	39	39	39	38	33	37.000
Resilience	Pearson Correlation	0.681**	1	0.740**	0.834**	0.390*	0.241
	Sig. (2-tailed)	0.000		0.000	0.000	0.019	0.134
	N	39	42	42	41	36	40
Hope	Pearson Correlation	0.713**	0.740**	1	0.795**	0.544**	0.418**
	Sig. (2-tailed)	0.000	0.000		0.000	0.001	0.007
	N	39	42	42	41	36	40
Self efficacy	Pearson Correlation	0.774**	.834**	0.795**	1	0.264	0.239
	Sig. (2-tailed)	0.000	0.000	0.000		0.120	0.144
	N	38	41	41	41	36	39
Intrinsic Job Satisfaction	Pearson Correlation	0.415*	0.390*	0.544**	0.264	1	0.867**
	Sig. (2-tailed)	0.016	0.019	0.001	0.120		0.000
	N	33	36	36	36	36	35
Extrinsic Job Satisfaction	Pearson Correlation	0.243	0.241	0.418**	0.239	0.867**	1
	Sig. (2-tailed)	0.147	0.134	0.007	0.144	0.000	
	N	37	40	40	39	35	40

**. Correlation is significant at the 0.01 level (2-tailed).

*. Correlation is significant at the 0.05 level (2-tailed).

When the findings on the table of Pearson Correlation above; it is seen that, there are significant and positive correlations between the subscales of psychological capital and job satisfaction. Among the results, the ones about the hope subscale of psychological capital are interesting. According to the table, the hopeful participants are optimistic, resilient, have self-efficacy. The participants, who are satisfied with their jobs and working environment in terms of intrinsic factors, are more optimistic, resilient and hopeful. On the other hand, the ones, who are satisfied with their jobs and working environment in terms of extrinsic factors, are more hopeful. Finally, the more satisfied are the participants in terms of intrinsic factors, the more satisfied they are in terms of extrinsic factors, as well.

Conclusion

According to the findings achieved from the data derived from the field study conducted:

- ✓ The scales of the questionnaire are reliable and internally consistent.
- ✓ The participants agree with the items on self efficacy.
- ✓ They are partly optimistic.
- ✓ They are hopeful about their job and institution.
- ✓ Their level of resilience is approximately average.
- ✓ They agree or partly agree with the items about job satisfaction.
- ✓ Male participants are more satisfied than the female ones.
- ✓ The participants having higher and lower levels of incomes are more satisfied than those with middle levels of incomes, in terms of intrinsic factors of job satisfaction.
- ✓ There are strong and significant relationships between hope and optimism, resilience, and self efficacy. That means the more are the employees hopeful the more optimist resilient and confident they are.
- ✓ Intrinsic job satisfaction factors have a positive and strong effect on optimism, resilience and hope.
- ✓ Extrinsic job satisfaction factors have a positive and strong effect on hope.
- ✓ There is a strong and positive relationship between intrinsic and extrinsic factors of job satisfaction.

References

Avey, J. B.; Luthans, F; Smith R. M. and Palmer N. F. (2010), Impact of Positive Psychological Capital on Employee Well-Being Over Time, *Journal of Occupational Health Psychology*, 15 (1), 17-28.

Avey, J. B.; Nimnicht J. L. and Pigeon, N. G. (2010), Two Field Studies Examining the Association between Positive Psychological Capital and Employee Performance, *Leadership & Organization Development Journal*, 31 (5), 384-401.

Avey, J.B.; Luthans, F. and Jensen, S. M. (2009), Psychological Capital: A Positive Resource for Combating Employee Stress and Turnover, *Human Resource Management*, 48 (5), 677-693.

Cole, K.; Daly, A. and Mak A. (2009), Good for the Soul: The Relationship between Work, Wellbeing and Psychological Capital, *The Journal of Socio-Economics*, 38, 464-474.

Culbertson S. S.; Fullagar C. J. and Mills M. J. (2010), Feeling Good and Doing Great: The Relationship Between Psychological Capital and Well-Being, *Journal of Occupational Health Psychology*, 15 (4), 421-433.

Fu, J.; Sun, W.; Wang, Y.; Yang, X. and Wang L. (2013), Improving Job Satisfaction of Chinese Doctors: The Positive Effects of Perceived Organizational Support and Psychological Capital, *Public Health*, 127, 946-951.

Locke, E. A. (1976), The Nature and Causes of Job Satisfaction, (Ed: M. D. Dunnette), *Handbook of Industrial and Organizational Psychology*, Skokie IL: Rand McNally, 1297-1349.

Lu, H.; While A. E. and Barriball K. L. (2005), Job Satisfaction among Nurses: A Literature Review, *International Journal of Nursing Studies*, 42, 211-227.

Luthans, F., Youssef, C. M., and Avolio, B. J. (2007), *Psychological Capital*, Oxford, United Kingdom: Oxford University Press.

Luthans, F.; Avolio, B. J.; Avey, J. B. and Norman, S. M. (2007), Positive Psychological Capital: Measurement and Relationship with Performance and Satisfaction, *Personnel Psychology*, 60 (3), 541–572.

Piko, B. F. (2006), Burnout, Role Conflict, Job Satisfaction and Psychosocial Health among Hungarian Health Care Staff: A Questionnaire Survey, *International Journal of Nursing Studies*, 43, 311-318.

Rego, A.; Sousa F.; Marques C. and Cunha P. C. (2012), Authentic Leadership Promoting Employees' Psychological Capital and Creativity, *Journal of Business Research*, 65, 429-437.

Resnick S. and Bond, G. R. (2001), The Indiana Jon Satisfaction Scale: Job Satisfaction in Vocational Rehabilitation for People with Severe Mental Illness, Psychiatric Rehabilitation Journal, 25, 12-19.

Toor, S. and Ofori, G. (2010), Positive Psychological Capital as a Source of Sustainable Competitive Advantage for Organizations, *Journal of Construction Engineering and Management*, 2010, 136(3): 341-352.

Wang, Y.; Liu L.; Wang J. and Wang L. (2012), Work-family Conflict and Burnout among Chinese Doctors: The Mediating Role of Psychological Capital, *Journal of Occupational Health*, 54, 232-240.

Problems and Solutions Related to the Structure of the Labour Courts in Turkey

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1. Introduction

Labour courts are specialized courts that the settlement of individual, collective and social security disputes between employees, employers and the government. Until 1971, labour courts in Turkey consisted of representatives of employers and employees, two lay judges, and one professional judge who had obtained a university degree in law and had passed the judicature exam and had completed court practice. Today, the labour courts are composed of one professional judge. In the Turkish judicial system, professional judges are appointed to different specialized courts and this constitutes an obstacle to specialization. Labour courts in Germany and France consist of the participation of lay judges. In Germany, a professional labour judge would begin his career as a labour judge and during all of his judicial business life he would work as a labour judge. The vast majority of labour disputes are resolved in mediation in Germany and France but mediation in labour disputes is not applied successfully in Turkey. In Germany also is found a specialized Supreme Federal Labour Court to appeal labour disputes. Study focuses on the three proposals. The first proposal, with constitutional amendments (which will not harm and guarantee the independence of professional judges and the courts) lay judges should be included again in the labour courts. The second proposal is labour judges should be an expert in labour law. If they start their career as a labour judge until retirement they must work in same profession. The last proposal is that labour courts should be organized separately and they should have special Supreme Labour Court.

2. Emergence and Development of Labour Courts

Labour courts first appeared in France and as a consequence of the fact that judicial systems affect one another, they overspread among countries within Continental Europe System. In some countries, labour law came into existence as a result of contention while in others, it is incorporated in their systems by codification.

Appeared in Europe, the origin of labour courts dates back to an institution founded in 1806 with the name of *"Conseil de prud'hommes"* which could be described as a conciliation court aiming at resolving disputes between silk employees and their employers (Finkin, 2008, pp.153-154). *"Proud'hommes"*, which then meant right, worldly-wise, and experienced, purports an elected member of the court consisting of representatives of employers and employees in order to adjudicate about individual labour disputes in today's French (Özdemir, 1963, p.3). A number of historians argue that called *"Proud'hommes"* have existed in France since 13th century, however; their authority was legislated in 1806 (Erkün, 1949, p.39).

"Proud'hommes" judges, the binary organ of labour and administration, consisted of equal number of judges representing employer and labourer sections. People aforementioned were lay judges and only representing employers and labourers as the third party. *Conseil de prud'hommes"* first aimed at reaching conciliation. If conciliation could not be obtained, there would be a judgement process. One could apply the superior court against the judgements of this institution. The judgement process was repeated with court of appeal and the trials were dealt by professional judges. In the course of history, this judicial position spread all around France. Following France, labour law was formed in Italy, Portugal, Belgium, Germany, Austria, Norway, Switzerland, and the USA (Erkün, 1949, p.40).

The labour courts appeared in Germany as a result of French influence. The idea of establishing labour courts that flourished in occupied German territories on the west side of the River Rhine spread to inner parts of the country in the course of time. While these courts were initially called "industrial board of experts", they were named as "royal industrial court" after the French receded from German territories (Blomeyer, 1998, p.72).

3. The Present-Day Structure of Labour Courts in Germany and France

In today's France, *"Proud'homme"* courts handle only cases stemming from individual labour disputes. Collective disputes and disputes resulting from social insurance are handled by general courts *(tribunal d'instance)*. As a court of first instance, *"Conseil de prud'hommes"* is made up of four elected lay judges, half representing employers and half representing employees. In case of equality of votes while making a decision, the trial process is repeated with the participation of a professional judge (Blatman, 2006, p.13). Lay judges are elected every five years reserving the right to be elected again (Blatman, 2006, p.7). Labour courts are specialised in five different sections: the management section, the industry section, the commerce section, the agriculture section, and the diverse activities section (Blatman, 2006, p.8).

Legal disputes regarding the verdicts of *"Proud'homme"* courts are conveyed to court of appeal *(Cour d'appel)*. Courts of appeal, which are civil courts in nature, are specialized depending on the characteristic of the work. With the allegation that courts of appeal have exceed their authority and have reached an unlawful verdict, the cases are placed before French Supreme Court *(Cour de cassation)*. Supreme Court checks over the verdict only in terms of its lawfulness. Furthermore, it should be pointed out that court of appeal and appellate court members are merely made up of professional judges (Özdemir, 1963, p.14).

In French *"Proud'homme"* courts, which are made up of equal number of employer and labourer representatives; binary structure is indispensable for labour law. Having a long history tradition, *"Proud'homme"* courts have managed to sustain this structure for many years now. The most important factor behind this achievement is that court members are able to act unbiasedly and add value to the profession's merit (Özdemir, 1963, p.17).

Although the foundations of the labour procedure system were laid in 19th century, it was not until the German Labour Court Act of 1926 that labour courts were a separate division within the law system *(Arbeitsgerichtsgesetz)*. Until then general courts, which were founded to deal with civil law procedures, used to deal with labour law cases, as well. Today's methods and procedures upon labour law are in accordance with the German Labour Court Act accepted in 1953 and revised in 1979 (Weiss & Schmidt, 2008, p.149).

German labour courts consist of three departments. At Inferior State Labour Courts, there are representatives of employees and employers (Kremp & Morgenroth, 2010, p.316). Inferior State Labour Courts *(Arbeitsgerichte)* are made up of a professional judge and two members representing employee and employer sides. Superior State Labour Courts *(Landesarbeitsgerichte)* also consist of a professional judge and two members representing employee and employer sides while the Federal Labour Court are comprised of two professional judges and two members representing employee and employer sides under the presidency of a professional judge (Zimmermann, pp.3-4).

As a rule, professional judges start their occupational activities at a labour court and perpetually operate at labour courts. It is few and far between that they are transferred to other branches of law (Blomeyer, 1998, pp.74-75).

Representative members are assigned to Inferior State Labour Courts and Superior State Labour Courts for a period of five years. A member is required to have done well at

Inferior State Labour Courts for five years in order to become a representative member at Superior State Labour Courts. Moreover, in order to become a representative member at Superior State Labour Courts; as well as having a good performance, representative members need to have acquired knowledge related to labour law and must have prudence in resolving cases. Lay members are independent like professional judges and they cannot be appointed and expelled from the job. Furthermore, it is legally out of question that lay members are subjected to instructions of members who selected them (Weiss & Schmidt, 2008, p.152).

4. Historical Development and the Present-Day Outlook of Labour Courts in Turkey

Turkey is the 24th country in the world to accept labour courts as specialized courts (Erkün, 1949, p.40). The Turkish labour courts were founded on 3rd January 1950 by the Labour Courts Law number 5521. The law, which was promulgated in Official Gazette number 7424 on 4th February 1950, came into force six months later (on 4th August 1950).

Labour courts were founded as specialized courts. Before labour courts, labour disputes were handled by civil court of general jurisdiction (Erkün, 1949, p.37).

French and German influence is obvious on the structural adjustment process of The Turkish Labour courts. In the first form of the Labour Courts Law accepted on 30th January 1950, labour courts were decided to consist of a board which included members representing employer and employee sides in addition to a professional judge. This state, which is embodied in Labour Courts Law 2/1 as "Labour courts consist of an employer and an employee member under the presidency of an appointed professional judge", shows parallelism with French and German labour courts structure. The fact that lay members representing employers and employees can take part in labour courts as a judge is a property that distinguishes labour courts other kinds of courts. In Labour Courts Law draft, the reason why representatives of employers and employees are members of labour courts is that these members are able to make sound decisions since they are knowledgeable and experts in the field of labour disputes (Bilge & Önen, 1978, p.43).

In the following part, you can find brief information about the professional qualifications of employer and employee representatives in labour courts;

According to Labour Courts Regulations dated 1950, employer representative members were assigned with secret voting (art.21) by Chamber of Commerce and Industry intra vires labour courts, and by the nearest Chamber of Commerce and Industry Assembly if it is unavailable. Employee representative members were assigned with secret voting by chosen representative employees intra vires labour courts. There were twelve nominees for representative members of employees and employers, and one original and three reserve members were selected among them. The assignment period was two years (LCL art.2).

The chosen original and reserve members representing employees and employers were asked by chief justice to swear an oath to obey the law, maintain their objectivity, and not to disclose their conversations in every duty they participate with the title of member (LCL art.3).

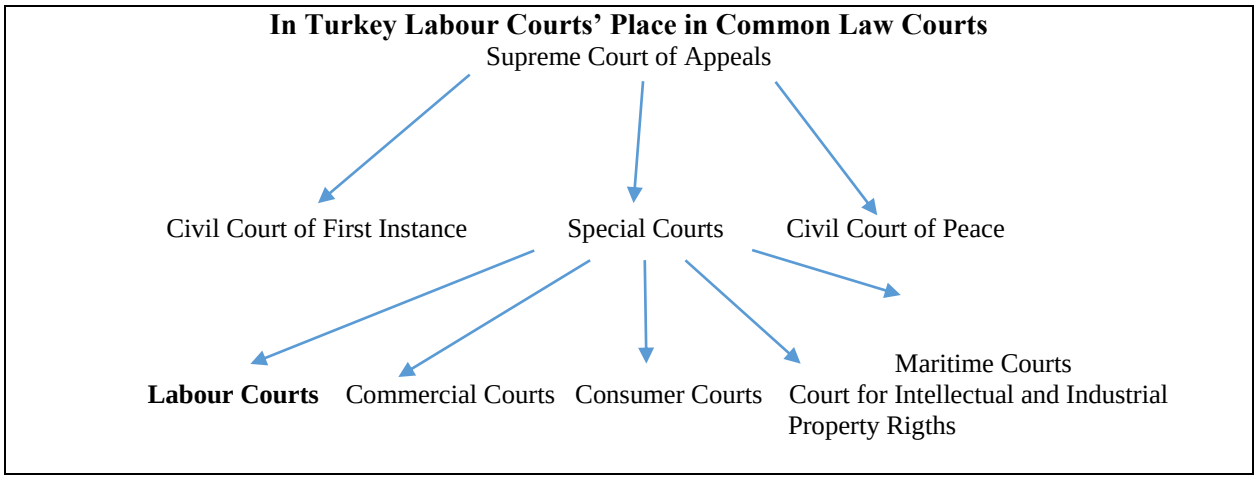
The chief justice is a civil court judge by qualification. According to Labour Courts Law, labour courts consisted collectively except actual and legal impracticability (LCL art. 1/end). In case one of the representative members is unable to attend the court because of actual and legal impracticability, the court gave a ruling with one judge. However; unless there is actual or legal impracticability, reserve member was asked to attend the court in place of the absent member and the proceeding was carried out (Çenberci, 1969, p.50).

It has been harshly criticised by the doctrine that Labour Courts included representative members. As a result, this state was taken to the Constitutional Court on the

grounds that it is a contradiction against the Constitution for labour courts to include representative members. The Constitutional Court decided to annul provisions of the article and labour courts consisted of a single judge (Constitutional Court Decision No, 1970/63, 1971/38, 13.04.1971, Official Gazette 16.11.1971, p.14017).

From our standpoint, the right decision was made by the Constitutional Court since, in terms of procedure; a superior law derogates an inferior law in the hierarchy of norms by the principle "*lex superior derogat legi inferiori*". Thus, no law can be a contradiction against the Constitution. Besides executive and legislative institutions, judicial institution is one of the important elements of the government. Judicial institution, by qualification, must be constituted independently and objectively. Judges must not be under the influence of any institution or individual. Appointment of employer and employee representatives is carried out by legislative organ. Therefore, the state aforementioned is against the objective quality of the courts. However, in European countries such as France, Germany, and Switzerland, it seems that the system in which courts include employer and employee representatives is carried out successfully. It will be possible for employer and employee representatives to participate in Turkish labour courts only when an act of law is added to the Constitution concerning the participation of employer and employee representatives in labour courts without jeopardizing independency and objectivity of the judges. Prior to annulment decision by the Constitutional Court, participation of employer and employee representatives in courts yielded more harm than good. For many years, trials were performed by a single judge in the courts because of the indifference of labour and management institutions so the Labour Courts Law could not serve its purpose which was to include employer and employee representatives in labour courts (Postacıoğlu, 1975, p.94). It seems to us that the system will function regularly if representatives of employers and employees are required to be of judicial origin (e.g. employee-employer union lawyers). We also believe that objective decisions may be made provided that appointment of employee and employer representatives is carried out independently from the legislative organ.

It is obvious that healthier judicial decisions can be made like the German example if judges are not appointed to a court belonging to another branch of judiciary different from the one they start their career and if they are promoted to specialize in a single domain. In Turkey, the courts judges serve change every three or four years. Due to frequent law amendments; when a judge is appointed to a labour court after a commercial court, specialization is not obtained because cases cannot be solved with general judiciary knowledge. Besides, one cannot expect a single judge to have a grasp of every amended law in all judicial branches considering rapid technological advances and changes in the social structure (Rüzgar, 2011, p.35). Therefore, the labour court judge is supposed to be an expert in labour law. More harm than good is done as long as labour lawsuits are carried out by non-expert judges. A rational solution to the problem of specialisation would be to make individuals who want to be a labour court judge have special training and sit an exam; to ask these individuals to have master's or doctoral degree in labour law; to have assistant judges present in labour courts; to make individuals stay as labour judges all their professional career once they start their career as a labour judge (Kuru, 2006, pp.435-436).



5. Labour Courts According to Judicial Circles

In Turkish judicial system, it is in task scope of labour courts to address individual and collective labour disputes and disputes stemming from labour contract between employees and employers. In areas where labour courts of exceptional quality are not present, civil courts of general jurisdiction are authorized to act as labour courts. In other words, labour courts are one of the special (specialized) courts along with general courts (Ejder Yılmaz, 2007, p.6). Nevertheless, there is no inferiority-superiority relation among labour courts or between labour courts and other kinds of courts (Halil Yılmaz, 2010, pp.72-73). Before the Constitutional Court annulled the presence of representatives in labour courts, it was criticized that civil court judges with only one member dealt with labour lawsuits on the grounds that it was against "specialisation principle". This was because labour courts dealt with collective labour lawsuits (Çenberci, 1969, p.12).

It was stated in the article 1 of the Labour Courts Law that labour courts are instituted "where they are deemed necessary". The places that are meant by the expression "where they are deemed necessary" are centres such as İstanbul, Ankara, İzmir, Bursa, Eskişehir, Tekirdağ, and Zonguldak in which the industry is advanced and there are quite a lot of labour disputes between employers and employees. With the increasing number of labour disputes, the number of labour courts is rising day by day.

High Council of Judges and Prosecutors (HCJP) of Turkey holds the authority to decide where labour courts will be opened, which judges will be appointed to labour courts, and which civil court acting as a labour court will deal with labour lawsuits in places where there are more than one civil court of general jurisdiction but no labour courts (AY m.159/VIII).

Labour courts, which have a distinctive quality different from general courts, are present in cities like Ankara, İstanbul, Bursa, and İzmir where the industry and industrialization are concentrated. Besides, they are multiple labour courts in some places where there are frequent labour lawsuits.

Civil court of general jurisdiction acting as special courts deal with disputes falling into the remit of special courts in centres where the industry and industrialization are not concentrated since special courts such as labour courts and commercial courts are not instituted in those places. It was stated in the article 1/III of the LCL that "labour lawsuits are carried out by another appointed court in places where a labour court is not present". Since the expression "another court" does not clearly point at a specific court, one must think of it as civil court of general jurisdiction (Uygur, 1980, p.302).

If there is only one civil court in a centre; if there is only one civil court in centres with infrequent labour disputes; that court is responsible for carrying out labour law disputes, as well. In that case, the lawsuit to be commenced at civil court must be commenced as "labour court" (Çenberci, 1969, p.119). If there are multiple civil courts in a centre; if there are multiple civil courts in a region; HCJP will assign one of the civil courts to deal with labour disputes (Pekcanıtez & Atalay & Özekes, 2012, p.103). The assigned court deal with labour lawsuits "acting as a labour court" and apply adjudicatory procedures concerning LCL (Çenberci, 1969, p.12).

Civil courts dealing with labour lawsuits since a separate labour court is not present in the centre are required to deliver case documents to the new labour court when a labour court is instituted. The labour court resumes examining the delivered case documents where they are left off (Kuru, 2001, 5597; Uygur, 1980, p.402).

Although labour courts in Turkey were established as specialized courts, the fact that civil court judges are appointed to labour lawsuits in places where a labour court is not present undermines specialization in the sense that a civil court judge deals with almost every dispute concerning the field of private law which it is formidable for them to specialize in labour law. Disputes in civil courts which have heavy workload cannot be resolved swiftly. Therefore; in Turkey, the number of labour courts must be increased so that labour disputes can be resolved by labour courts instead of civil courts.

In addition; at Supreme Court, which holds the appeal authority, members are appointed to departments on which they do not have expertise with short intervals. This situation results in contradictory decisions among different chambers (Rüzgar, 2011, p.38). It seems to us that the best solution would be the establishment of a separate Labour Supreme Court like the one in Germany. The second solution could be holding members dealing with labour disputes at the Supreme Court in the same chamber throughout their professional career.

6. Conclusion

Issues concerning the structure of labour courts persevere in Turkey, which incorporated labour courts in her judicial system by codification. In places where a labour court -a specialized court- does not exist; civil courts of general qualification handle labour cases which constitutes the most significant problem. It can be solved by increasing the number of labour courts. Moreover, it will not be possible for employee and employer representatives to become a member at labour courts unless constitutional amendments are performed although representatives of employees and employers should take part in labour courts. We believe that most of the disputes between employees and employers will come to a peaceful resolution before they turn into a lawsuit. Professional labour judges should stay a labour judge through their professional career like their counterparts abroad. In this way, it will be possible to obtain more accurate decisions. Besides; in order to enable Supreme Court -the ultimate decision maker- to pass the right decisions, either judges in the chambers handling labour cases should not be replaced or a separate Labour Supreme Court should be established.

7. References

Bilge, N., & Önen, E. (1978). *Medeni Yargılama Hukuku Dersleri [(Civil Procedure Law Courses)*. Ankara: Ankara Üniversitesi Hukuk Fakültesi Yayınları.

Blatman, M. (2006, June). *Labour Court System in France*. Retrieved from http://ealcj.org/wp-content/uploads/2015/12/francesummary.pdf

Blomeyer, W. (1998). Almanya'da İş Yargısı [Labour Judgment in Germany]. *Türk Endüstri İlişkileri Derneği III. Uluslararası Endüstri İlişkileri Kongresi Dergisi*, 72-75.

Çenberci, M. (1969). *İş Mahkemeleri Kanunu Şerhi [Labour Courts Law Annotation]*. Ankara: Güzel İstanbul Matbaası.

Erkün, S. Ş. (1949). İş Mahkemeleri Kurulurken Bazı Düşünceler [Some Thoughts while Establishing Labour Courts]. *Sosyal Siyaset Konferansları Dergisi*, 2, 37-40.

Finkin, M. W. (2008). Privatization of Wrongful Dismissal Protection in Comparative Perspective. *Oxford Industrial Law Journal*, 37(2), 153-154.

Kremp, P. R., & Morgenroth, S. (2010). *"Court Proceedings" in Key Aspects of German Employment and Labour Law*, Heildelberg:Springer.

Kuru, B. (2001). *Hukuk Muhakemeleri Usulü [Civil Procedure]*, İstanbul: Demir Demir Müşavirlik ve Yayıncılık Ltd. Şti.

Kuru, B. (2006). İş Mahkemeleri (İş Uyuşmazlıklarının Çözümlenmesi) [Labour Courts- The Resolution of Labour Disputes]. *Makaleler*, (435-436). İstanbul: Arıkan Yayınevi.

Özdemir, R. (1963). Fransız İş Mahkemeleri [French Labour Courts]. *Adalet Dergisi*, 1-2, 3.

Pekcanıtez, H. & Atalay O. & Özekes M. (2012). *Medeni Usul Hukuku [Civil Procedure Law]*. Ankara: Yetkin Yayınları.

Postacıoğlu, İ. E. (1975). *Medeni Usul Hukuku Dersleri [Civil Procedure Law Courses]*. İstanbul: Sulhi Garan Matbaası Koll. Şti.

Rüzgar, O. (2011). *İş Mahkemelerinin Görevi ve Yargılama Usulü [Role and Proceedings of Labour Courts]*. Bursa.

Uygur, T. (1980). *İş ve Sosyal Güvenlik Hukukunda Temel Kavramlar [Basic Concepts of Labour and Social Security Law]*. Ankara: Olgaç Matbaası.

Weiss, M., & Schmidt, M. (2008). *Labour Law and Industrial Relations in Germany*. Alphenaan den Rijn: Kluwer Law İnternational.

Yılmaz, E. (2007, December). İş Mahkemeleri Kanunu'nun Değiştirilmesi İhtiyacı [The Need for Change in the Labour Courts Law]. *Sicil Dergisi, 8*, 6.

Yılmaz, H. (2010, June). İş Yargılamasının Gösterdiği Özellikler [The Characteristics of Labour Judgment]. *Sicil Dergisi*, 18, 72-73.

Zimmermann, H. (2015). *Labour Jurisdiction in Federal Republic of Germany*. Retrieved from http://ealcj.org/wp-content/uploads/2015/12/germanysummary.pdf

A Saudi Arabia Review under the Framework of the Gramsci's Hegemony

Aydin Aydın

1. Introduction

Hegemony is an ideological synthesis achieved by the struggling practice between the base class in a capitalist economic system cooperating with the other allied classes and the opposing and subject classes (this class is usually the state by itself in non-Western societies) which finally allows the reproduction of the entire system as a whole. Gramsci defines hegemony as the ruling class's practice of being dominant. A Historical Block must be formed first to establish the hegemony that Gramsci mentions. This Historical Block is formed as a result of the establishment of the infrastructure-superstructure compromise. However, achieving this requirement alone is not sufficient. After this stage, the society should be gathered on the basis of an ideology, common interests and values. This consolidation must be identified with the group that supports it by considering not only the economic and political issues, but also cultural and ethical issues so that the situation domination based on this "consent" can be legitimate in crises. In other words, hegemony is established in case of the establishment of an interest oriented association. It is realized by a kind of dichotomy between Superstructure-Infrastructure and Civil Society-Political Society.

The Arab Spring has affected almost all the countries in the Middle East. The regimes that cannot meet the economic demands of the people during the riots due to the Arab Spring faced an endless wave of revolts. In many places, the repressive regimes that could not handle insurgency were replaced by other repressive regimes. The administration changed hands among the elites; and authoritarianism has not disappeared. Even today, the influence of the wave of rebellion still continues in some countries. The economically powerful regimes have responded to the public wishes and they have managed to sustain their regime for now.

Saudi Arabia which is rich in natural resources is better off in terms of living standards than the other Middle Eastern countries. However, the gap between the rich and poor in these countries is very high. The natural resources in this country enrich the bureaucratic and economic elites that cannot be separated from the state; and the income of natural resources are not distributed to the entire population. As a result of the Arab Spring developments, the people living in the Gulf countries also formed economic, political and social demands against the monarchy regimes. Saudi Arabia has spread the revenues earned from oil and other similar natural resources by using their economic power based on natural resources throughout the base albeit relatively; and partially met people's economic demands; thus succeeded to maintain their hegemony temporarily. However, these transient regime protection efforts do not seem very sustainable due to the reduction of future economic returns.

2. The Methodological Map

The purpose of the research is to reveal logical evidence between protecting political status quo in Saudi Arabia and hegemony conceptualization of Gramsci. For this purpose, the research was designed to examine hegemony concept and prerequisites component such as Historical Block, Civil Society and Political Society for establishing hegemony in Saudi Arabia. In order to understand how Saudi Arabia preserve its state oriented hegemony on

society after Arab Spring, social, economic and political reforms is examined qualitatively and comparatively.

Gramsci's theory of hegemony emphasizes that political society has a structure based on coercion. Political society is trying to provide the balance by exposing civil society against the coercive structure. According to Gramsci, the duty of the civil society here is to try to normalize the economic relations by pushing the coercion of the political society back. The civil society hides the coercive policies of the political society while doing this. Here, if the political society cannot ensure hegemony based on consent, it preserves its coercive policies to use later on. In such situations, ethical, moral and ideological elements are involved in the process in order to ensure hegemony (Gramsci, 1997:278). Since the coercive policy of the political society will create continued oppression over the people, the practice of such policies might cause losing the hegemony. Therefore, the content-based attitude of the civil society hides the coercive policies. The need for the civil society to ensure hegemony is very important. The civil society hides and legitimizes the coercive power of the political society by its consent based behaviors on the economy, cultural, moral, ethical and ideological planes.

This study will examine how the Saudi Arabia (rich oil and gas reserves and production) could retain their monarchy (Ataman and Demir,2012, Aydın,2013), their general attitude in the Arab Spring, how the Historical Block was established, how the society was gathered around an ideology and how the compromises were formed, and how the domination was legitimized as a result of this compromise based on Gramsci's opinions on hegemony (Dural, 2007, Embel, 2004 and Kaya, 2009). The difference of this study from the previous studies in this field is the analysis of how Saudi Arabia maintained its hegemony within Gramsci's hegemony approach and analysis of how the recent developments affect and will affect Saudi Arabia and whether she will be able to continue her hegemony.

2.1. Hegemony

Gramsci's hegemony idea is tied to his conception of the capitalist state; he claims the capitalist state rules by coercion and / or consent. The state should not be understood in a narrow government sense; instead, there is a differentiation between the 'political society' which includes the political institutions and the legal-constitutional arena and the 'civil society' which is often seen as a 'private' or 'non-state' area. The first is the world of coercion and the second one is consent. Gramsci emphasizes the fact that these two phenomena often overlap.

Hegemony is the fact that a ruling class gets its supremacy recognized over the ruled group by using a cooperative /conciliatory attitude or by practicing policies based on coercion. Hegemony is the job of the base class, and this class is the base class of all historical periods in question. Hegemony is considered as establishing certain superiority in every sector of society according to Gramsci. Supremacy is founded by capitalism. Yet, the establishment of state structure, civilian areas, class status, and hegemony in non-Western societies is not like in the West. The economically based classes formed as contrived are unable to decouple from the state. The state dominates the public and civil areas alone and does not allow the formation of decomposition; and imitates and creates the non-state and anti-state formations formed in the West. Then again, it feeds the hegemony within the state with this formation. Therefore, while the western hegemony is created by the bourgeois / capitalism, the hegemony in non-Western states is produced by the state/bureaucracy. In this study, the state will be used as an agent since the hegemony is produced by the state in the non-western societies rather than capitalism as the perpetuator of hegemony referred to by Gramsci.

Hegemony involves family, education, art, religion, and daily life. The opinions of Gramsci about hegemony extend to the north-south divide. He tried to emphasize the hegemony through the understanding of exploitation in his first articles about hegemony. He has stressed that this exploitation is of an ethnic origin. However, later on he tried to deal with the problem of hegemony in the context of class (Portelli, 1982: 69). According to Gramsci, the concept of hegemony is a condition associated with both the rule of the ruling class over the proletariat and the implementation of the proletariat rule. This means the ruling class exerts coercion on the groups that might undermine its hegemony. Not only by force, but also by securing the rule of the cooperative groups, if any, in the domains of ideas and culture, they strengthen their hegemony (Gramsci, 1997: 28) This highlights that hegemony would not only be set up by coercion, but also cooperation.

2.2. Historical Block

Historical block refers to a historical synergy between material forces, institutions and ideologies; or more broadly, refers to the alliance of different class forces organized politically around a whole of hegemonic ideas providing consistency and strategic objectives to its constituent elements (Gill, 2003: 58), but also the organic unity among the basic superstructure, practices, theory, the intellectuals and the masses. Gramsci developed a theory that emphasizes the importance of a superstructure maintaining and breaking down the infrastructure relationships. According to Lenin, culture is an "assistant" for political objectives; yet, Gramsci finds it essential for the government and cultural hegemony is the first to be obtained. According to the opinion of Gramsci, the class who wish to gain in modern conditions must take up the intellectual and moral leadership, and must move beyond the 'economic-collective' interests in order to make alliances and compromises with various power. He calls this union of social forces 'historical bloc' based on the term he borrowed from Georges Sorel. This block forms the infrastructure of the consent for a certain social order. The dominant class produces its hegemony again and again through institutions, social relations and ideas.

The concept of historical block, namely the unity of idea of nature (infrastructure and superstructure) is the unity of the opposition and differences (Gramsci, 1997: 223). Here the interaction between the producing class and the class which holds the means of production is emphasized. On one hand, it is called as the infrastructure of a social class because of the producing class and the associated factors. On the other hand, there is a structure called as superstructure which covers the ideological and political factors and effectively uses them. Historical block is provided by the agreement between these two classes. Hegemony is established first with this agreement. Then begins the struggle for political domination. In other words, hegemony is the formation of a new historical block by some social groups and classes for political domination by realizing their values (Dural, 2007). For the establishment of the hegemony, the ruling classes and the rules classes are required to reconciliate first. This compromise is not only in line with the economic and political goals. A unity of interests for cultural and moral purposes between these two groups is also necessary. When these relationships are achieved, hegemony is established. The concept of compromise is created by the ruling class while establishing the historical block. The concept of reconciliation is reproduced by the ruling class if there is a need to restore the hegemony. The historical block in non-Western societies is manifested as the merger created between the bureaucracy and the army and intellectuals whom could not literally break away from the state.

2.3. Civil Society and Political Society

The concept of civil society is borrowed from Hegel and Marx. Gramsci interpreted this concept as the ideological superstructure integrity. It covers all ideology branches including the economy, law, arts and science as the ideology of the ruling class. As a worldview spread within all social layers in order to make them loyal to the ruling class, it fits in all groups. Its various qualitative degrees such as philosophy, religion, and folklore are the results of this situation.

Political society includes the area of coercion and force in which the hegemonic class holds the hard power. Civil society, on the other hand, involves cultural orientation and consent based area (Embel, 2004; 16-17). Political society is the class which rules the stat, holds the coercive power such as justice and uses these powers to strengthen its hegemony. The state brings both intellectual and political superstructure of the historical block together.

Civil society includes all the institutions developed outside the official relationships of the state, remaining outside the production activity and are named in a special way. It includes certain people and institutions gathered and organized together in order to realize their common interests. Although these institutions should be dissociated from the state, dissociation did not occur in the Middle East and was created artificially under the state's control.

The concept of hegemony is not created completely in the civil society domain or the political society domain. The roles of both the political society and the civil society are important while creating hegemony (Kaya, 2009). Hegemony is not established only through the hard power that is held by the political society alone. The proximity of the civil society to the ruled class and its conciliatory attitude also play an important role. The concept of hegemony is created by the combination of these two.

According to Gramsci, capitalism was ruling not only by the violence, political and economic coercion alone, but also by the dominant culture in which the bourgeois values ideologically became "the common sense". Thus, a culture of conciliation was developed and the people in the working class identified their good by the good of the bourgeois; and were helping to maintain the current situation rather than going against it. In the societies where the state is the hegemon in all domains of life, capitalism can be replaced by the state, because the state holds both the means of production and the capital. The bourgeois dissociated from the state in the Western societies is the state itself in the Eastern societies. Bureaucracy holds the indirect ownership of the means of production almost like an entrepreneur.

According to Gramsci, hegemony is based on a robust and independent civil society which provides autonomy to the private institutions such as education, church, political parties, and trade unions etc. which form the source of consent. Since the state covers all domains in the non-western societies, it is very difficult to find independent initiatives with a civil society dissociated from the state in the Eastern societies. The state includes the civil domain, ideology and opposition.

The combination of civil society and political society covers the state. In other words, the state does not only consist of the political society. The state must be defined along with the civil society which holds and effectively uses the moral, ethical, cultural and ideological values, not only as the political society holding the administrative tools (Şener, 2014). The state is not only made up of the rulers. Civil society also plays an important role in shaping the social order. The definition of state by Cox covering elements which are important to understand ideology and the moral values such as the culture, education system, media and

church is because such institutions and elements have a decisive role in shaping the attitudes, behaviors and judgments against the policies exerted on the society by the state in order to gain domination over the society.

It is the bourgeois class which holds the economic and political dominance in the French Revolution. The bourgeois class created the historical block by establishing good relations between the classes thanks to the economic supremacy it created before the political dominance. However, after the revolution it was understood that the hegemony was not established only by political and economic situation. Afterwards, the ethical, cultural and ideological elements came to the front for the establishment of hegemony. This shows that hegemony is established with many different elements and values (Dural, 2012). What is emphasized here is that the coercive power will not be enough for the political society to ensure hegemony alone.

While emphasizing the concept of hegemony, Gramsci focused on the relationship among the state, political society and civil society. He emphasized that hegemony takes place in the civil society domain. This determination ensured the development of the ideas of Marx and Engels a little bit more. According to the opinions of Marx and Engels, the development of the events was based on only infrastructure. However, Gramsci emphasized that the superstructure along with the infrastructure is also significant in determining hegemony. According to Gramsci, the civil society level is not only made up of only certain institutions dealing with certain works. Besides, it acts in line with the interests of the ruling class during the implementation of the policies applied on the society in order to strengthen the hegemony of the ruling class (Dural, 2012). Hegemony is not limited to the policies applied by only the ruling class. Civil society also plays an important role in ensuring hegemony. While the ruling class applies its policies, civil society might follow policies based on cooperation through these means by considering its proximity to the people. Since the civil society is not created in the non-Western societies, the state created artificial civil society areas and these domains have been used as an instrument by the state to transform the society. While the civil society in the West mentioned by Gramsci transforms the people by convincing and obtaining their consent for the rulers, in the non-Western societies, there is no need to convince or create consent over the civil society since the civil society could not dissociate from the state. Society is a source of legitimization and tool only for the masses desired to be transformed.

3. Findings

The king in the political structure of Saudi Arabia is the focus of the political system and also the head of the state and government. The state regime is theocratic monarchy. King is the head of the three powers (legislative, judicial, executive), and also is the prime minister and the president. The appointments to the positions in the state level in the country take place by the wish of the king. Law making and regulations are performed by the king. The laws are offered to the king as a result of the examination of the Council of Ministers appointed by the king. The executive and judicial organs are similarly composed of people appointed by the king (Azamtabriz, 2014: 83-87). The state completely controls both the political and the civil domains.

The foreign policy goals of Saudi Arabia in the region to maintain the balance created in the Gulf region countries and to preserve the stability in the region. Therefore, Saudi Arabia evaluated the movements asking for change in the region in this direction and cooperated with those who are favoring the status quo in the region in order to protect the

safety of its hegemony (Al-Rasheed, 2012). Saudi Arabia established hegemony in the region and shaped its policies in order to protect its hegemony in its region and the country.

Saudi Arabia developed a consent based approach to maintain the existing situation within its own country, yet a coercive approach to preserve its hegemony over the Gulf countries and the regional status quo. This is because it is easier, less costly and durable to sustain consent based hegemony system existing within the country formed by the distribution of the oil revenues by the state to the population for many years.

The emergency measures taken by the Saudi Arabian state prevented the formation of the destructive movements like in the other Middle Eastern countries. Saudi Arabia followed various policies when the Arab Spring started to rapidly spread to the region and the dictatorships started to collapse. First of all, Saudi Arabia acted in line with its national and international interests and supported the changes such as the uprisings in Libya and Syria that will not damage these interests. Secondly, it applied other policies in order to preserve the existing situation in the neighboring countries which could affect its interests (Al-Rasheed, 2012). Bahrain was the first Gulf Country affected by the Arab Spring. Fearing that the uprising starting here might spread to the other Gulf countries, Saudi Arabia provided military support to this neighboring country. The main objective of Saudi Arabia in this policy is because the region rich in oil located in the east of Saudi Arabia is inhabited by the Shiites. The uprising in Bahrain was an uprising created by the Shiites and Saudi Arabia wanted the Sunni regime in Bahrain to remain (Richter, 2011). Disapproving a regime close to Iran, Saudi Arabia supported the status quo favoring regime in Bahrain in order to preserve its regional hegemony. The success that would be achieved by the Shiites in Bahrain could result in the rebellion of the Shiites in Saudi Arabia, as well. Another reason for the policies applied by Saudi Arabia in Bahrain is to preserve its own internal hegemony. There is a struggle for hegemony between the Gulf countries and Iran in the region. Therefore, Saudi Arabia supported the uprisings in Libya and Syria and wanted the regimes to change, because Libya and Syria regimes were collaborating with Iran. Saudi administration followed such policies in order to maintain its regional hegemony.

Observing the events in other countries very well, Saudi leadership made a good analysis of the events and managed to bring an end to the wave of uprisings starting in their country thanks to the announced reform packages. The packages announced in February 2011 included the following: The salaries of those working at public institutions were increased 15% (Al-Atiqi2013), the aids to the unemployed and some poor families were increased. Also emphasizing social spending, the Kingdom announced that they will provide jobs for 1 million unemployed people until 2013 and put a 36 billion dollar economic reform package into force (Murphy, 2011). In order to prevent the uprisings starting in the country at the very beginning of the rebellions and to block the possible uprisings, the leadership announced a total of 130 billion dollar economic package in February and March. The package included decisions on increasing the salaries of the employees in 24 private sectors, making a two-month extra salary payment to the civil servants and the soldiers, giving two extra salaries to all students studying at state schools, providing unemployment salaries for the unemployed citizens (£160), determining a minimum wage for the Saudis working as a civil servant (£500), recruiting 60000 more new security personnel for the Ministry of Domestic Affairs, building 500,000 new houses and making the minimum wage for those working at the public institutions as 3000 Saudi Riyals (approximately $800) (Schlaffer and Kropiunigg, 2011:2). Also considering the welfare funds and the education of women, Saudi government allocated a budget of 1.2 billion Riyals for the education institutions and funds. After preventing the spread of the uprisings, King Abdullah transmitted a fund of 93 billion dollars to the Saudi

people thanks to their behavior with common sense in the Arab Spring. In addition, the government promised money and reform package of a total of 93 billion dollars after the 37 billion dollar aid package. The government also promised to distribute $530 per month (Sullivan, 2013) to do unemployed citizens.

Saudi Arabia has seen the impact created by the Arab Spring in the region and responded to the demands of the people fearing to lose its hegemony and demonstrated a conciliatory attitude. It kept the coercive power in the background thanks to the economic initiatives and put the cooperation based policies on the front. Responses of the people to these economic reform packages have been positive and the Saudi Kingdom maintained its hegemony.

The political system in Saudi Arabia is structured from top to bottom including the tribes and business circles as well as the religious institutions, media and sports clubs in such organizations. The regime based on such a structure mobilizes these groups for its survival in case of crisis. In that context, the statements of the religious scholars emphasizing the survival of the state, and their fatwas claiming that the protests and the mass demonstrations are against their religion (Saudishia,2011) and the approval of the businessmen active in the private sector to increase worker salaries also indicate the connection between the regime and these groups (Gause,2011:6-7). The Ministry of Religious Endowments instructed all the imams to make explanations against organizing demonstrations in the Friday sermons, and the state or state-sponsored media organs broadcasted programs claiming that the events in the country were conspiracy theories (Lacroix, 2011:54). The establishment of hegemony was attempted to be instilled through instrumentalization of religion.

Political reforms have also been made in Saudi Arabia albeit limited. First of all, King Abdullah announced that women will be granted the right to vote and election in the municipal elections and could be appointed to the Shura Council in September 2011. The municipal council members in Saudi Arabia partially started to come to power by elections. In the municipal councils, it was promised that women will be granted the right to vote and election starting from 2015. These encouraged the women to demand rights from the kingdom. The women in the Saudi Kingdom got organized for voting and election and social status; and demanded rights. Upon this, Saudi Kingdom decided to extend the rights of women in the country in order to keep its hegemony intact. Some decisions in this direction were made at the meeting of King Abdullah with the Ulema. This decision is related to the Advisory Council responsible from the legislative work of the country. All of the members of the Advisory Council are made up of men and are appointed by the king. Now, there is an opportunity for women to enter this Council as full members (Aydın, 2012). The Saudi Kingdom did not only implement economic reform packages to maintain its hegemony. It responded to the demands of women albeit partially and managed to create conciliation on this matter to preserve its hegemony.

Civil society is not influential in a state structure like Saudi Arabia. However, we can set off from the perspective of Gramsci stating that "*The state is everything in the East*". Saudi Arabia revealed its coercive power in order to protect its hegemony with this ban on the Shiites. While doing this, it seeks cooperation with the religious and political institutions and looked for a conciliatory method to protect its hegemony stating that it is wrong for the people to be involved in such events.

Saudi Kingdom also effectively used the media institutions in its country. There was an effective propaganda in the media stating that the events occurring in Saudi Arabia were

designed to divide the country and to interrupt the national unity and integrity of the country (Lacroix, 2011). Saudi government attempted to establish a consent-based hegemony by creating a perception in the population through media in order to preserve its hegemony rather than using its coercive power.

While talking about the establishment of hegemony, Gramsci emphasizes the importance of material power, yet underlined the necessity of uniting the people around ideology, moral and ethical values as much as the material power. When we look at how the Gulf countries are preserving their hegemony, we see that mostly the economic promises come to the front. The people could not be united around ideology, moral and ethical values. In order to maintain its hegemony in the Arab Spring process, Saudi Arabia was involved in important initiatives in terms of economics and continued its hegemony by spreading some of the revenues coming from the oil to the base which is the common people. Besides, it provided certain rights to the Saudi people in the social domain. However, difficult days await Saudi Arabia because of the decline in the oil prices depending on the excess oil supply to the world because of the crisis in the Middle East. Because, in case the oil prices decline in a country where the economy is based on oil, the people who are already under repression are expected to shake the hegemony of the Saudi government.

The increase of oil production recently in the US achieved a level that can easily meet the potential decrease or interruptions of production in the regions which are politically risky. Besides, the slowdown of the economic growth in Asia also slowed down the demand for oil in 2014 (TP, 2015:17).

The weight of the oil based industries in the Saudi Arabian economy is indicated by the oil-related sectors covering 90% of the total export and public revenues. The total oil reserves in Saudi Arabia are 265.9 barrels and its share in the world economy is 15.8% (Dünya, 2016). The 2015 budget of Saudi Arabia was 229.3 billion dollars (DEİK, 2015). The budget deficit in 2015 was 97.9 billion dollars because of the decline in the oil prices.

The budget deficit increased in the oil-rich countries because of the oil price decreases. The Gulf countries which do not tax its citizens will start to tax the citizens. The reason for that is that a large portion of GDP is dependent on oil. In order for the oil exporting countries to return back to their prosperous days, the barrel price of oil has to be above $100. The Gulf countries which want to get rid of this situation decided to start VAT practice in the Gulf Cooperation. The continuance of the drop of oil prices is interpreted as a threat for the economy and politics in the majority of the Middle Eastern countries (Eraydın, 2015). Saudi Arabia managed to calm down the people thanks to the economic aid packages using the revenues coming from the oil in the Arab Spring. However, it seems difficult for the Saudi government to preserve its hegemony over the people in the economic difficulties that might arise because of the recent fall in the oil prices.

4. Conclusion

Gramsci emphasized the relationship between the historical block and the civil and political society while talking about hegemony. Emphasizing the importance of material power as well, Gramsci underlined the necessity of uniting the society around ideological, moral and ethical values. In the Arab Spring, the attitude of the Saudi Arabia was to preserve first their internal hegemony, then their international interests. In order to preserve these, the Saudi Arabia used mostly their economic powers. Saudi Arabia used a two-sided policy in the Arab Spring. First of all, they aimed at preserving their regional hegemony. The state supported the

opposing groups and administrations in the region in accordance with their interests by using their economic powers. Secondly, the Saudi Arabia provided economic promises to their citizens to protect their internal hegemony. This enabled them to calm down the people and protect their hegemony for now.

Saudi Arabia generally put their economic policies forward to protect their internal hegemony. The state undertakes the conciliatory and cooperative attitude of the civil Society in this study based on Gramsci's understanding that "The state is everything in the East". During the Arab Spring, the states took up a conciliatory role by providing both economic and social promises in the Saudi Arabia and also resorted to hard power when conciliatory and cooperative attitude was not sufficient. The Saudi Arabia avoided experiencing the regime changing process starting with the Arab Spring in their countries and managed to preserve their hegemonies thanks to this attitude.

Gramsci underlined the significance of material power while talking about the establishment of hegemony, yet also emphasized uniting the people around ideology, moral and ethical values. The people could not be gathered around ideology, moral and ethical values. Even though Saudi Arabia preserved their hegemony in the Arab Spring, this situation cannot be expected to last longer. It is seen that the Saudi Arabia preserved their hegemony by putting economic promises to the front. It is assumed that the state which is considered as the hegemony class in Saudi Arabia is expected to enter into a crisis due to the significant decrease in the state's oil revenues and the consent based domination on the people established by economy will weaken. The people who could not be gathered around ideology, moral and ethical values will react to this situation in the future. The consent based system will begin to crash; and the ruling class will get harsher and increase the pressure leading to a chronic ontological crisis.

5. References

Al-Atiqi, S. (2013). *The responses of Gulf Cooperation Council countries to the 2011 uprisings only reinforce a culture of state dependency*. http://carnegieendowment.org/sada/?fa=51044 , Access Date: 11.05.2016.

Al-Rasheed, M.(2012). *The Saudi Response to the 'Arab Spring': Containment and Co-option, Open Democracy*. 10 Ocak 2012. https://www.opendemocracy.net/5050/madawi-al-rasheed/saudi-response-to-'arab-spring'-containment-and-co-option, Access Date: 12.12.2015.

Ataman, M. & Demir, G. N. (2012). Körfez Ülkelerinin Ortadoğu Politikası ve Arap Baharına Bakışları. *SETA Analiz*, October, Number 52, 1-36

Aydın, A. H. (2012). *Arap Baharı ve Suudi Arabistan. II. Bölgesel Sorunlar ve Türkiye Sempozyomu*, 1-2 Ekim, 32-40.

Aydın, A. (2013). Hereditary Oil Monarchies: Why Arab Spring Fails in GCC Arabian States?. *SDU Faculty of Arts and Sciences Journal of Social Sciences, December 2013, No: 30, pp..123-138*.

Caryle, M. (2011). *Saudi Arabia's King Abdullah promises $36 billion in benefits*. The Christian Science Monitor, http://www.csmonitor.com/World/Middle-East/2011/0223/Saudi-Arabia-s-King-Abdullah-promises-36-billion-in-benefits, Access Date: 19.05.2016.

DEİK.(2015). Suudi Arabistan. Country Bulletin, Ankara.

Dural, A. B. (2007). A. Gramsci Düşüncesinde Tarihsel Blok/Hegemonya/Aydınlar ve Bunalım Süreçleri Kavramları. *Trakya University Social Sciences* Journal, December, Volume 9, Number 2, 55-68.

Dural, A. B.(2012). Antonio Gramsci ve Hegemonya. *Electronic Social Sciences* Journal, Winter, Volume 11, Number 39, 309-321.

Dunya.(2015). Suudi Arabistan'dan Rekor Bütçe Açığı. http://www.dunya.com/dunya/ulkeler/suudi-arabistandan-rekor-butce-acigi-285717h.htm, Access Date: 20.05.2016.

Edith S. and Ulrich K.(2011). Saudi Youth: Unveiling the Force of Change. *Center for Strategic and International Studies*(CSIS), Gulf Analysis Paper,p. 2.

Embel, E.(2004). *Hegemonya ve Meşruiyet Kavramları Çerçevesinde Amerikan Müdahaleciliği: Kore ve Kosova Savaşı Örnekleri*. Master Thesis, Ankara University *Social Sciences Institute*, Ankara.

Eraydın, K. (2015). Petrol Fiyatındaki Düşüşün Nedenleri ve Etkileri. *İktisadi Araştırmalar Bölümü*, Türkiye İş Bankası Publications.

Ermağan, İ. & Gümüş, B. (2014). Katar Dış Politikası ve Arap Baharı. *CBÜ Social Sciences* Journal, Volume 12, Number 2, 300-320.

Gause F. G. (2011). Saudi Arabia in the New Middle East, Council on Foreign Relations Special Report No. 63, December 2011

Gramsci, A. (1997). *Hapishane Defterleri*. Belge Publications, İstanbul.

Kaya, A. (2009). Antonio Gramsci ve Hegemonik Okul. *Balıkesir University Social Sciences Institute* Journal, Volume 12, Number 21,329-338

Lacroix, S. (2011). Is Saudi Arabia Immune?, *Journal of Democracy*, October, Volume 22, No. 4, 48-59.

Lin N. & Richter F. (2011). *Saudi Sends Troops, Bahrain Shi'ites Call It 'War.* Reuters, 14 Mart 2011. http://www.reuters.com/article/us-bahrain-protests-forces-idUSLDE72D0KH20110315, Access Date: 15. 05.2016.

Portelli, H. (1982), *Gramsci ve Tarihsel Blok*. Savaş Publications, Ankara.

Sullivan, K.(2013). Saudi Arabia's Riches Conceal a Growing Problem of Poverty, The Guardian, http://www.theguardian.com/world/2013/jan/01/saudi-arabia-riyadh-poverty-inequality, Access Date: 25.05.2016.

Şener, B. (2014). Uluslararası İlişkilerde Hegemonya Olgusu ve ABD Hegemonyasının Siyasal ve Kültürel Kaynağı Amerikan İstisnacılığı ya da Açık/Kaçınılmaz Yazgı, *International Journal of Social Science*, Summer II, Number 26, 405-420.

Saudishia (2011). *Saudi Arabia Bans Public Protest*, 6 Mart 2011, http://www.saudishia.com/?act=artc&id=252, Access Date: 15.12.2015.

TP. (2015). Ham Petrol ve Doğal Gaz Raporu. *Türkiye Petrolleri Strateji Geliştirme ve Daire Başkanlığı*, Ankara.

Death and Its Results in Turkish Tax Law

Mehmet Tosuner, Hakan Bay

1. Introduction

Human beings were born, grow and die. Human being that is a biological asset has many rights granted to law in this inevitable process. Law of persons are roughly regulated by the Civil Code in our country. All people are considered a real person in modern legal system. This is generally accepted as the movement, "lawn capacitas" in Article 8 of The Civil Code is regulated that "Every person is entitled to a vested right. Accordingly, all the persons are equal in using rights and fulfilling obligations within the legal limits." Freedom of the person is guaranteed by Article 35 of the Constitution which is regulated that "Everyone has the right to own and inherit property. These rights may be limited by law only in view of public interest. The exercise of the right to own property may not be in contravention of the public interest".

When examining current regulations, it is emerged the right of inherit as a natural consequence of the right of property. This right has been given to people with certain obligations in various laws. Law liabilities to heirs of bringing tax laws are also included. Heirs must firstly fulfil in obligations of tax laws -in terms of succession by inheritance- If the testator has an economic activity, the heirs have some obligations according to tax laws.

In this study, it will be analysed the obligations imposed by the tax laws due to death and its objectives and its results, afterwards it will be offered some solutions for the potential issues.

2. Death in General

According to the Turkish Dictionary, the death is defined as end of life of a man, an animal or a plant. However, the death is defined in terms of medically, legally or religiously. There are two opinions about the death concept in medicine. According to first opinion, it is irreversibly losed that the vital functions of person's central nervous system because of cessation of breathing and circulation (Koç & Can, 2009, p. 11) . In this case called as physiological death, death occurs with the last breath and the last heartbeat (Zevkliler, Acabey, & Gökyayla, 1999, p. 556). Another definition of the death is located in Organ and Tissue Transplantation Services Regulations. The Regulations was based upon the death to death of brain. According to this, death of brain is a clinical diagnosis and the loss of all brain functions completely and irreversibly. According to this view, death starts from the moment of the death of brain cells and continues slowly (Bayraktar, 2013, p. 67). Death is defined by Supreme Health Council as stopping all the brain functions in decision no: 6293, 24.11.1969 (Zengin, 2014, p. 172). As is seen from the definitions, brain death is dominant in determining of the death medically. However, there are the decisions were taken in the opposite direction in terms of the law are also available. For example, According to the decision given by the Supreme Court 1. Criminal Chamber, for occuring of death the cessation of all organs must have taken place, in other words it must have lost their functions (Özel, 2002, p. 53).

3. Death in Law Literature

Many results revealed with death by law. Besides, handling of property inherited from the deceased person brings about the some problems such as what would be the use of the rights and savings. The rules of law required for social order and its continuation can not be indifferent to them. Thus, fundamental rights and freedoms guaranteed by both The Constitution and the other legal regulations. One of these rights is the right of inheritance. According to Article 35 of the Constitution, everyone has the property and inheritance rights. These rights and freedoms depend on everyone's inviolable, and they are untouchable, irreplaceable (Akın, 2006, p. 270). Therefore the subject must be privately regulated.

In our country, inheritance law is regulated by the provisions of the Civil Code. According to article 599 of Civil Code, heirs gain the inheritance as a whole with death of legator. Death is organized in two ways, although not defined in the Civil Code. The first is physical death. According to the code, personality starts by borning alive and ends by dying. Therefore, it is accepted that a person deceased medically, deceased legally as well. Another death ensured by the Code is judicial death. According to this, if someone lost in situations requiring to take death for granted, thast is counted a deceased by a court decision. There is not required to have the person's dead body will be considered as deceased, this situation is called absence in the literature. Civil court of peace is component in accordance with Article 382 and 383 of the code of civil procedure. To be considered a person deceased, there are no news from him/her for a long time. Besides, there is a strong possibility about the death and it is required passing at least one year from death risk or at least five years from last intelligence time.

Heirship arises from the law or the will of the legator. According to the code, legal heir is winner of the qualification of the heirship. Heirs assigned by legator’s will and inheritance contract called as testamentary heir. According to Article 606 of the Civil Code, legal and testamentary heirs may deny the inheritance in 3 months. This period starts from the date of death for legal heirs and starts from formal notification of legator's saving for testamentary heirs. Renunciation of inheritance applies to civil court of peace that is located in heritage and where legator's died. The share of those who refuse the inheritance passes to the other heirs.

According to the Civil Code, someone must demonstrate the alive or dead for using a right. Death can be evidenced by entries in the registers of persons. A document showing the heirs and pourparties is called certificate of inheritance. The certificate of inheritance picks up from civil court of peace or notary at heir's request (GİB, 2014, p. 1). The assets of legators are called heritage with death and pass to heirs as a whole (Erişgin, 2003, p. 122). The pourparty of legal heirs determines according to provisions of the Civil Code. Parental system has been adopted in our country in terms of heirship between relatives by blood (Şener, 1998, p. 1055). The system is based on calculating the pourparty with certain ratios for each class. According to the Article 495 and following, legal heirs of legator consist of three classes. The first class is a descendant of legator. Children are equally the first degree heirs of legator. Adopted children are included in this class as well. Legator's mother and father take part in second class. It should not be a descendant of the legator to be heirs of the mother and father. Legator's grandmother and grandfather take part in third class. This people can be an heir if legator has not descendants, mother and father and their descendants. The wide alive and married at the point of death is an heir of the legator in different ratios. If there are not any heirs assigned with this three class the inheritance escheats.

Table 1: The Blood Relatives and The Pourparties According to Closeness Degree to Person

Kinship Degree	**BLOOD RELATİVES**					
		Pourparty	**Reserved Portion**	**PERSON'S;**	**Pourparty**	**Reserved Portion**
Heirs of first degree (Descendants)	WIFE	1/4	**All** of the legal pourparty	Children, AdoptedChild	3/4	Half of the the legal pourparty
				(If there is no descendants)		
Heirs of second degree (Mother-Father)		1/2	**All** of the legal pourparty	Mother and Father	1/2	1/4 of the legal pourparty
				(If there is no mother and father)		
Heirs of third degree (Grandmother-Grandfather)		3/4	3/4 of the legal pourparty	Grandmother and grandfather	1/4	1/4 of the the legal pourparty
				(If none of the above)		
If there is only a wife as heir	All of the inheritance passes to wife					
If there is no any heir	All of the inheritance escheats					

Source: Created by us according to the provisions of Turkish Civil Code.

4. Death Concept in Tax Law

Although there is not any definition about the death in tax law, it includes the obligations of the death's results in tax codes. The provisions of Civil Code related the death apply to the tax

codes on the grounds that Civil Code is a general qualification code (Kuluçlu, 2008, p. 8). Heirs have obligations in the field of taxation as well (Saban, 2006, p. 127). Therefore, the obligations in tax codes must be fulfilled by the legal and testamentary heirs when the existence of the death is accepted according to Civil Code. According to the codes, the heirs have two obligations. The first of these is the tax obligations related to deceased. The other obligations are related to the person inherited the property in countenance (Tosuner & Arıkan, Türk Vergi Sistemi, 2016a, p. 508). The fulfillment of the obligations depends on accepting the heritage by persons or depends on disposing of property (hire, etc.). There are not any tax obligations in terms of heirs renounced the heritage. The obligations related to the death are clearly explained in Tax Procedure Law and the other tax codes.

4.1. The Regulations in Tax Procedure Law

The death concept is examined and adjudicated in Article 12, 16, 112, 139, 150, 164, 342, 352 and 372 of Tax Procedure Law entirely (Erol, 2008, p. 25). Some of the provisions are relating to the arrangement of the liability after the death, some of them are relating to obligations of heirs. The obligations of heirs differ according to the whether the deceased is a tax payer or not. If the deceased person has no tax liability, there are not any obligations for the heirs. In this case, they carry out some obligations in terms of Inheritance and Gift Tax Law. The provisions relating to shape of the liability after death is as follows.

- If the tax audit is imposible in place because of indispensible reasons such as the death or if the tax payer wants, the tax audit can be done in the office (Article 139),
- Magistrates, debt enforcer, register and deed officer, the Turkish consul or those acting, neighborhood or village headman, banks, bankers and companies and natural and legal persons accepted the deposits are obliged to notify the deaths and transitions to tax office in writing until the 15th day of the following month (Article 150).
- In order to the emerging the lose of tax in terms of inheritance and gift tax in case of death, tax payers must be called for notification in writing after the legal day and the next 15 days and they should not have been notified in second additional 15 days (Article 342).
- If the inheritance and gift tax returns are given in second additional days, it necessiates the first degree irregularity fine, If the inheritance and gift tax returns are given in first additional days, it necessiates the second degree irregularity fine (Article 352).

Liabilities related to the heirs of deceased as a taxpayer are regulated by this law in general. According to existing regulations, the liabilies fulfilled by the heirs on behalf of deceased can be grouped under four headings.

4.1.1. Obligation of Notification

The death means the ending of work in terms of deceased according to the Article 164 of Law. The persons who have reported the begining of work according to the Article 153 must notify the ending of work within one month from the date of occureence of event. This obligation must be fulfilled by the heirs because of the deceased can not be able to fulfill this obligation. It is added to the additional three months for obligations of Notification and giving the return because of the death in the acts of absence of provisions in the tax laws according to the Article 16 of The Law. Notification of the death by any one of the heirs accepted the

heritage within four months from the death rescues the others from this obligations (Ürel, 2007, p. 300). The heritage of a person who died without leaving an heir escheats and obligation of notification is disappear and obligator and claimant merge (Budak, 2011, p. 57). In this case, the obligation of the notification of deaths and transitions continues according to the Article 150 of the Law. If the heirs continue the activities of deceased incessantly, the date of death is a date of starting work for heirs. Because the liabilities of the deceased disappear from this date forward. According to the law, the notification of starting work must be done before starting work. However, this is imposible because it can not be known the date of death in advance. Therefore, it is inevitable to the notification of starting work after the death. The notification is regarded as timely and can not be fined if the notification is done within a month following the date of the death (GİB, 2001). There is a point to be considered. To avoid a discrepancy between the tax authorities and the heirs, the operating activities should be stopped until the finalization of the inheritance (Yiğit Şakar, 2010, p. 167). If one of the heirs or more than one in case of partnership operate the trading operations until the notification of the starting work, the tax administration accept the community of heirs as a ordinary partnership and obliged to be a tax payer.

4.1.2. Submission of Tax Return Obligation

Turkish tax system is based on principles of notification. Taxes are levied and realized on the returns given by tax payers and responsible. In case of death of the taxpayer, the obligation of the submittion of tax return is fulfilled by the heirs according to the Article 12 of The Law. The heirs would not be able to fulfill the obligation of the return immediately because of mourning. Therefore, it is added three months to the deadaline for submission of tax return for fulfilling the obligation in the absence of provisions in the law (Tosuner & Arıkan, Vergi Usul Hukuku, 2016, p. 151). The deadline of income tax return, VAT return, stamp tax return and the other tax return is extended by this time because of no specific regulations in their laws.

4.1.3. Obligation of Tax Payment

Tax fine disappears in case of the death according to Article 372 of Tax Procedure Law. According to the principle of individual criminal responsibility, loss of tax fine, irregularity fine and special irregularity fine will be applied before the death and after disappear and are not required from the heirs (Tosuner & Arıkan, Vergi Usul Hukuku, 2016, p. 285), (Oktar, 2011, p. 366). The elimination of the fines due to the death is not important for the finalization of the fine. Tax judicial authorities admit that unrecovered tax fines disappear with the death (Öncel, Kumrulu, & Çağan, 2012, p. 218). However, this situation is different for the member of limited partnership and the member of general partnership. Because, the partnership is a tax responsible from the point of value added tax and income tax withholding and each of the members are responsible from the point of the income tax and advance tax separately. Therefore, the fines related to income tax and advance tax disappear (BDR, 2016, p. 406). The fines fallen to the deceased partner disappear in ordinary partnership (GİB, 2003). The late fees and overdue interests pass to the heirs accepted the heritage after the death (Pehlivan, 2011, p. 100). The heirs are responsible the debts within the scope of The Tax Procedure Lax at the rate of pourparty. Therefore, order of payment is notified to each of heirs at the rate of their shares (İVDB, 2015, p. 2).

Although there is a provision related to adding on three months to the period for submission of the declaration in Article 16 of Tax Procedure Law, there is no any regulation about the period of tax payment in this Law. The assessment based on declaration is paid within the period of giving a return because of circumstances required to the ending of liability such as the death in Article 112 of The Law. Therefore, all realized taxes are paid within the period of giving a return because of this provision. As is seen the legislator extends the period of payment with the period of giving return (Kıldiş, 2008, p. 402).

4.1.4. Obligations of Conservation and Submission

According to the Article 172 of Tax Procedure Law, tradesman and handicraftsman, self-employed, and the farmers under the determined circumstances must keep the book. According to Article 253, the documents demonstrated the keeping books and records must be conserved by these persons for a period of five years by starting from the calendar year following the year. This time can be prolonged in some circumstances such as deduction of loss and construction and repair works spread over years. The obligation of conservation is not limited to listed taxpayers. There is also an obligation for those non-keeping books. These persons conserve the bills, note of expenses and producer receipt obliged to take for a period of five years by starting from the calendar year following the year according to the Article 254. This obligation is fulfilled by legal and testamentary heir and books and documents are hided during the period of limitation. If the books and documents are not submitted by heirs after the demand of administration and authorities, hide crime would be committed according to the Article 359. According to the provision of the article, it means hide that the books and documents are not submitted to authorized during tax audit. The imprisonment from eighteen months to three years can be adjudged about the hide act. Also due to these act;

- The tax can be imposed by ex officio assessment because of the tax audit.
- The tax lose fine can be imposed in the amount of three times of the imposed tax.
- The imprisonment can be served because of unconvertible the imprisonment into a fine -in the cause of starting the minimum fine from eighteen months-.

According to the Article 82/8 of Turkish Commercial Code, tradesman, heirs in case of tradesman's death, court of sessions in case of liquidation of heritage obliged to hide the books and documents during 10 years and obliged to submit if requested. As it is seen the provisions of Turkish Commercial Code coincide with the provisions of Tax Procedure Code. The stored books and documents must be submitted for submission and examining when requested by the competent authorities and officers within this time. This obligation includes the demands related to examination of the books and documents made by certified public accountant (GİB, 2001).

5. The Regulations in Income Tax Law

The provisions related to death were regulated in Article 18, 25, 47, 63, 72, reiterated 80, 89, 92 and reiterated 120 of Income Tax Law. While some of the present provisions relate to emerging situation due to death, some of them relate to obligations of heirs emerging after the death. The provisions that do not impose a tax obligation are as follows:

- The revenue obtained by sale of the copyrights and letter patents by legal heirs or handing over and transferral or rental of present rights are exempted from income tax (Article 18),

- The compensations and aids due to the death are exempted from income tax (Article 25),
- If the widow and kid keep at death's work, the condition of taking care of business is not required in terms of the general conditions of basic taxation system (Article 47),
- All of the insurance premiums payed by the employees for death insurance policies can be deduct in determination of the pure wage (Article 63).

The collecting base is valid for income from immovable property. Therefore, rents are taxed as income of the year they are collected. However, According to Article 72 of Income Tax Law, if the rents belonged to next years are collected in advance, they are not counted as revenue of the year they are collected, counted as revenue of the related year. The prepaid rents related to after the ending of charge period are counted as revenue of ending of charge period in case of the death of property owner. Therefore, the prepaid rents in cash of property owner before the death are declared by the heirs right away. The rents realized in death time but not yet collected are taxed as income of the heirs in the year they are collected (BDR, 2016, p. 321).

The provisions of reiterated 80 and 92 are directly aimed at the results of death. According to reiterated 80, the gains emerging from disposing of an enterprise partially and completely are value increment gains. The disposing means sale of assets and rights, transfer and assignment for consideration, exchange, barter, expropriation, nationalization, investment as a capital to commercial partnership. Tax authority admits to stopping activities as from the death time (GİB, 2011). Therefore, if the enterprise inherited from the heir is disposed by the heir before starting operations, all incomes from disposing of it are taxed as other income and gain. Value increment gains are not calculated and taxed if the legal heirs continue the operations by taking over operating assets with book value.

If a person dies during working in an own commercial, agricultural and vocational workplace or in an ordinary partnership, open company or limited partnership as a working partner, obligation of submitting a tax return emerges for the heirs in terms of income tax. The declared income consists of the items of income. There is an obligation in Article 92 in shape of *"...declared within 4 months from the date of death"*. The obligation of adding three months to deadline of submitting a tax return is not applied because of this obligation. Income tax return is declared by the heirs within this period because the tax payer does not earn any income after the death (Özbalcı, 2007, p. 777). If taxpayer dies before the period of submitting a tax return, income tax return is declared for two periods. These belong to:

- From the beginning of taxation period to the date of death,
- Previous year of the death of taxpayer and not yet declared.

Both returns must also be given within four months. These provisions apply similarly to income taxpayer determined the income in basic taxation system. Another remarkable subject emerges in terms of submitting the temporary returns. According to the reiterated Article 120 of Income Tax Law, the taxpayers left the business do not pay the temporary tax in the next periods of leaving time. Death has the force of leaving work. The temporary tax return must be submitted before the death but belonged to previous period of the death is not need to given.

6. The Regulations in Value Added Tax Law

According to Article 17/4-c of Value Added Tax Law, continuing to the operations of enterprise and taking over the economic assets with book value by the heirs in case of the death of proprietor are exempt from the tax. This provision is a regulation for continuing the operations of enterprise by the heirs. If the heirs do not continue to the operations of

enterprise, this means leaving work. According to Article 3/a, by any means, withdrawing from the enterprise of ratable goods for the purposes other than ratable operations is considered of delivery. Therefore, VAT must be calculated for withdrawing the commodities, fixtures and immovables from the enterprise. Calculated VAT is declared in VAT return of final period declared on behalf of the deceased. In Value Added Tax General Communique Serial No: 25, it is ensured that selling of shares in ordinary partnership by some of heirs to the other heirs or third parties do not liable to VAT. The provisions of Income Tax Law and Value Added Tax Law are tabulated below.

Table 2: The continuing to operations by the heirs in terms of Income Tax Law and Value Added Tax Law.

<table>
<tr><th colspan="2">Deceased Person
When a Taxpayer</th><th>In Terms of
Income Tax Law</th><th>In Terms of
Value Added Tax Law</th></tr>
<tr><td colspan="4"><u>In case of continuing to the operation by the all heirs;</u></td></tr>
<tr><td>In case of continuing to operations of inherited enterprise by taking over the economic assets with book value by the heirs</td><td>➡</td><td>Value increment gains are not calculated.</td><td>VAT is not calculated. Deferred VAT declared in final VAT return submitted on behalf of taxpayer can be deducted from the taxes calculated due to commercial activities</td></tr>
<tr><td colspan="4"><u>In case of continuing to the operations by an heir or some heirs.</u>
The books and documents are obliged to use by heirs until the end of the fiscal year that includes the date of death in case of continuing to the operations in inherited enterprise. The keeping books are determined according to work load in the period from the date of death to end of the accounting period (GİB, 2016). If the heirs are engaged in an activity in the period between the date of death and notification of the liability, it is accepted that the heirs are engaged in an activity as an ordinary partnership.</td></tr>
<tr><td>Selling of the shares to the other heirs or third party in the partnership by some of the heirs</td><td>➡</td><td>It is accepted and taxed as business profit.</td><td>- If the selling of the shares are not ended up the partnership, it is not subject to VAT
- If he ordinary partnership turns into a sole proprietorship, there is accounted and declared VAT in the invoice made out by partnership (GİB, 1987).</td></tr>
<tr><td colspan="4"><u>In case of not continuing to the operations by the heirs.</u>
If an heir/some of heirs is/are not engaged in an activity in the period between the date of death and the starting date of operating to enterprise on behalf of , it is accepted that the operations end up.</td></tr>
<tr><td>Transfer of the shares in enterprise to the heir/heirs who will continue to operate</td><td>➡</td><td>The gains are taxed as value increment gains.</td><td>The heirs who will continue to operations issue a note of expenses, do not account VAT and do not deduce.</td></tr>
</table>

Source: Created by us by using the advance ruling (GİB, 2011).

D. The Regulations in Inheritance and Gift Tax

The wealth that people have occurs with the help of society and state. In other words, society is a partner to the goods that people have. This partnership ends with death. Now, the state needs to be a holder of rights on these goods (Çelik, 1995, p. 103). Therefore, the state has taxed testamentary transitions and has subjected to Inheritance and Gift Tax. Descending of the goods that Turkish citizens have and the goods in Turkey is subject of Inheritance and Gift Tax. The heirs are taxpayer. According to the Civil Code, the heirs have a right to the inheritance from the death time of legator. Therefore, value of goods from the death must be shown in return (Bilici, 2005, p. 508). Even though the taxable event is descending of goods according to the Law, actual liability depends on accepting of the inheritance by the heirs. Heirs may be both a natural person and legal person. Immovable properties, movable properties and the other fortunes of the legator are declared by the heirs at share proportion. However, the transition of the some goods is exempted from the tax according to the Article 4 of the Law. According to this;

- Household goods, personal belongings and paintings of the deceased, sword, the goods like medals that are kept as a family keepsake,
- The goods that return to the grantee in case of the grantee dies before grantor,
- The acquisition and transfer of immovable cultural properties within the scope of Conservation of Cultural and Natural Property, Law No: 2863.
- Assigned goods to the exempted foundation for establishing or after the establishing,

are exempted from the tax. 170.086 TL of pourparties inherited from movable and immovable properties fallen to the descendants (including the adopted childs) and the wife, are exempted from the tax in 2016 (If there are not any descendants, 340.081 TL of the pourparties fallen to the wife are exempted from the tax). If the death of military officers, sergeants, private soldiers and law enforcement officials occur in war, conflict, movement and military education, these amounts are applied by increasing one time. In other words, 340.081 TL of the pourparties inherited to the children, wife, mother and father of related persons are exempted from the tax in 2016. Inheritance and Gift Tax is levied on the returns submitted by the heirs. The tax base is value of the inherited goods. Heirs declare the inherited goods within the period written below.

Table 3: The Period for Submitting Returns from the Date of Death

Place of Death	Taxpayers location on death date	Period	The place where the return will be submitted
Turkey	Turkey	Within 4 months	The tax return is submitted to the tax administration, where the residence of deceased is situated. If the residence of deceased in foreign country, the return is submitted to the tax administration where the last residence of deceased is situated. In other cases the return is submitted to the tax administration where
Foreign Country (Bosnia-Herzegovina)	Foreign Country (Bosnia-Herzegovina)	Within 4 months	
Turkey	Foreign Country (Bosnia-Herzegovina)	Within 6 months	
Foreign Country (Bosnia-Herzegovina)	Turkey	Within 6 months	
Foreign Country (Bosnia-Herzegovina)	Foreign Country (Germany)	Within 8 months	

In case of absence	Within 1 month	property is located or residence of taxpayer.

- Debts of Turkish citizen related to goods in foreign country and paid taxes related to Inheritance and Gift Tax because of this goods,
- Expenses carried out for equipment of burial, funeral of the deceased and announcement of the death,
- Debts and tax liabilities of the deceased,

They can be deducted in determining of tax assessment by demonstrating on the return and adding to the return. Progressive tax tariff is applied to the tax assessment and amount of payable tax is determined. Inheritance and Gift Tax is paid in 6 installments totally in May and November of each year, every 3 years since its realization. The payment starts from the May installment for given tax return till end of April, in other cases starts from the November installment. Payments can be made to the tax administration or branch of an authorized bank.

E. The Regulations in Special Consumption Tax

It is exempted from the tax that the motor vehicles subjected to recording and registration in List No: (II) annexed to Special Consumption Tax are first obtained by disabled and handicapped person who has disability at the rate of 90% or more**.** In addition to this, it is exempted from the tax that these motor vehicles are first obtained by disabled and handicapped person who has disability less than 90% for using in person by making special equipments. Inherited goods depending on the death not include in subject of Special Consumption Tax. Therefore, special consumption tax is not applied to selling of the motor vehicles recorded on behalf of disabled and handicapped person in case of inheriting to heirs and providing that motor vehicles record and register on behalf of the heirs until end of the five years.

F. The Regulations in Procedure Law on Collection of Public Claims

This law regulates the follow-up and collection of uncollectible public claims by force. Article 7, 50 and 70 of the Law is related to the death. According to this;

- In the event of the death of the debtor, the provisions of this law shall apply to the inheritors of the debtor who have not refused their inheritance (Article 7),
- Follow up of a debtor whose wife or husband or whose blood relative or lineal relative by marriage has died shall be postponed for three days including the day of death. In the event of the death of the debtor the follow up is postponed for three days including the day of death for the debts of the estate. If the inheritance has not been accepted or refused by the heirs, the follow up is postponed for the time periods (Article 50),
- Monthly payments given by a charitable institution or trust for death and war disability payments may not be attached (Article 70).

The arrangements aimed at postponing the follow up in case of the death and stringed to the administration are regulated in The Law. However, if the precautionary attachment is presence, there is no need to be waited for three days. Because, the precautionary attachment is applied without being restricted to time according to the Article 13 (Şenyüz, Yüce, & Gerçek, 2015, p. 304).

G. The Regulations in Act on Fees

- One quarter of the charges for the judgment and the writ shall be paid beforehand and the rest shall be paid within two months of the judgment's delivery (Article 28),
- Deposits, fees related to the book keeping and heritage are paid within 15 days from the end of the work (Article 28),
- The persons who own the bare ownership are taxpayers of land registry and cadastre fees in registration of the bare ownership on behalf of the heirs because of the inheritance (Article 58),
- Students who for learning and study in foreign countries are exempted from the fees and all operation related to inheritance of members of Grand National Assembly of Turkey and the Government, military and civil officers, military officers, private soldiers, Turkish crews because of sending for a official duty or treatment and sick leave and born and death certificates are exemption of the consular fees (Article 74).

Besides, bonds and testamentary disposition covenants, contracts for lifelong support, partition of the inheritance covenants, certificate of inheritance and suchlike documents are subjected to the fees.

Conclusion

Another phenomenon that is as real as the death is tax for people. In this study, the provisions related to the death in Tax Procedure Law are attempted to explain. The most comprehensive provisions related to the subject are regulated in Tax Procedure Law, Income Tax Law and Inheritance and Gift Tax Law. Particularly, the important responsibilities are imposed on heirs with the regulations in Tax Procedure Law. Even the sanctions are imposed for behaviors contrary to the provisions. For example, important problems can cause in terms of conservation and submission obligations at times. Although conservation and submission obligations of the taxpayer who left his/her work before several years from the death continue, the heirs may not always know where the books and documents are. When scrutinizing of the dwindled family structure and relations, the situation is not found strange. According to the Article 605 and following of the Civil Code, legal and testamentary heirs may deny the inheritance with submitting a declaration to the court of peace in written and orally within three months. In case of all the descendants renounce the inheritance, the shares of them transfer to surviving spouse. The heritage renounced by the all heirs is liquidated by court of peace. The residuary values after liquidation are given to holder of rights. Therefore, testamentary voluntary transitions are in question. The testamentary transitions are ensured in tax laws on both aspects. There are shortcomings among the provisions supported with the sanctions. For example, it is needed to determination of taxpayer, giving 15 days periods and not submission of the return yet by the heirs for imposing loss of tax fine. This can provide important advantages in terms of taxpayers submitted tax returns. Because, loss of tax fine is not imposed in case of late return but, irregularity fine is imposed. Thus, tangible advantages inasmuch as distinction between loss of tax fine and irregularity fine are given by the law to the heirs.

The heirs must know well his/her rights and duties consequently. Because the omissions can be exposed to the important sanctions or can be provide advantages at times. Therefore, it must be provided that the heirs act more conscious in terms of operation of taxation. In order to increasing of conscious, the ways followed by the heirs are given in written with the guides. Even though taxation of the testamentary transitions has fractional share, it is important in terms of psychological aspects of taxation.

References

Akın, E. (2006). Mülkiyet Hakkının Anayasal Korunması (Constitutional Protection of Property Rights) - I. *Yaklaşım Dergisi* (162), 267-271.

Bayraktar, K. (2013). Kasten Adam Öldürme (Voluntary Manslaughter) (Willful Murder). *Marmara Üniversitesi Hukuk Fakültesi Hukuk Araştırmaları Dergisi Özel Sayı, 19*(2), 57-77.

BDR. (2016). *Beyanname Düzenleme Rehberi 2016 Birinci Kısım Gelir Vergisi Kanunu Rehberi*,. Ankara: Vergi Müfettişleri Derneği, Epamat Basım Yayın Ltd. Şti.

Bilici, N. (2005). *Vergi Hukuku (Genel Hükümler, Türk Vergi Sistemi)* (11. Edition). Ankara: Seçkin Yayıncılık San. ve Tic. A. Ş., Sözkesen Matbaacılık.

Budak, T. (2011). *Türk Vergi Hukukunda Kişiliğin Sona Ermesi ve Sonuçları* (1. Edition). İstanbul: On İki Levha Yayıncılık A. Ş., Net Kırtasiye Tan. ve Matbaa San. Tic. Ltd. Şti.

Çelik, G. (1995). *Servet ve Harcama Vergileri* (1. Edition). Ankara: Seçkin Yayınevi, Adalet Matbaacılık Tic. Ltd. Şti.

Erişgin, N. (2003). Birlikte Mirasçıların Miras Bırakanın Banka Hesabı Üzerindeki Tasarruf Yetkisi (Power Of Appointment Of The Heirs On Bank Account Of Legator). *Ankara Üniversitesi Hukuk Fakültesi Dergisi, 52*(3), 121-143.

Erol, A. (2008, August). Ölüm Halinde Beyan ve Ödeme Süreleri (Declaration and Payment Periods In Case of Death). *Yaklaşım Dergisi*(188), 25-27.

GİB. (2001). *Maliye Bakanlığı Gelirler Genel Müdürlüğü, Advance Ruling, dated 04.06.2001 and numbered B.07.0.GEL.0.32/3223-2441/30099.* Retrieved at April 26, 2016, from www.gib.gov.tr.

GİB. (2001). *Maliye Bakanlığı Gelirler Genel Müdürlüğü dated 10.04.2001 and Tax Procedure Law Internal Circulars numbered B.07.0.GEL.0.29/2902-164-27 No: 2001/1*. Retrieved at April 25, 2016, from http://www.gib.gov.tr.

GİB. (2003). *Maliye Bakanlığı Gelirler Genel Müdürlüğü, Advance Ruling, dated 09.05.2003 and numbered B.07.0.GEL.0.30/3011-341-391/ 19435,* Retrieved at April 26, 2016, from www.gib.gov.tr.

GİB. (2011). *Antalya Vergi Dairesi Başkanlığı Mükellef Hizmetleri Gelir Grup Müdürlüğü, Advance Ruling, dated 24.11.2011 and numbered B.07.1.GİB.4.07.16.01-GVK-2010/129-366.* Retrieved at April 22, 2016, from www.gib.gov.tr.

GİB. (2011). *İstanbul Vergi Dairesi Başkanlığı Mükellef Hizmetleri Usul Grup Müdürlüğü, Advance Ruling, dated 08.08.2011 and numbered B.07.1.GİB.4.34.19.02-019.01-1220,* Retrieved at April 23, 2016, from www.gib.gov.tr.

GİB. (2014). *Mirasçıların Vergisel Yükümlülükleri Rehberi (Guide of Tax Liabilities Of Heirs).* Retrieved at April 2, 2016, from http://www.gib.gov.tr/fileadmin/beyannamerehberi/2014mirasyukumlulukrehberi.pdf.

İVDB. (2015). *6183 Sayılı Kanun İle İlgili Olarak Uygulama Birliğinin Sağlanması Amacıyla Daha Önce Yapılan Tamimlerin Güncellenmesi ve Birleştirilmesi.* İstanbul Vergi Dairesi Başkanlığı : http://ivdb.gov.tr/mukellef/ths_tamim324.pdf

Kıldiş, Y. (2008, December). Türk Gelir Vergisinde Ölüm Durumunda Beyanname Verme ve Ödeme Süreleri (The Periods of Declaration and Payment In Turkish Income Tax In Case of Death). *E-Yaklaşım Dergisi*(192), 402-406. Retrieved at April 10, 2016, from http://uye.yaklasim.com/MagazineContent.aspx?ID=9507.

Koç, S., & Can, M. (2009). Ölüm Kavramı ve Ölü Muayenesi (The Concept of Death and the Dead Inspection). *Klinik Gelişim Dergisi, 22*(Special), 11-12.

Kuluçlu, E. (2008, October-December). Türk Hukuk Sisteminde Normlar Hiyerarşisi ve Sayıştay Denetimine Etkileri (Hierarchy of Norms in the Turkish Legal System and Its Effects to Supreme Audit). *Sayıştay Dergisi*(71), 3-22.

Oktar, S. A. (2011). *Vergi Hukuku* (6. Edition). İstanbul: Türkmen Kitabevi.

Öncel, M., Kumrulu, A., & Çağan, N. (2012). *Vergi Hukuku* (21. Edition). Ankara: Turhan Kitabevi.

Özbalcı, Y. (2007). *Gelir Vergisi Kanunu Yorum ve Açıklamaları.* Ankara: Oluş Yayıncılık A.Ş., Form Ofset Matbaacılık Ltd. Şti.

Özel, Ç. (2002). Medeni Hukuk Açısından Ölüm Anının Belirlenmesi ve Ceset Üzerindeki Hakka İlişkin Bazı Düşünceler (In terms of Civil Law Determining the Moment of Death and Some Thoughts on the Rights of the Body). *Ankara Üniversitesi Hukuk Fakültesi Dergisi, 51*(1), 43-77.

Pehlivan, O. (2011). *Vergi Hukuku Genel İlkeler ve Türk Vergi Sistemi.* Trabzon: Murathan Yayınevi, Celepler Matbaacılık.

Saban, N. (2006). *Vergi Hukuku* (4. Edition). İstanbul: Beta Basım Yayım Dağıtım A.Ş., Kahraman Ofset.

Şener, E. (1998). *İçtihatlı-Açıklamalı Türk Medeni Kanunu 1. Cilt (Madde 1-516)* (3. Edition). Seçkin Yayınevi.

Şenyüz, D., Yüce, M., & Gerçek, A. (2015). *Vergi Hukuku (Genel Hükümler)* (6. Edition). Bursa: Ekin Kitabevi, Star Ajans Ltd. Şti.

Tosuner, M., & Arıkan, Z. (2016). *Vergi Usul Hukuku* (Gözden Geçirilmiş ve Yenilenmiş Baskı). İzmir: Kanyılmaz Matbaacılık San. ve Tic. Ltd. Şti.

Tosuner, M., & Arıkan, Z. (2016a). *Türk Vergi Sistemi* (21. Edition). İzmir: Kanyılmaz Matbaacılık San. ve Tic. Ltd. Şti.

Ürel, G. (2007). *Güncel Vergi Usul Kanunu Uygulaması* (2.Edition). Maliye ve Hukuk Yayınları Yayın No:51, Turhan Kitabevi Ofset Matbaacılık Tesisleri.

Yiğit Şakar, A. (2010, August). Gelir Vergisi Kanunu Açısından Ferdi İşletme Sahibinin Ölümü Halinde Devir İşleminin Vergilendirilmesi (In Case of Death of the Individual Owner The Taxation of Transfer Procedures In Terms of Income Tax Law). *Yaklaşım Dergisi*(212), 163-168. Retrieved at April 28, 2016, from http://www.yaklasim.com/: http://uye.yaklasim.com/MagazineContent.aspx?ID=11591.

Zengin, M. A. (2014, July). İnsan Haklarının Korunması Kapsamında Yasa Dışı Organ veya Doku Naklinin Türk Hukukuna Yansımaları (The Reaction of the Illegal Organ and Tissue Transplant to Turkish Law as part of Protection of hukan Rights). *Türkiye Adalet Akademisi Dergisi*(18), 153-196.

Zevkliler, A., Acabey, M. B., & Gökyayla, K. E. (1999). *Zevkliler Medeni Hukuk* (6. Edition). Ankara: Seçkin Yayınları.

Human Freedom in Thomas Aquinas' Thought

Huseyin Bal

1. Introduction

Thomas Aquinas (1224/6 - 1274), one of the greatest Thirteenth Century -even of the Middle Age - philosophers, interested especially in topics like metaphysics, philosophy, philosophy of religion, political theology and ethics. To be granted to a few philosophers, his intellectual carrier and prestige accepted a vast and popular appreciation and admission even when he was alive. His teachings which had been a significant source of inspiration to numerous medieval philosophers had a weighed influence especially during and after the time of the sixteenth-century Catholic Counter-Reformation.

It is a fact that Aquinas wasn't met a serious interest in English speaking world while he had welcomed with a great appreciation in the Catholic faith in Continental Europe. However, it is a fact also that, from roughly the time of John Locke to the 1960s, he achieved to be a focus of interest in American and English philosophy circles (Davies, 2002, p. 643). It should be also stated that Aquinas's thoughts especially related to ethics and political theology keeps their actuality even today and a new wave of interest relating them spread in the philosophical, intellectual and political circles. The growing affection to topics like 'virtue' and 'ethics' both in philosophy and theology in recent times, has drawn the attention of relating circles to Aquinas's original and reflective thoughts about these issues. On the other hand, Aquinas' ideas about 'natural law' met great interest of many law and political theorists even of liberation theologians (Bauerschmidt, 2004, p. 48).

The theme of this manuscript is this extremely important philosopher's thoughts about freedom. He has internalized the philosophies of Greek philosophers like Plato and Aristotle on the one hand and drew attention by his deeply sophisticated knowledge about Christianity on the other hand. Thus, his ideas about freedom are important especially today when the concept of freedom has become an important value. Moreover, when one considers that the Aquinas' thoughts are the official view of Catholic Church even today (Gökberg, 1993, p. 170), he/she will appreciate the importance of these ideas well.

2. Method

It is rather a hard task to trace Thomas Aquinas' thoughts about human freedom tidily and to account them comprehensively and satisfactory because of some difficulties.

First of all, there are some terminological problems. As Anthony Kenny (Kenny, 1993, p. 75) puts it, Aquinas handled and discussed the question of human freedom with a "different repertoire of concepts." According to Kenny, "there is no expression in Aquinas' Latin which corresponds exactly to the English 'free will'. Aquinas speaks of the will (voluntas); that is the intellectual appetite which was the subject of question eighty-two. But he does not customarily speak of free will (libera voluntas) or of the freedom of the will (libertas voluntatis). The noun which goes with the Latin word for 'free' is not 'will' but 'decision' (arbitrium)" (Kenny, 1993, p. 75). Thus, in Aquinas' terminology, the term 'liberum arbitrium' comes into prominence; not the concept of 'free will'.

Secondly, there are some mental problems that originated from a tradition of thought other than Thomistic one. As Eleonore Stump (Stump, 2002, p. 275) stated, "in this tradition,

human freedom is a property of just one component of human mental faculties, namely, the will; and freedom consists in an agent's ability to will autonomously in general and independently of the intellect in particular. The influence of this tradition persists in contemporary discussion, both for libertarians and for their opponents, with the result that Aquinas's account tends to be interpreted by its lights. Consequently, the lineaments of his theory are obscured. For Aquinas, freedom with regard to willing is a property primarily of a human being, not of some particular component of a human being. Furthermore, the will is not independent of the intellect. On the contrary, the dynamic interactions of intellect and will yield freedom as an emergent property or a systems-level feature."

Thirdly, Aquinas was an eclectic philosopher and this generates some serious problems. As it is known, Aquinas was affected by and made use of Greece philosophy (especially Aristotle), Roman civil law (especially Cicero), Christianity (especially Agustinus) ad Islamic philosophy (especially al-Farabi, Avicenna and Averroes) and tried to find out a relevant synthesis. But the problem is that it is difficult to differentiate towards which of them Aquinas inclines and this makes his views ambiguous about topic.

The final problem is for Turkish students, scholars or researchers especially. Because, there aren't enable resources in Turkish to search the matter in detail.

As mentioned above, Aquinas' views about human freedom are extremely complex partly because of his electiveness. Moreover, he handles the issues with all of their aspects in detail. So it is a necessity to classify (therefore, to limit) these ideas under the some main headlines. With the aim of satisfying that necessity and to set forward the subject clearly, we've employed some titles as informative cornerstones, making use especially of his valuable book *Summa Theologica*. The article begins with an "Introduction" under which we have set forth the problem generally and with its fundamental aspects. Afterwards, the main headlines like "Free Will", "Free Action" and "God's Predestination and Divine Foreknowledge" follow. They are the fundamental titles under which Thomas Aquinas' thought of human freedom being set forth. The article comes to an end with a "Conclusion" title under which the main findings and arguments of the article has been summed up.

2. Free-Will

In investigations about human's pattern of behavior or course of action, it has been assumed that man is a free agent who can make preferences and choices freely in general. However, it seems that it is not true because of some reasons. We should accept that there are some serious limits on human actions depending on cases, facts and occasions. This means that man has some limitations and he/she can act in a limited domain of action. Thus, in social theory there are plenty of different theories of determinism from historical to cultural and causal ones. For instance, there is a gigantic literature including "theological determinism" in theology / political theology and "socio-economical determinism" in Marxist tradition of thought.

Concerning our subject, it should be stated that, the fact that men act different from each other (their patterns of behavior differs greatly), proposes for consideration the human will. It is an objective reality that religions and judicial systems forbid some courses of behavior and encourage some other. In fact, this depends on the assumption that human has the capacity of behaving in different manner. In this case, one can say that human has a free-will whether it is a limited one (or in its limited area).

Thomas Aquinas admits that men have a free-will with which they can choose and act freely. Essentially, he explains the free-will from the standpoint of Aristotle's reasoning. For him, free-will and human freedom are compatible with human spirit and natural reality. In this compatibility, the nature both of will and necessity is important. In an inquiry in where Aquinas' view of human freedom examined, it is unavoidable to appeal to his own conceptual framework. In that respect, we should handle concepts like "will" and "necessity" which are the key elements of Aquinas' terminological repertoire.

2.1. Will

In dictionary, terms like 'wish', 'desire' and 'appetite' are used as the meaning of the will. Conceptually, it means the freedom of choice what course of behavior will or can be exhibited. It is the power of deciding and/or implementing anything (action, operation, choice, decide etc.) in the face of any certain situation without any external coercion or necessity. Shortly, the term will refers to both willing and doing (or getting) the willed at the same time.

Aquinas means the 'appetite' by the concept of 'will'. It induces anyone to do or choose something or some course of behavior. With that propellant power, man desires and run after something. There are two types of the appetite; one is the *sense* and the other is the *reason* or "*intellect*". Man comprehends the particular forms of things by sense; that is "*sensual appetite*". On the other hand, he comprehends the universal forms of things by the intellect (reason); that is "*intellectual appetite*".

According to Aquinas, whether is it sensual or intellectual appetite, all senses tend to good and goodness, to truth and straightness, to beautiful and beautifulness. Therefore, the sensual appetite tends to particular goodness and the intellectual appetite tends to universal goodness. It is important to notice that there is an important degree of impact of Ancient Greece's thinking, especially of Aristotle on this Aquinas view. As it is known, according to Ancient Greece's thinking (and for Aristotle as well), "living a good life" is the aim of being and existence (telos).

2.2. Necessity

In the explaining of the problem of freedom, Aquinas appeals to the concept of '*necessity*' also. In this respect, it is important to put forward the meaning of necessity concept and to identify whether or not it forms an obstacle with regard to human freedom. To Aquinas, necessity is the condition in which there is not a possibility to act or behave in other ways. In other words, if anything is sentenced to be what is it and if it hasn't the capacity to be other thing (or to act in the other way), so one can say that it is subjected to the principle of necessity. This means that if something (or someone) is deprived of the possibility, chance, opportunity or capacity to do or behave in other way, that is to say, if it hasn't alternative ways to act or to choose, it is necessary to accept that it (he/she) is subjected to the necessity principle. For Aquinas, necessity has two aspects; one is internal and the other is external.

The necessity that originates of internal factors is natural necessity. For instance, the burning of fire, the wetting of water, the growing and corrosion of the tree is in their nature and they are subjected to the natural necessity. Nevertheless, the will isn't a material thing; so it isn't subjected to natural/material necessity. However, it should be stated that the will is subjected to the necessity which tends to cosmological goodness. Again, here it is apparent the influence of Ancient Greece's thinking on Aquinas' thought.

Necessity could be originated from external factors also. Because of necessity principle, men and things can roll up with the stimulation of external inciters. Herein, Aquinas gives the example of the stone. The stone normally moves towards down in its natural disposition; for making it move up, the intervention of an external factor is necessary. The reason is that, the Creator of stone created it in the natural disposition that tends to move down normally; it is its dispositional feature. Just like this example of stone, the Creator of will created the will in the nature that moves by its own; that is to say, freely. Therefore, moving by its own is the necessity and characteristic of its nature. Consequently, for Aquinas, freedom is intrinsic to the nature of the will as a consequence of its disposition.

2.3. The Nature of the Free Will

Aquinas (Aquinas, 1947, pp. 555-559) handled and explained the problem of free will and its nature within the framework of four questions and their answers. (1) Whether man has free-will? (2) What is free-will---a power, an act, or a habit? (3) If it is a power, is it appetitive or cognitive? (4) If it is appetitive, is it the same power as the will, or distinct?

According to Aquinas the answer of the first question is positive: "Man has free-will: otherwise counsels, exhortations, commands, prohibitions, rewards, and punishments would be in vain" (Aquinas, 1947, pp. 555). To explain this point, Aquinas differentiates between two courses of action. The first of them is the voluntary and/or intentional action. This is the type of action that is exhibited through thinking and reasoning freely and knowing and accepting its consequences consciously. This is the course of action that is peculiar to human. The second type of action is the one which is exhibited by instinctively. For instance, moving down is the natural structure or feature of the stone. The other version of this type is the one that is peculiar to animals. It is the outcome of a thought or reasoning; but it isn't the outcome of a free decision. For example, ship's run away of wolf is the outcome of a decision; but it is an instinctive decision and not a logical and rational one. Therefore, for Aquinas, the free action is the rational-logical one and only human displays this type of action.

What we should understand or mean by 'will'; power, action or habit? For Aquinas "although free-will (liberum arbitrium---i.e. free judgment) in its strict sense denotes an act, in the common manner of speaking we call free-will, that which is the principle of the act by which man judges freely" (Aquinas, 1947, p. 557). After states that "the principle of an act is both power and habit; for we say that we know something both by knowledge and by the intellectual power" (Aquinas, 1947, p. 557) Aquinas tries to explain that will has a habit dimension but it is related to power specially. Therefore, for Aquinas first of all, free will is related closely to 'power' (the power of willing and doing something).

Since free will is a matter of power, how a power is that; appetitive or cognitive? To Aquinas "the proper act of free-will is choice: for we say that we have a free-will because we can take one thing while refusing another; and this is to choose. Therefore we must consider the nature of free-will, by considering the nature of choice" (Aquinas, 1947, p. 558). From now on Aquinas explains the nature and process of choice. For him "two things concur in choice: one on the part of the cognitive power, the other on the part of the appetitive power. On the part of the cognitive power, counsel is required, by which we judge one thing to be preferred to another: and on the part of the appetitive power, it is required that the appetite should accept the judgment of counsel" (Aquinas, 1947, p. 558). This means that, the act, action and behavior is the task of appetitive power and it must admitted that for Aquinas the power which provides a basis for the free will is both appetitive and cognitive power but the first one is some more important than the other.

Finally, are the "free will" and "will" separate powers or, in other (Aquinas') words, "whether free-will is a power distinct from the will?" (Aquinas, 1947, p. 558). As stated above, for Aquinas, intellect has two dimensions; the one is appetitive and the other is cognitive. And both of them are the same power. He explains this point like following: "The appetitive powers must be proportionate to the apprehensive powers, as we have said above. Now, as on the part of the intellectual apprehension we have intellect and reason, so on the part of the intellectual appetite we have will, and free-will which is nothing else but the power of choice. And this is clear from their relations to their respective objects and acts. For the act of "understanding" implies the simple acceptation of something; whence we say that we understand first principles, which are known of themselves without any comparison. But to "reason," properly speaking, is to come from one thing to the knowledge of another: wherefore, properly speaking, we reason about conclusions, which are known from the principles. In like manner on the part of the appetite to "will" implies the simple appetite for something: wherefore the will is said to regard the end, which is desired for itself. But to "choose" is to desire something for the sake of obtaining something else: wherefore, properly speaking, it regards the means to the end. Now, in matters of knowledge, the principles are related to the conclusion to which we assent on account of the principles: just as, in appetitive matters, the end is related to the means, which is desired on account of the end. Wherefore it is evident that as the intellect is to reason, so is the will to the power of choice, which is free-will. But it has been shown above that it belongs to the same power both to understand and to reason, even as it belongs to the same power to be at rest and to be in movement. Wherefore it belongs also to the same power to will and to choose: and on this account the will and the free-will are not two powers, but one" (Aquinas, 1947, p. 559). Since they (the will and the free-will) are same powers -or the different aspects of the same power-, we should look at the action which human exhibits; because free-will becomes visible thorough free-action.

3. Free Action

The question "whether will is free or not" can be understand by looking at the nature of action that set forth under its control and guidance; because action is both the manifestation and the expression of the will (voluntas). Frequently it is stated that *action* has crucial importance for freedom and that freedom is linked to 'action' essentially. For instance, in the classical formula in Declaration of Man and Citizens Rights it described as "the right *doing* everything that no harms anyone", in Locke's opinion it is "the rights to *do* or not to do", in Montesquieu's view it is "the right to *do* everything that is permitted by law" (Bal, 2014, p. 293), and finally for Pink (Pink, 2004, p. 6) "our freedom is still ultimately a freedom of action. Freedom is always exercised through action – through what we deliberately do or refrain from doing – and through action alone."

For Aquinas, free-will expresses itself in action, too. He claims that for any action to be described as "free", it should provide at least for presuppositions and should have at least three properties. As Lonergan (Lonergan, 2005, p. 96) has stated, the presuppositions are as following: (1) a field of action in which more than one course of action is objectively possible; (2) an intellect that is able to work out more than one course of action; (3) a will that is not automatically determined by the first course of action that occurs to the intellect; and, since this condition is only a condition, securing indeterminacy without telling what in fact does determine, (4) a will that moves itself. All four are asserted by St Thomas but with varying degrees of emphasis at different times.

These presuppositions are the necessary conditions for free action; but they aren't sufficient. Besides, there should some properties or characteristics for any action to be 'free'.

Following Simpson (Simpson, 2001, p. 318), we can list these characteristics as following: (1) Self-direction; (2) the combination of intellect and will which produces it; and (3) choice.

Firstly, as Simpson (Simpson, 2001, p. 318) stated, "for Aquinas, freedom is tied to the notion of voluntary action, through the idea of 'human' action." This is the notion of voluntariness and to deem or describe any action as voluntary, it should have at least two characteristics; (1) it should be originate or arise from agents own internal source of inciter and (2) it should be directed towards an (good) end (Simpson, 2001, p. 318). Here, we recall the impact of Ancient Greece's mood of thinking again (telos). The distinctive feature of human (voluntary) action is to have these characteristics all together at the same time, as distinct from animals. Moreover, for Aquinas, the compliance of purpose and instrument has crucial importance. In other words, it seems that Aquinas doesn't esteem to the quote "goals legitimate tools" which is associated with Machiavelli.

Secondly, according to Aquinas, for any action to be voluntary, it should be *known* and *willed* by the agent at the same time. The knowledge puts forward the intellect and the willing puts forward the will. The dynamic cooperation of these two faculties generates the voluntary action. In addition, that cooperation should be simultaneously. None of them becomes before or after than other. This concurrence or simultaneousness is especially an important point for Aquinas' view of freedom. Because, if knowledge had become before, Aquinas' view of freedom would had been 'intellectualist' or on the contrary, if voluntas had become before, Aquinas' view of freedom would had been 'voluntarist' one. However, in Aquinas' analysis intellect and will work in a relationship that is simultaneous and requiring each other vice versa.

Finally, to choose is a fundamental founder element in Aquinas' theory of human freedom. Because, for him, essentially it is to choose that makes human free. If man is free in real manner, he/she can act or behave otherwise. And this requires the existence of alternative course of actions which he/she will able to make a choice or preference. But there is still a problem: what is the nature of man's choice, '*necessity*' or '*freedom*'? The answer of this question is clear for him: "Man does not choose of necessity. And this is because that which is possible not to be, is not of necessity. Now the reason why it is possible not to choose, or to choose, may be gathered from a twofold power in man. For man can will and not will, act and not act; again, he can will this or that, and do this or that. . . Consequently man wills Happiness of necessity, nor can he will not to be happy, or to be unhappy. Now since choice is not of the end, but of the means, as stated above; it is not of the perfect good, which is Happiness, but of other particular goods. Therefore man chooses not of necessity, but freely" (Aquinas, 1947, p. 865).

As stated previously, '*choosing*' has a crucial importance in Aquinas' human freedom theory. But it isn't sufficient for human to be free because of freedom requires some more additional conditions. In other words, those qualifications that listed so far were needed to existing ones; their existence is important on behalf of freedom. However, There are some other conditions that needed not existing; their absence is crucial on behalf of freedom. Reminding Isaiah Berlin's (Berlin, 1969) "negative liberty" notion, they are external restrictive, preventive, obstructive and determinants. Man needs to be immune or protected from them on behalf of genuine freedom. Among these determinants, we must remember the theological one because of its relativeness closely to Aquinas' explanation of freedom. In fact, theological determinism has several aspects but the Divine Foreknowledge and God's Predestination are the ones that come to the mind first.

4. God's Predestination and Divine Foreknowledge

The problem of human freedom and its limits has been the most contentious topic in the history of humanity that encompasses several fields like social, political and theological. Naturally, most of doctrines emerged to account the essence or the nature of that problem. In this context, there have been doctrines like '*compatibilist'* and '*incompatibilist'* doctrines in political-theological literature. For incompatibilist doctrine, free will (or freedom) and determinism are incompatible; therefore, one of them necessarily precludes the other. The compatibilist doctrine claims the reverse.

It should be stated that several kinds of determinisms which had been mentioned above are located on the side of incompatibilist doctrine. As Kane (Kane, 1998, p. 8) stated, "historical doctrines of determinism refer to different kinds of determining conditions, but each implies that every event is determined in this general sense." If it is the case, in other words, if every event is determined, free will and freedom must be a dream or fantasy. It is important to specify the view of Aquinas on that issue for our study subject.

Aquinas handled this problem from two angles: one is *God's Predestination* and the other is *Divine Foreknowledge*. If God's predestination is binding, obligatory or determinant on human will, the theological determinism is a reality and if Divine foreknowledge is the creator of man's actions in advance, there's an apparent temporal fatalism in question. Both of them are strict obscures on the manifestation of human will freely. Therefore, it is impossible to talk about free will in the existence of any of those cases.

Aquinas' account of the relation of God's creation (or predestination) and freedom is quite clear. For him the sort of God's creation has some specialties. He creates things with different natures; some with '*necessary nature*' and some with '*contingent nature*'. Doubtless, things that God created with necessary nature occur necessarily and things that God created with contingent nature occur contingently. According to Aquinas (Aquinas, 1947, p. 149) "since then the divine will is perfectly efficacious, it follows not only that things are done, which God wills to be done, but also that they are done in the way that He wills. Now God wills some things to be done necessarily, some contingently, to the right ordering of things, for the building up of the universe. Therefore to some effects He has attached necessary causes, that cannot fail; but to others defectible and contingent causes, from which arise contingent effects. Hence it is not because the proximate causes are contingent that the effects willed by God happen contingently, but because God prepared contingent causes for them, it being His will that they should happen contingently." God created the will with contingent nature; so it is free and the creation or predestination of God doesn't form an obstacle from the stand point of human freedom.

Concerning to the other (Divine foreknowledge) point, Aquinas is clear enough, too. Essentially, the problem is that: Is Divine foreknowledge or God's eternal knowledge the cause of things being (occurrence) and if so, isn't it incompatible with human freedom? For Aquinas God's eternal knowledge is the cause of things. But it isn't an obstacle to human freedom. He explains this point by artificer – art analogy: "The knowledge of God is the cause of things. For the knowledge of God is to all creatures what the knowledge of the artificer is to things made by his art. Now the knowledge of the artificer is the cause of the things made by his art from the fact that the artificer works by his intellect" (Aquinas, 1947, p. 106). In that case, isn't it an obstacle for freedom? For Aquinas it isn't. Because "God knows all contingent things not only as they are in their causes, but also as each one of them is actually in itself. And although contingent things become actual successively, nevertheless God knows contingent things not successively, as they are in their own being, as we do but simultaneously. The reason is because His knowledge is measured by eternity, as is also His being; and eternity being simultaneously whole comprises all time, as said above. Hence all

things that are in time are present to God from eternity, not only because He has the types of things present within Him, as some say; but because His glance is carried from eternity over all things as they are in their presentiality. Hence it is manifest that contingent things are infallibly known by God, inasmuch as they are subject to the divine sight in their presentiality; yet they are future contingent things in relation to their own causes" (Aquinas, 1947, p. 865). Briefly, for Aquinas, the statement that "if God knows anything, it will be inevitably" is refers not to a necessity but it refers to the endless and eternal knowledge of God.

5. Conclusion

In this research, we handled the thoughts of Thomas Aquinas about human freedom. Aquinas' views are extremely important; because he is among one of the most important Medieval thinkers and theologians whose thoughts are the official view of Catholic Church even today. His views on freedom located especially in his valuable books named *Summa Theologica* ve *Summa Contra Gentiles*.

In the examining this topic, one can encounter with some essential difficulties. First of all, there are some terminological problems. Aquinas' views had been written in Latin language in 13th Century. There are some historical changes of meaning since then. Moreover, "there is no expression in Aquinas' Latin which corresponds exactly to the English 'free will'. Secondly, there are some mental problems that originated from a tradition of thought other than Thomistic one. Thirdly, Aquinas was an eclectic philosopher who had made use of several traditions of thought and this generates some serious problems in the manner of clarity.

Thomas Aquinas' view of human freedom is quite a complex one. To sum up and to clarify it, we collect them under the three major headlines: "Free Will", "Free Action" and "God's Predestination and Divine Foreknowledge".

Thomas Aquinas admits that man has a "free will" with which he/she can choose and acts freely. For him "will" is free necessarily; because its Creator created it to be free. If it is possible to talk out of 'necessity' concerning will, it is the necessity to be free.

The question "whether will is free or not" can be understand by looking at the nature of action that set forth under its control and guidance. For Aquinas, an action is free so long as it provides some pre-conditions and qualifications. A field of action, an intellect and a will are the pre-conditions and self-direction, the combination of intellect and will and choice are the qualifications.

Aquinas handled the problem of determinism from two angles: one is *God's predestination* and the other is *Divine foreknowledge*. If God's predestination is binding, obligatory or determinant on human will, there's the theological determinism and if Divine foreknowledge is the creator of man's actions in advance, there's an apparent temporal fatalism. Both of them are strict obscures on the manifestation of human will freely. Therefore, it is impossible to talk about free will in the existence of any of those cases.

Concerning to the matter of God's predestination and freedom relation, Aquinas' account is quite clear. For him the sort of God's creation has some specialties. He creates things with different natures; some with necessary nature and some with contingent nature. Doubtless, things that God created with necessary nature occur 'necessarily' and things that God created with contingent nature occur 'contingently'. God created the will with contingent nature; so it is free and the creation or predestination of God doesn't form an obstacle from the stand point of human freedom. Concerning to Divine foreknowledge, Aquinas is quite clear, also. Essentially, the problem is that: "Is Divine foreknowledge or God's eternal

knowledge the cause of things being and if so, isn't it incompatible with human freedom?" For Aquinas God's eternal knowledge is the cause of things. But it isn't an obstacle to human freedom. Because of by His endless and eternal knowledge, God knows everything both necessary and contingent; not successively but simultaneously. Things are in front of God's eyes with their all aspects; past, present and future. So God's knowing isn't an obstacle to human freedom.

6. References

AĞAOĞULLARI, Mehmet A. ve Köker L. (1998). *İmparatorluktan Tanrı Devletine* (From Empire to the God's State). İstanbul: İmge Kitabevi.

AQUINAS, St. T. (2005). *Summa Contra Gentiles*. Of God and His Creatures: An Annotated Translation of The Summa Contra Gentiles of St Thomas Aquinas. The Catholic Primer.

---------- (1947). *Summa Theologica*. Benziger Bros. Editio, Perrysburg, Ohio.

BAL, H. (2014). "Siyaset Felsefesinde Ele Alınış Biçimiyle Özgürlük Meselesi" ("The Problem of Freedom as it Handled in Political Philosophy"). Turkish Studies - International Periodical For The Languages, Literature and History of Turkish or Turkic Volume 9/2: 291-304.

BAUERSCHMIDT, F. C. (2004). "Aquinas", *The Blackwell Companion to Political Theology*. Edited by Peter Scott and William T. Cavanaugh. Malden: Blackwell Publishing.

BERLIN, I. (1969). "Two Concepts of Liberty", *Four Essays on Liberty*. Oxford: University Press.

DAVIES, B. (2002). "Thomas Aquinas", *A Companion to Philosophy in the Middle Ages*. Edited by Jorge J. E. Gracia and Timothy B. Noone. Melbourne: Blackwell Publishing.

GÖKBERG, M. (1993). Felsefe Tarihi (The History of Philosophy). İstanbul: Remzi Kitabevi.

KANE, R. (1998). *The Significance of Free Will*. Oxford: Oxford University Press.

KENNY, A. (1993). *Aquinas on Mind*. London and New York: Routledge.

LONERGAN, B. (2005). *Collected Works of Bernard Lonergan, Volume 1 Grace And Freedom: Operative Grace in the Thought of St. Thomas Aquinas*. Frederick E. Crowe and Robert M. Doran (eds.) Toronto: University of Toronto Press.

O'CONNOR, T. (2014). "Free Will", *The Stanford Encyclopedia of Philosophy*. Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2014/entries/freewill/>.

PINK, T. (2004). *Free Will: A Very Short Introduction*. Oxford: Oxford University Press.

STUMP, E. (2002). "Aquinas's Account of Freedom", *Thomas Aquinas Contemporary Philosophical Perspectives*. Brian Davies (Ed.) Oxford: Oxford University Press.

The Development Of The Environmental Right And Its Reflection On Turkey's Legislation

Sanem Berkün

1. Introducton

In spite of the recent rise in the environmental awareness, the activities of the humankind ruining the natural environment relationships and forcing the bearing capacity still continue. As a result of these activities, wasting the non-renewable resources, devastation of the renewable resources and pollution of the physical environment could not be prevented. Decreasing of the biological diversity, disappearance of the forests, ruined lands, widening desserts, increased carbon dioxide levels, increasing temperatures, more destructive storms, melting glaciers, increased sea level are only some of the indicators revealing the ever-increasing tense relationship between the economy and the eco systems of the world (Berkün ve Ofluoğlu, 2016: 1097-1098).

Despite the increase on the environmental problems go back to the post Industrial Revolution, the fact remains that the problems have made themselves evident since the second half of the 20th Century. Besides, the environmental problems have turned into environmental disasters not only within the source of the problem but also have become a threat to the human kind on a global scale. The importance of the situation has gathered international agencies and protection of the environment has become the common ground focused (Bakır Öğütveren, 2012: 1). Planning of the environment as a right has become necessary during this process and individual and collective responsibility on the protection of the environment is emphasized. Sanction and responsibility mechanisms were developed by the environmental law and the environmental right was legally secured and by this, the aim of leaving a livable environment to the next generations was pursued.

First of all, the underlying reasons related with the increase in environmental awareness are addressed and the frame we can evaluate the development of the environmental right is formed in the study. The definition, importance, components and the progress of the environmental right within international platform take place in the second section. How the environmental right is reflected on Turkish legislations is analyzed panoramically in the third and the last section of the study. Drawing attention to the environmental right which adheres strictly to the right to live once more and increasing the academic interest on environmental issues by this is the ultimate aim of the study.

2. The Literature Review

2.1.The Change in the Viewpoint Towards The Environment

A big progression and economic development process showed up after the Industrial Revolution. Within this period that extends over the 1950s, the contribution of the production system was exaggerated but conversely, the contribution of the nature was neglected. Many problems occurred that are caused by development projects and programmes (Mikesell, 1992: 106). Mass production that is based on a specific factory production and automation and the mass production norms and practices were interiorized; creating a consumerist society was regarded as a success (Şengül, 2002:8). Within this competitive environment that many countries found themselves in an economically developed-undeveloped status, numerous new environmental problems that pose a threat were created; the environmental problems became

too complicated for the humanity to solve it themselves and reached to the sizes that were felt globally.

The activities humanity conducted in order to provide technological developments within the social life relations created a new artificial environment that is different from the natural environment. Artificial environment is all the values and entities humanity has revealed benefiting from natural environment majorly. Artificial environment develops according to the benefiting from natural environment and the pressure on the natural environment increases day by day due to the reasons such as the increase in the world population (Ertürk, 2012: 76-79). Likewise, technology has reached to a dimension that can destroy ecological systems (Capra, 1992: 15-18). Besides, the issues excused at the beginning on behalf of progress became beyond local and became more regional and then global (Kaypak; 2011: 19-20). Today's societies face five problems that can be sorted as climate change and global warming, pollution of the ozone layer, destruction of tropical forests and reduction of diversification, radioactive pollution on a large scale and depletion of natural sources which are felt worldwide. On the other hand; acid rains, erosion and desertification, toxic waste, DDT pollution, oil pollution in the seas and mercury pollution issues are confronted on the regional scale (Ertürk, 2012: 79).

Environment consists of physical, biological and social components that may leave direct or indirect impact on humans and living creatures (Keleş ve Ertan, 2002: 14). Thereby, the size and complication of the environmental problems made reorganisation and cooperation obligatory. It became obvious that economists and ecologists need to work together in order to build a sustainable economy during the reorganisation process (Brown, 2003: 95). The process of building environment protection policies on a regional and international scale has been expedited and important developments as a result of the reflection of these policies on law have been observed (Kılıç, 2001: 131; Turgut, 2012: 29). As a continuation of these developments, the notion of 'sustainable development' came up in the world's agenda in the later 20th century.

The 'sustainable development' notion, which emphasizes the necessity of continuity of development not the temporariness, was used for the first time by International Union for Conservation of Nature in 1980. However, the notion became known with the report named 'Our Common Future' that was prepared by United Nations World Environment and Development Council in 1987. Within this report, which is also known as Bruntland Report, 'sustainable development' is described as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs (United Nations, 1987).

Sustainable development aims at creating a series of opportunities that could realize the needs of the individuals and the society and reveal their own potential while protecting the flexibility of economic, social and environmental systems (Islam, Munasinghe and Clarke, 2003: 2). It also emphasizes that 'development should exist despite everything', and the sources should not be used up extremely (Kaypak, 2011: 20). Obviously, a development strategy that economic activities could proceed is referred providing that renewable resources are used sustainably, the functions of the ecosystem and biological diversity are protected, the harmful emissions are left below critical threshold and that no irremediable environmental damage is done (Daly, 1990: 2).

Sustainable development, which draws attention on the fact that social and economical wealth is beside the point unless there is environmental wealth, has become a global application plan with the international treaties signed in 1990s (G.E.K.A., 2011: 6; Yıkmaz, 2011: 11-15). The notion of sustainable development was one of the statements that became prominent within the United Nations Environment and Development Summit and development strategies in Agenda 21 and Rio de Janeiro in 1992. 1996 Habitat II Summit,

1997 Rio +5 Summit and 2002 Johannesburg Summit (Rio +10) are among the other steps taken for sustainable development on international platform.

2.2.Notion of Right to Environment

It was required to give legal assurance to the environmental values with this size of environmental problems. This necessity made the developments in the right to environment and environment law subjects emphasized importantly (Kaypak, 2012: 214). 'Although the fact that protection and development of environment are issues in law dates back to old times, an independent Environmental Law emerged only in the last 35-40 years' (Öğütveren, 2012: 130).

The Environmental law with a growing field of responsibility day by day is one of the third generation fundamental rights and freedoms and among the 'solidarity rights' determined in an effort to build new human rights by UNESCO. Right to environment has emerged as an important type of right that provides an evolution in human rights in overcoming the violation of environment that cannot be avoided with the traditional human rights tools (Ürkmez, 2006).

The owner/subject, addressee and subject of the right to environment constitute the components of the right to environment. Environment has been included in the field of law as a human right to provide welfare when the importance of welfare in environmental respect was recognised. However, different from the other human rights, the right to environment includes right and liability dialectics. This dialectic concretises as the owners/subjects of the right to environment are responsible for the right. The application of the right to environment makes the conditions related with procedure a current issue and within this scope, the right to information, right to join and right to apply should be accorded. Users of the right to environment are the addressees at the same time. Likewise, the government is among the addressees too (Torunoğlu; Ertürk, 2012: 441). Right to environment provides the individual to ask the government for an environment that can be lived in freedom, equality and welfare and starting from this right to environment, regulations related with the environment have begun to take part in the legal texts (Kaypak, 2012: 226). The components that are subject to the right to environment can be listed as (Torunoğlu);

- Human
- Animals and Plants
- Non-living things that interact with Human and other Living Things
- The Eco system Regulating the Relationship between Living and Non-living Things

Development process of the liability and sanction mechanisms have been accelerated and the subject of the environmental law which has the qualities created by the right to environment and the ones it has in its own has become one of the sub branches of law as an extension of the right to environment (Kabaoğlu, 1992: 24). Environmental law can be defined as a branch of law that protects, develops and regulates the legal status of the components forming natural and artificial environment of humans (Harmancı, 1983; 245). The qualities of environmental law that began to develop in the 20th century can be listed as; (Ürkmez, 2006; Turgut, 2006: 17; Gürseler, 1993: 814);

- Environmental law has an interdisciplinary quality and is in a close relationship with the other disciplines apart from law.
- Fundamental concepts, data and rules within ecology affect the environmental law and a holistic approach is adopted in the environmental law

- The characteristics of universality and being in tune with the time are much more explicit in environmental law.
- The environmental law is a sociological law regarding all the segments of society (government, public enterprises and private corporations.
- A philosophy of solidarity has become influential within environmental law.
- Humans form the subject of law. In the environmental law, on the other hand, the understanding of protecting the living things and the nature against human is dominant too. Besides, future generations are the subjects of the right.

The conferences held by the United Nations (Stockholm 1972, Rio 1992, Johannesburg 2002, Vancouver 1976, İstanbul 1996 etc.), the decisions taken and the declarations issued, the decisions taken by regional organisations like European Union and OECD, all the international paper prepared and that are executional are important to environmental law (Öğütveren, 2012: 131).

Bern Conference in 1913 is the first of the United Nations meetings. This conference is followed by the conferences held in Paris and London in 1923. The main subjects of these meetings were mostly the protection of the nature, natural vegetation, wild animals and the cultural properties (Öğütveren, 2012: 138).

The right to environment came to the fore internationally for the first time as part of United Nations Environment and Human Conference in Stockholm in 1972 (Ürkmez, 2006). On the first article of the issue published at the end of the conference, it is stated that the human has the right to live in a healthy environment in order to lead a good life with dignity. On the other hand, it was indicated that the humans with this right should bear the responsibility to protect the environment at the same time and that this responsibility is important both for the generations of today and the future (Güneş ve Coşkun, 2004: 56). The process required to form the international environmental law began with the Stockholm Declaration (Özdek, 1993: 73).

Tokyo Conference was held in 1984 and statements 'the notion of development should be reviewed and it should be carried out considering the economical development, protection and incentive of the sources. Not only economic development indicators, but also the protection of natural sources, struggling with the diseases, and protection of cultural heritage should be dealt with in the economic growth. Clean air, water, forests, lands should be protected and an equilibrium population growth should be provided. Technological developments in all the countries should be lead in an order that places importance on the environmental factors' were included in the declaration issued at the end of this conference (Ürkmez, 2005).

The United Nations Environment and Development Conference held in Rio in 1992 is important for the right to environment. As a result of the conference, Biological Diversity Agreement, Climate Change Agreement, Rio Declaration, Agenda 21 and the Use of the Forests Agreement are placed (Egeli, 1996, s. 21-22). Decrees related with the active involvement of the women, children, teenagers, native population and non-governmental organisations are found in Agenda 21. During the 20 years term beginning with the Stockholm Conference until the Rio Conference, clauses related with contribution take place in some of the international documents. These documents and related clauses can be listed as follows (Ürkmez, 2006):

- 6th article of the Environmental Protection and Sustainable Development Law Principles proposal summary imposes obligations.
- The vision that the environmental policies would succeed if all the public categories and social forces protect the environment with a sense of responsibility and help to enhance is emphasised in the Helsinki Final Act dated 1992.

- Paris agreement, stipulates the informing of the public about the environment as the prior condition of the environmental regulation attempts.
- The governments undertake to take steps accordingly in order to ensure environmental planning and participation in Helsinki Document.
- 'Access to information related with the Environment, The Participation of the Public to the Environmental Decision Making Period and the Resort to Jurisdiction Agreement' was opened for signature in the Ministers' Conference themed 'Environment for Europe' organised in the city of Aarhus in Denmark between the dates of 23 and 25 June 1998. The most important decree offered is 'to resort to the judgement' article.

Kyoto Protocol which was accepted in 1997 and enured in 2005 imposes an obligation about the reduction of greenhouse gases and is of vital importance on behalf of the right to environment. Likewise, the European Union has various international conferences related with the right to environment, particularly the action programmes related with the environment that were put into practice and habitat meetings (Bilir ve Hamdemir, 2011: 144).

The right to environment which has begun to take place in the international documents as a human right has shown its effect on national law texts, and, many governments have featured the right to live in a healthy and organised environment in their constitutions and other legal articles as a human right (Keleş ve Ertan, 2002: 78).

3. Right to Environment in Turkish Legislation

There is no direct regulation related with the right to environment in the 1961 Constitution in Turkey (Gürseler, 2011). 49th article including the provision of 'The government is responsible to provide everyone to live in physical and mental health and to have medical care' is interpreted as to involve the protection of the environment. With the 1970s, the right to environment began to take place as a different right in the field of human rights and as explained above, this development is reflected in the international agreements and documents (Öğütveren, 2012: 136).

Laws that were prepared temporarily previously like the Municipality Law, Law for Provincial Administration, Public Health Law in Turkey, Civil Law, Criminal Law, Law of Obligations, Law of Underground Waters, Law of Aquaculture, Law about the Waters, Law of Land Hunting serve the purpose of environmental protection. After the term that 1982 Constitution came into force, regulations regarding directly the protection and development of the environment were done (Kaypak, 2015: 216-217). Environmental Law, Legislative Decree about the Organization and the Responsibilities constitutes the most important legislation related with the environment (Ertürk, 1996: 187-188). Furthermore, Building Law, Code of Protection of Cultural and Natural Properties, Highway Traffic Law, Turkish Atomic Energy Authority, National Parks Law, Law for Metropolitan Municipalities, Law for the Encouragement of Tourism, Mining Law, The Bosporus Law, Coastal Law, Legislative Decree about constituting Environmental protection Agency for Special Areas are other regulations related with the subject (Gürseller, 2011).

Right to environment took part within the 'Social and Economic Rights and duties' section in the 1982 Constitution. Under the heading: 'Health Care Services and the Protection of the Environment' the statement 'everyone has the right to live in a healthy and balanced environment. It is the government's and the citizens' duty to develop the environment, to protect the environmental health and to prevent environmental pollution' takes place within the 56th article. With this provision, the 1982 Constitution became one of the constitutions

according the right to environment widely. Other articles in the 1982 Constitution related with the right to environment can be listed as follows Öğütveren, 2012: 138-141):

- It is adjudicated in the 35th article of the Constitution that everyone has the rights of property and title by descent but these rights can be restricted for the public weal. Thereby, it is possible to make the interpretation that the right of property can be restricted for the right to environment weal.
- It is adjudicated in the 43rd article of the Constitution that the coasts are fully owned by the state and the public weal would be protected primarily for the use of the sea, lake and river side and the coast line framing the sides of the seas and the lakes.
- The duty of protection and development of the land productively, preventing the loss by erosion or providing land to the villagers who are engaged with farming but lack enough land are given to the government with the 44th article of the Constitution. The same article intends to protect the forests and underground wealth by adjudging 'providing land to the villager could not result in a decrease in production, downsizing of the forests nor a decrease in other land and underground wealth.
- 45th article of the Constitution is related with the prevention of the decrease in agricultural soil. The government is responsible for the prevention of misuse and destruction of the agricultural land and the grassland and to increase the vegetative and animal production in accordance with the principles of agricultural production planning. With this aim, liability related with facilitation of providing operating equipment and other inputs of the ones working on agriculture and livestock is imposed in the same article.
- 57th article of the Constitution that regulates the right to housing gave the government the responsibility of taking precautions to meet the housing requirements and to support mass housing enterprises within the scope of paying regard to the characteristics and the environmental conditions of the cities. This article devises a planned urbanisation, a planning paying regard to the environmental conditions and a planned housing policy and it imposes an obligation on the government related with this subject.
- 63rd article of the constitution adjudicates that 'the government provides the protection of historical, cultural and natural properties and values and with this aim, it takes incentive precautions'. The environment notion in the 56th article of the constitution is the 'environment' in a broad sense that is including aforementioned historical, cultural and natural properties.
- It is stated in the 168th article of the constitution that the natural wealth and sources are fully owned by the Government and the right to search and operate belong to the Government.
- In the 169th article of the Constitution, there is the provision 'The Government enacts the necessary laws and takes the necessary precautions in order to protect the forests and to enlarge their lands. Afforestation is provided in the place of burned forests and no other forms of agriculture and livestock can be done in these areas. Surveillance of all the forests belongs to the Government'.

The Environmental Law no. 2872 and dated 1983 is the first of the regulations directly related with the protection of the right to environment. The aims of the law that lay burdens on citizens and the government in the protection of the environment are in a quite wide perspective and they can be listed as follows (Özdek, 1993: 133):

- The protection and improvement of the environment that is a common entity of all the citizens,

- Using and the protection of the land and the natural sources appropriately in urban and rural areas,
- Prevention of the water, soil and air pollution,
- Organising the regulations –with the specific juridical and technical elements– and the precautions to be taken to assure the improvements in health, civilization and the level of living of present and future generations while protecting the natural and historical wealth with the existence of the country's plants and animals in accordance with economic and social development objectives,

The Environmental law has brought various provisions related with 'participation'. The 1st article of the Environmental Law indicates that environment 'is the common wealth of all the citizens', and the (a) law clause of the 3rd article indicates that natural and legal persons and the citizens are in charge of the protection and the prevention of the environment'. Yet in the 30th article there is the 'Right to Information and Application' heading and it is adjudicated that 'any one that suffers or is informed about a facility polluting or harming the environment can apply proper authorities to ask for necessary precautions or to ask for the termination of the activity'.

Environmental Law has a framework law value. For this reason, it has left the applications regulated to various regulations such as the Environmental Pollution Prevention Fund Regulations, Air Quality Protection Regulation, Noise Control Regulation, Water Pollution Control Regulation, The Use of Voucher in Detection of the Crime and the Procedures about fines for the Punishment that will be given to the Ships and the Sea vehicles, Control of the solid waste Regulations, Environmental Effect Evaluation Regulation, Medical Waste Control Regulations, Noxious Chemical Substances and Products Control Regulations, Regulation on Control of Hazardous Wastes (Ürkmez, 2006).

There are also various international conventions that Turkey accedes. These conventions are on par with Environmental Law within the hierarchy of norms. However, since there are no annulment actions in the Constitutional Court prosecuting international Conventions some of which are listed below, these Conventions are technically above the Environmental Law (Gürseler, 1993; 828-829):

- Convention Related with the Constitution of Europe and Mediterranean Crop Protection Organisation, Paris 1951/Turkey 1965
- Convention Forbidding the Nuclear Weapon Experiments in the Space and under the Water, Moscow 1963/ Turkey 1965
- European Culture Convention, 1954/ Turkey 1957
- The Convention to Protect the Mediterranean against Pollution, Barcelona 1976/Turkey 1981
- Protocol Related with the Protection of the Mediterranean against Land Borne Polluters, Atina 1980/Turkey 1987
- Control of Cross Border Transportation and Destruction of Hazardous Waste Contract, Basel 1980/ Turkey 1994
- Vienna Convention for the Protection of the Ozone Layer and Montreal Protocol Related with Ozone-Depleting Substances, Turkey 1990
- Convention for the Protection of the Black Sea Against Pollution, 1992/Turkey 1994

Legal regulations regarding the provision and protection of the right to environment increase consistently. With the increased interest in environment, a similar increase in the number of international conventions acceded is observed. Moreover, a perpetual supervision in a specific plan and programme is required in order to perform the tasks listed within the legal texts, particularly the prescribed ones in the 56th and 57th articles of the Constitution. The Constitutional Court, which has a great importance within the judicial review field, does

not make observations and determinations regarding current environmental problems and does not show judicial activism in order to protect the environment. It is noticed that elements of the environment are characterised in an economic language rather that emphasizing the protection of the environment because of its essential value (Semiz, 2014: 44).

4. Findings and Conclusion

Grant of the right to environment in real terms primarily requires this right to be accepted as a human right. It is an undeniable truth that the environmental values belong to all the humanity. Environmental problems have the potential that would pose a vital threat for all the creatures Therefore, the right to environment is received as a crucial right for the humanity which is protected and adheres strictly to the right to live in contemporary countries. This point of view causes searches for serious solutions to the environmental problems and an increase in environmental awareness. Arranging legislations, creating environmental policies and supervision of the applications related with the environment are affected from the sensitivity shown for the right to environment.

Environmental awareness has risen and the right to environment has gained importance thanks to the advances in international developments (gelişmeler ekseninde den kastınızın gelişmeler sayesinde olduğunu düşündüm) in Turkey. Especially after 1980s, the right to environment was secured with legal guarantee, laws and regulations were enacted and many international conventions were acceded. The precision aimed at environment showed increase. Similarly, the public interest on environmental problems and their support for the environment protection policies increased day by day.

On the other hand, there are many environmental problems expecting solutions in Turkey. The rapid increase of the population brings many environmental problems such as housing shortage, energy requirement, lack of nutrition, transportation problems, solid waste, noise, and water and soil pollution. There is no real and available data in Turkey that is required to determine the environmental problems. This deficiency makes determining the priorities and being planned difficult. The disorganisation in the legislation, the confusion in authority and the unstructured and unproductive form of the organizational structure are other obstacles for the building of the right to environment. Inadequate technical staff and technology besides inadequate communication and coordination among the institutions make the solutions of the environmental problems difficult. On the other hand, it is possible that the biggest problem among all the problems is lack of resources and economic development objective. However, the truth that environment is the only source that cannot be substituted for all the living creatures should not be forgotten while determining priorities.

5. References

Bakır Öğütveren, Ü. (2012) *Çevre Sorunları ve Politikaları*, T.C. Anadolu Üniversitesi Yayın No: 2554, Eskişehir.

Berkün, S. ve Ofluoğlu, G. (2016) "*Sürdürülebilir Kalkınma Perspektifinden Yenilenebilir Enerji ve Türkiye"*. Legal İş ve Sosyal Güvenlik Hukuku Dergisi, Prof. Dr. Enzi Demir'e Armağan Özel Sayısı, pp. 1097-1120.

Bilir, F. ve Hamdemir, B. (2011) "Çevre Hakkı ve Uygulaması", *International Conference on Eurasian Economies* , Session 2B, http://avekon.org/papers/354.pdf (30. 04. 2016)

Brown, L (2003) *Eko-Ekonomi*, Çev: Y. Erkan, Tema Vakfı Yayınları, No.42, İstanbul.

Daly, H.E.(1990) "Toward some operational principles of sustainable development", *Ecological Economics*, 2 (1), pp. 1-6.

Capra, F. (1992) *Batı Düşüncesinde Dönüm Noktası*, Çev: AYHAN, M. İnsan Yayınları, İstanbul.

Egeli, G. (1996) *Avrupa Birliği ve Türkiye'de Çevre Politikaları*, Türkiye Çevre Vakfı Yayını, Ankara.

Ertürk, H. (2012) *Çevre Bilimleri*, Ekin Basın Yayın Dağıtım, Bursa.

Ertürk, H. (1996) *Çevre Bilimlerine Giriş*, Uludağ Üniversitesi Yayını, Bursa.

Güneş, Y. ve Coşkun, A. A. (2004) *Çevre Hukuku*, Kazancı Hukuk Yayınları, İstanbul.

Gürseler, G. (2011) "Türkiye'de Çevre Hukuku Üzerine Genel Bir Değerlendirme", http://www.gurselertufan.av.tr/?s=29 (21. 04. 2016).

Gürseler, G. (1993) "Türkiye'de Çevre Hukuku", *Tekirdağ Barolar Birliği Dergisi*, 3, pp.811-830.

G.E.K.A. Güney Ege Kalkınma Ajansı (2011) *Sürdürülebilir Kalkınma ve Çevre* http://geka.org.tr/yukleme/dosya/f6574f6e6b0a8d70a27bfbde52c53a47.pdf (21. 04. 2016).

Hamamcı, C. (1983) "Çevre ve Hukuk", *Fehmi Yavuz'a Armağan,* Ankara Üniversitesi SBF Yayınları, Ankara, pp. 239–250.

Islam, S.M.N., Munasinghe, M. ve CLARKE, M. (2003), "Making Long- Term Economic Growth More Sustainable: Evaluating the Costs and Benefits", *Ecological Economics*, 47(2-3) pp.1-19.

Kabaoğlu, İ. (1992) *Çevre Hakkı*, İletişim Yayınları, İstanbul.

Kaypak, Ş (2012) "Çevre Hukukunun Ulusal ve Uluslararası Boyutları", *Adıyaman Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, 5(10), pp.205-242.

Kaypak, Ş (2011) **"**Küreselleşme Sürecinde Sürdürülebilir Bir Kalkınma İçin Sürdürülebilir Bir Çevre", *KMÜ Sosyal ve Ekonomik Araştırmalar Dergisi,* 13 (20), pp. 19-33.

Keleş, R. ve Ertan, B. (2002) *Çevre Hukukuna Giriş*, İmge Kitabevi Yayınları, Ankara.

Kılıç, S. (2013) "Uluslararası Çevre Hukukunun Gelişimi Üzerine Bir İnceleme", *C.Ü. İktisadi ve İdari Bilimler Fakültesi Dergisi,* 2(2), pp.131-149.

Mikesell, R. F. (1992) *Economic Development and the Environment: A Comparison of Sustainable Development with Conventional Development Economics,* Marsel, New York.

Öğütveren, "Çevre Hukuku ve Çevre Hakkı" *Çevre Sorunları ve Politikaları*, Anadolu Üniversitesi Yayın No: 2554, Açık Öğretim Fakültesi Yayın No: 1524, pp.128-148.

Özdek, Y. (1993) *İnsan Hakkı Olarak Çevre Hakkı,* TODAİE Yayını, Ankara.

Semiz, Y. (2014) "Anayasa Mahkemesi'nin Çevre Hakkı Perspektifi", *Hacettepe Üniversitesi Hukuk Fakültesi Dergisi*, 4(2), pp.9-46.

Şengül, T. H. (2002) "Tüketim Toplumu, Tüketim Kültürü ve Tüketim Merkezleri" *Ege Mimarlık*, 1(41), pp.8-9.

Torunoğlu, E. "Çevre Hakkı İnsan Hakkıdır", http://sendika10.org/2005/02/cevre-hakki-insan-hakkidir-dr-ethem-torunoglu/ (21. 04. 2016)

Turgut, Y. N. (2012) *Çevre Politikası ve Hukuku Genel Esaslar*, İmaj Yayınevi, Ankara.

Turgut, N. (2006) "Çevre Hukukunun Temel Kavram ve İlkeleri", *Çevre Hukuku Sempozyumu* Ed: BADUR, E., Türkiye Adalet Akademisi Yayınları, Ankara, pp.15-35.

United Nations (1987) *Report of the World Commission on Environment and Development: "Our Common Future"*, Dünya Çevre ve Kalkınma Komisyonu, (1991) *Ortak Geleceğimiz*, Çev: Belkıs Çorakçı, Türkiye Çevre Sorunları Vakfı, Ankara.

Ürkmez, T. (2006). "Çevre Hakkı Kavramının Tarihsel Gelişimi", http://www.hukuki.net/hukuk/index.php?article=762 (21. 04. 2016).

Yıkmaz, R.F. ()2011) *Sürdürülebilir Kalkınmanın Ölçülmesi ve Türkiye İçin Yöntem Geliştirilmesi* (Uzmanlık Tezi), Devlet Planlama Teşkilatı Yayını, Yayın No: 2820.

Ideologization of Ecology or Ecologization of Ideologies: A Case Study on Ideological Articulation of Ecofeminism

Mehmet Demir, Neşe Şenel, Emrah Inalpolat

Introduction

The concept of environment and the environmental problems has been a crucial global concern all around the world since the 1970s and today the highly spreading scenarios regarding environmental catastrophes has caused the relationship between human and nature to be brought into question again. Thus, as an academic discipline the environment and ecology have been studied since the 1970s. With the increasing importance of environmental problems within the academic circles, ecology has entered into the focus of ideologies such as liberalism, conservatism, Marxism and anarchism and these ideologies have thus expanded and enlarged with deeper dimensions. Thus, there inevitably appeared such influential academic disciplines and voices as eco-anarchism with Alan Carter (1999), eco-socialism with David Pepper (1993), eco-conservatism with Tony Paterson (1989).

Furthermore, it is identified that apart from the ideologies, even oppositional movements use the means of environmental problems in order to expand and strengthen their ideological essentials since these movements are also interested in the concept of environment and they regard environment as a means through which the movement could be triggered further. On the other hand, the ecocentric ideology tends legitimize or increase its power discourses by strengthening its ideological infrastructure and expand its scope through the means of getting articulated within the already rooted ideologies. For this case, it is also important to note the impact that ecology also dissociates within itself regarding the reasons and the solutions of environmental problems.

It is thought that the ecocentric disciplines such as eco-socialism, eco-anarchism and ecofeminism have been constructed through the articulation of existing ideologies with ecological philosophy (Coban 2001). However, ecological ideology is not totally different from the other ideologies and it even casts similarities. One of the main reasons of this case is that ecology has a similar stance and mentality with other rooted ideologies in its criticism of the current structure. For example, there are common points of socialism and ecology in their criticism of industrialization and market economy and both of them stands against and criticizes capitalist system. This is mostly because both of these ideologies blame capitalistic economic system for the reasons of environmental problems and the distortion of nature-human relationship. Conversely, the articulations in-between the ideologies may cause a new crisis and separation. Naturally, socialism handles the gender issue from its own perspective. The main criticism point of socialism is capitalism, that is, profit-driven economic system. The current focus point of such a criticism is global economic system.

As Post-Marxist thinkers put forward, global capital exploits the labor force and most importantly the humankind. When expanding on the problem of women, the same ideology specifically emphasizes the exploitation of women by pointing out that the reason of this exploitation is inherent within capitalist economy and the solution is situated within female revolution. While with this method socialist feminism opens up a new route for itself, it asserts that the problems that the women are suffering do not solely stem from the economy system and, therefore, these problems will not be resolved by only destroying the economy system. This is because they think that the main reason of the woman problems is caused due

to the power men constitute over women. As it is identified, there are several reasons for the articulations of various ideologies and the ideological integrity of two different objectives can actually serve to the same field within the context of the reasons behind the problem in question. However, as it is discussed within the previous example, in order to achieve the desired solutions sometimes it would be required to follow a different direction.

Ecofeminism can also be perceived as an ideological theory that is constructed through the articulation of ecology to feminism. Herein, the articulation method is not only based on the notion of "alliance against a mutual enemy". By analogy, ecofeminism attempts to identify the power and authority men have over women with the power and authority men have over nature. Within this context, in this study, the relationships that the ecofeminism forms with other ideologies, their reasons of such articulations, the main discourse of ecofeminist philosophy, its arguments regarding nature and women related problems will be discussed epistemologically and ontologically.

What is Ecofeminism?

With its simplest definition, ecofeminism is a radical theory that is described as "ecologically informed feminism" (Hay, 2002, p. 73). Within broader terms, ecofeminism is defined as a literary theory that identifies androcentric dualism of man and woman dichotomy as the major source for anti-ecological grounds (Garrard, 2004, p. 23). Unlike deep ecology that blames the anthropocentric dualism of the culture and nature dichotomy as the major reason of anti-ecological thoughts, ecofeminism rather blames the patriarchal dualisms of both culture-nature and man-woman as the major reason for the oppression of women and nature (p. 23). The latter criticizes the anthropocentric insight, which raises the status of human beings over nature and deliberates the superiority of the human beings due to such so-called assets as rationality and having an immortal soul (p. 23). Therefore, deep ecology blames anthropocentricism as the main factor responsible for the destruction of nature (Hay, 2002, p. 73). In contrast to deep ecology, ecofeminism critiques the mind-set that increases the status of men above both women and nature, and therefore, the insight that confers the superiority of men due to such alleged qualities as biologically powerful body and bigger brain scope (2002, p. 73). So, for the destruction of nature, ecofeminism blames not only the prevalent androcentrism but also the structures of corruption existing within the human society such as gender.

As a critical theory, ecofeminism argues for the recognition that both of the suppressed entities of women and nature reveal a general logic of domination (Warren, 1994, p. 129). Thus, the ecologically informed feminism critiques rises against the notion which centers of master models claiming that "'women have been associated with nature, the material, the emotional, and the particular, while men have been associated with culture, the nonmaterial, the rational, and the abstract" (Davion, 1994, p. 9). Consequently, according to ecofeminists these foundations are to suggest a collective cause for both feminist and ecologist grounds (Hay, 2002, p. 72).

Historical Development of Ecofeminism

Ecofeminism is appreciated as a recently conceptualized gender-oriented green movement. It took some time for the individual voices of ecofeminist scholars and critics to come together under the heading of an all-encompassing ecofeminism. Although 1987 is generally attributed

as the official year for the collective establishment for the school of ecofeminism, the individual ecofeminist endeavours of several scholars, critics and authors started almost forty years earlier. The female responses to nature are brought to the attention recently because culturally woven stereotypes and physical variations have mostly kept women away from the discovery of nature (Norwood, 1996, p. 324). With he immense contribution of such devoted female nature writers as Isabella Bird, Mary Austin, Rachel Carson and Annie Dillard, female voices became effective in the 50s and 60s for the conservation of ecology and protection of nature against environmental degradation by the patriarchal power structures. The 1970s was a fruitful decade for ecofeminist scholarly initiatives. The term 'ecofeminism' was coined in 1974 and it is supposedly attributed to a French feminist, Francoise d'Eaubonne (Hay, 2002, p. 74). Rosemary Ruther later elaborated on the patriarchal dualism as the central ecofeminist concept but she was not able to thoroughly conceptualize the ecofeminist insight (p. 74). Following her, the influential ecofeminist Val Plumwood comprehensively established and developed the gender oriented radical ecophilosophy in the 70s. Apart from scholarly action, ecofeminist activism could be seen on the streets as women took place in environmental programs for the protection of Mother Earth, life, food, and water (Mann, 2011, p. 3).

After the ecological insights that developed in the 1970s, feminist scholars, critics and activists focussed on and explored the relations between oppressions commonly shared between different genders, races, classes, species, nations and nature. Feminists like Susan Griffin, Carolyn Merchant and Mary Daly helped develop the link between the oppression by the patriarchy on the female, and the oppression practiced by culture on nature (Gaard, 2011, p. 26-28). In the 1980s, the studies were furthered in order to conceptualize similarities between these two dominations by the androcentric mentality (p. 28). Within the course of literary theory, ecofeminism as a separate and collective critical school showed up on the stage for the first time at a conference held to celebrate the twenty-fifth anniversary of the scientist Rachel Carson's *Silent Spring* (1962) (Merchant, 1990, p. xv). The 1987-dated conference was organized to call for 'ecofeminist perspectives' to make women "lead an ecological revolution to restore planetary ecology" (p. xv). In the 1990s, however, most ecofeminist critics objected the previous ecofeminist fundamentals. The previous ecofeminism of the 70s and the 80s was labelled as radical ecofeminism and its main insights were objected due to its essentialism by the ecofeminist critics with a sociological and philosophical insight.

Within the context of the ethical framework, there have been several purely ecofeminist contributions and discussions for environmental thought, which have attained place within the theory. Ecofeminist critics focused and elaborated on such significant issues and questions as politics of women's bodies, new reproductive technologies, psycho-social aspects of birth and mothering, peace and disarmament, population and female infanticide, economic and social conditions of women in developing countries, workforce by women, nature of Western science and technology and the religious perception regarding women and nature (Hay, 2002, p. 84).

The Ideological Articulation of Ecofeminism

The basic principles of ecofeminism launch war on the common logic of domination that stem from androcentric and anthropocentric dualisms and the shared master models that associate women broadly with nature and men with culture. However, there is no agreement on the main principles of ecofeminism and theories. Just like the way there are several feminisms

within the general critical theory of feminism, there are also numerous ecofeminisms within the umbrella theory of ecofeminism. The ecofeminist group that is mostly objected and critiqued by most ecofeminists is the circle called as radical ecofeminists.

Radical ecofeminists support the view that just because women are mostly associated with nature, it is possible to assault on the pre-established hierarchy and therein reverse the already existing terms. To this end, they tend not only to promote nature and anything related to natural premises, but they also exalt such qualities associated with female identity as "irrationality, emotion, and the human or non-human body as against culture, reason and the mind" (Garrard, 2004, p. 23). The prominent radical ecofeminist Sharon Doubiago contends that "ecology consciousness is traditional woman consciousness", identifying that "women have always thought like mountains, to allude to Aldo Leopold's paradigm for ecological thinking" (1989, p. 41-42). Correspondingly, another radical ecofeminist, Charlene Spretnak, places female spirituality in the feminine biology and argues for a cultural apprehension that includes "compromised of the truths of naturalism and the holistic proclivities of women" (1989, p. 128-129).

Radical ecofeminism has been criticized for its essentialism, irrationalism on feminism, and reductionism. Liberal feminists mainly oppose and criticize radical ecofeminism since this group of feminists critique the recognition of any kind of a feminine essence based on biological sex (Garrard, 2004, p. 24). Instead, liberal feminism, along with radical and libertarian feminism, aims to manifest how gender is culturally constructed. Via master-models, nature and all the weak natural agents are associated with the female while culture and all the related power-centered cultural images are associated with men. Garrard asserts that such essential associations cause ecofeminism to contradict with the basic insight of feminism:

> …feminists have long argued against the acceptance of some 'feminine essence' grounded in biological sex, showing instead how gender is culturally constructed. Because this applies regardless of whether the essence is constructed negatively or positively, radical ecofeminism would then appear to present us with a mirror image of patriarchal constructions of femininity that is just as limited and limiting. Even a positive valuation of femininity as 'closer to nature' thanks to female biology or social experience neglects the reality that all the gender distinctions we know have been constructed within patriarchal societies. (2004, p. 24)

The very basic assumption of radical ecofeminism is not merely criticized due to its essentialism and allegedly weak feminism, but it is also critiqued because of its main understanding of ecology, as put by Garrard "If radical ecofeminism is questionable in terms of its feminism, it is even more so in terms of ecology" (Garrard, 2004, p. 24). Kheel and Griffin share the insight that the questionability of the radical ecofeminism's perception of ecology stems from its dismantling of androcentric primacy over emotion, which results in a prominent "anti-scientism" (qtd. in Garrard, 2004, p. 24).

It is a common consent that ecofeminism comprises several ecofeminisms within itself, each of which opposing to another through their variations as there are major internal contradictions within the theory. For Ariel Salleh this conclusion is inevitable "because ecofeminist politics grows out of a plurality of social contexts, it will have many contradictions" (1993, p. 94). The version of internal contradiction within ecofeminism could be traced most between the ecofeminist group that ascribe themselves as socialist ecofeminists and radical ecofeminists (Hay, 2002, p. 90). Mary Mellor, the member of the

former group, reflects the difference between both ecofeminist approaches as follows: "While radical eco-feminist philosophy embraces intuition, an ethic of caring, and weblike human relationships, socialist eco-feminism would seek to give both production and reproduction a central place in materialist analysis" (1992, p. 44). According to the analysis of Hay, the socialist orientation in ecological thought has been the group that critiques ecofeminism most (2002, p. 90). All the same, while some ecosocialists do not favour a linkage, some effective socialist ecofeminists such as Carolyn Merchant insist on a fusion between radical ecofeminism and socialist ecofeminism, which would enhance ecofeminist theory further:

> Socialist feminism incorporates many of the insights of radical feminism, but views both nature and human nature as historically and socially constructed. Human nature is seen as the product of historically changing interactions between humans and nature, men and women, classes and races. Any meaningful analysis must be grounded in an understanding of power not only in the personal but also in the political sphere. (1990, p. 103)

Joni Seager observes that "the ecofeminist umbrella is a big one, and there are many important shades of difference among people who self-identify as ecofeminists" (1993, p. 252). Due to its various shades, ecofeminism includes several internal contradictions among its groups. Therefore, ecofeminism as a radical eco-philosophy has been the focus of several criticisms not only from feminist or ecologist grounds but also from several ecofeminisms that it harbours inside.

Although radical ecofeminism is questionable as to its concerns of ecology, the grand theory of ecofeminism, on the contrary, is noted to be a discipline that is 'greener' than other radical ecophilosophies. As Hay maintains, "a survey of the current state of green intellectual and activist development can only lead to the conclusion that ecofeminism is now the predominant position within ecological thought" (Hay, 2002, p. 72). For many critics, ecofeminism has more ecological insights and assertions on environmental justice compared to the philosophies of deep ecology (Garrard, 2004, p. 26). Therefore, due to its elaboration on a distinct ecological aspect, ecofeminism should be considered to be different and distinct from other forms of feminisms and ecophilosophies (Hay, 2002, p. 73).

Another criticism raised against is that the ecofeminist theory is considered to hold its feminist discourse above its ecological appeal, because of which ecofeminism fails to bridge the gap between ecocriticism and feminism (Hay, 2002, p. 92). "Ecological feminists take the commitments of feminism as far less problematic than the histories of environmental thought and science created by men even when feminism neglects to take seriously the interests of human and nonhuman beings" (Cuomo, 1998, p. 53). Moreover, ecofeminism relies on the notions of feminist sisterhood rather than environmentalist concept of family (Hay, 2002, p. 92). According to Hay, the evidence of such ecofeminist leaning would be evidenced through strict ecofeminist opposition against deep ecology. (p. 92). What's more, instead of having a deep feministic philosophy, ecofeminism adopts 'womanist[5]' politics in its agenda. According to Salleh, "the embodied materialism of ecofeminism is a womanist rather than a feminist politics. It theorises an intuitive historical choice of re/sisters around the world to put life before freedom" (1997 p. ix-x)

[5] Womanism is an ideological pro-humankind theory that looks for the liberation of women from both gender and color oppression. Womanism includes feminism as a sub-branch, thus, Alice Walker, who coined the term, asserts that "womanist is to feminist as purple is to lavender" (1996, p. 10)

Although ecofeminism majorly deals with women-nature subservience, there have also been some other feminist objections against ecofeminism because of the separation of nature from women. Even within the lexical constructions, the usage of eco- in front of the term, feminism, was also questioned and objected by some feminists like Anne Cameron. Some feminists like her rejected the separation of ecology within the body of feminism since they believed that the natural and the feminine were so identical that a separation would only deteriorate the feminist position:

> The term 'ecofeminism' is an insult to the women who put themselves on the line, risked public disapproval, risked even violence and jail ... Feminism has always been actively involved in the peace movement, in the antinuclear movement, and in the environmental protection movement. Feminism is what helped teach us all that the link between political and industrial included the military and was a danger to all life on this planet. To separate ecology from feminism is to try to separate the heart from the head. I am not an ecofeminist. I am a feminist. (1989, p. 64)

Objecting Cameron's notion of equating nature with women, a very crucial feminist of twentieth century, Simone de Beauvoir argues for excluding any ecological aspects from feminism since she thinks that it is nature-women association that primarily gives rise to the oppression and subjugation of women. Therefore, in a world of patriarchal dualisms, all these politically constructed dualities could only be overcome through getting into the male side, adopting masculine values for the female and softening them on the behalf of women, rather than through sophisticating and excelling the female side. Consequently, Beauvoir rejects any nature-women association within feminism:

> An enhanced status for traditional feminine values, such as woman and her rapport with nature, woman and her maternal instinct, woman and her physical being ... this renewed attempt to pin women down to their traditional role, together with a small effort to meet some of the demands made by women - that's the formula used to try and keep women quiet. Even women who call themselves feminists don't always see through it. Once again, women are being defined in terms of 'the other', once again they are being made into the 'second sex' ... Equating ecology with feminism is something that irritates me. They are not automatically one and the same thing at all. (Beauvoir qtd. in Schwarzer, 1984, p. 103)

Like many ecofeminists, the influential modern feminist Beauvoir also maintains that throughout the history women and nature were faced a mutual subordination by the patriarchy. For, Beauvoir nature is a "vein of gross material in which the soul is imprisoned" (1982, p. 176); therefore, women should radically be distanced from nature and freed from the patriarchal captivation. Feminists within the same line with Beauvoir assert that it is only through a dynamic partaking within the territories of culture, which has long been made inaccessible to them that women could be liberated. For this group of feminists, such an effective participation in cultural or masculine realms necessitates a total and radical rejection of nature, which does not fit into ecofeminist philosophy at all. As strongly supported by a group of feminists, the participation of women in male-domains and their estrangement from nature was their solution to rid women from any patriarchal domination.

Moreover, following the footsteps of Beauvoir, there were even such radical feminists as Shulamith Firestone, who insists that nature was an all-tyrannous entity since through such a master-modelling and associating women closely with nature, women would be furthered one step away from liberation from patriarchal suppression (Firestone, 1970, p. 193). Therefore, Firestone called other feminist activists into mission in order to get rid of what she coined as

biological tyranny since "humanity can no longer afford to remain in the transitional stage between simple animal existence and full control of nature" (p. 193).

This line of radical feminist argument against nature as strongly supported by Cameron Beauvoir and Firestone, is described by the crucial ecofeminist critic Plumwood as "the first masculinising wave of feminism" (Plumwood, 1993b, p. 19). Objecting to the exclusion of nature from feminist domains and its being called as tyrant, Plumwood criticizes the vainly initiative of feminists to adopt and adapt masculine positions and interests. Therefore, she rises against the inefficient feminist effort because, in her own words, "in the equal admittance strategy, women enter science, but science itself and its orientation to the domination of nature remain unchanged" (p. 19). Plumwood states that "the very idea of a feminine connection with nature seems to many to be regressive and insulting', it is this feminist perception that perceive women to be "passive, reproductive animals" that are "immersed in the body and in unreflecting experiencing of life" (p. 38).

While ecofeminist theory is criticized for its "unsatisfied feminism" or un equal treatment of ecology and feminism some efomenists "distance their ecofeminisms from 'masculinising' first wave feminism" (Hay 2002, p. 92). In providing the equal treatment, Slicer notes "ecofeminism, we should remember, is a critique not only of androcentric environmental philosophy but of some feminist theory as well" (Slicer, 1994, p. 35). For Salleh, in an atmosphere where ecologist patterns are pre-feminist and feminist models are pre-ecological, "ecofeminism interrogates the very foundations of mainstream feminism, by pointing to its complicity with the Western androcentric colonisation of the life world by instrumental reason" (Salleh, 1997, p. 13). Correspondingly, Val Plumwood maintains that any ecofeminism is to refuse "approaches to women's liberation which endorse or fail to challenge the dualistic definition of women and nature and/or the inferior status of nature" (1993a, p. 39). However, the rejection for those of feminisms that lack appropriate ecological insight is not a total refusal, yet a partial one:

> Critical ecological feminism would also draw strength and integrate key insights from other forms of feminism, and hence have a basis for partial agreement with each. From early and liberal feminism it would take the original impulse to integrate women fully into human culture (Plumwood, 1993a, p. 39).

Karen Warren, who is one of the fundamental ecofeminist critics, categorizes "four minimal condition claims of eco-feminism" which prove its distinctiveness from other feminisms (Warren, 1987, p.7). The first ecofeminist condition, as claimed by Warren, is the association between the domination of the females and nature (p. 7). The second ecofeminist condition is that these related oppressions are authorized by a "patriarchal conceptual framework" (p. 7). The third ecofeminist condition is the criticism of the patriarchal theoretical structures that are also established in ecological philosophies (p. 7). Finally, the fourth ecofeminist condition adheres that ecological philosophies ought to "embrace a feminist perspective" (p. 7). According to Warren, out of these minimal conditions of ecofeminism, the third condition marks ecofeminism to be a distinctive strand of feminism because it is "the basis for the uniquely eco-feminist position that an adequate feminist theory and practice embrace an ecological perspective" (p. 7-8). Karen Warren, on the other hand, manifests that the main strands of feminism could actually be criticized from an ecofeminist point of view. She rejects a liberal feminist ecological perspective for "its extreme individualism (p.10).

On the other hand, traditional Marxist feminism proves to be inadequate to effectively theorize the association between the subjugation of women and the domination of nature

(Warren, 1987, p. 12). For Warren, radical feminism, which defines female subjects "as beings whose primary functions are either to bear and raise children ... or to satisfy male sexual desires" is much closer to the main ecofeminist insight due to its rejection of biological essentialism (1987, p. 17). Finally, from an ecofeminist mind-set, socialist feminism identifies the interrelations among several forms of oppressions, yet it cannot appropriately address the subjugation of nature (p. 17).

As none of the main feminisms fully satisfy her four minimal condition claims of ecofeminism, Warren suggests a new form of feminism to surpass all other feminisms, including biological essentialism. This new feminist theory is to be called as transformative feminism, which is based on the main concepts proposed by Warren and is identified with ecofeminism (1987, p. 18-20). Similarly, Plumwood also suggests a new green movement within feminism. For her, ecological feminism is "a third wave or stage of ecofeminism moving beyond the conventional divisions in feminist theory" (1993a, p. 39). Despite evolving on the theories of ecofeminism, radical feminism, cultural feminism and socialist feminism, "this critical ecological feminism conflicts with various other feminisms, by making an account of the connection to nature central in its understanding of feminism" (p. 39).

Conclusion

As a conclusion, it is gathered that due to their need to support and expand their discourses, movements or ideologies like feminism tend to get articulated to such super structures as socialism, Marxism or ecology. Additionally, in order to extend their ideological circles and empower their potency of action, the superstructures could get articulated into more narrow-scoped infrastructures. In this study, these articulations have been discussed through the theory of ecofeminism, which is mainly formed by bridging ecology and feminism. According to the ecofeminist understanding, the patriarchy exerts and maintains its power and domination by making use of authoritative power structures that are based on dualisms like human/nature, men/women, nature/culture. Thus, ecofeminists attempt to destroy all the established dualities and they disseminate ecologically informed societies where equality and liberation are maintained for all genders. In order to destroy all these established dualities, ecofeminists make use of several ideological superstructures as well as various infrastructures and narratives such as feminism, ecology, deep ecology, socialism, and liberalism. Within the context of articulation of ideologies, in addition to getting articulated into such ideological superstructures as feminism and ecology, ecofeminism is also exposed to several infra-articulations and infra-divergences within itself; therefore, as identified there appeared such critical argument lines as radical ecofeminism, cultural ecofeminism, sociology and philosophy informed ecofeminism as well as there appeared such critical criticisms against ecofeminism from the disciplinesand ideologies of socialist feminism, liberal feminism, deep ecology and etc . In this study, the ideological articulation of infra- and super-structures have been studied within the context of ecofeminism as the main case example.

References

Cameron, A. (1989). First Mother and the Rainbow Children. In J. Plant, *Healing the Wounds: The Promise of Ecofeminism* (pp. 54-66). Philadelphia: New Society.

Carter, Alan (1999), *Radical Green PoiWcalTheory* (London and New York: Routledge).

Çoban, A. (2001), Çevreciliğin İdeolojik Unsurlarının Eklemlenmesi, Ankara Üniversitesi, *SBE Dergisi*, 57-3.

Cuomo, C. J. (1998). *Feminism and Ecological Communities: An Ethic of Flourishing.* New York: Routledge.

Davion, V. (1994). Is Ecofeminism Feminist? In K. Warren, *Ecological Feminism.* London: Routledge.

Doubiago, S. (1989). Mama Coyote Talks to the Boys. In J. Plant, *Healing the Wounds: the Promise of Ecofeminism.* London: Green Print.

Firestone, S. (1970). *The Dialectic of Sex: The Case for Feminist Revolution.* New York: Morrow.

Gaard, G. (2004). *Ecocriticism.* London&New York: Routledge.

……, (2011). Ecofeminism Revisited: Rejecting Essentialism and Re-Placing Species in a Material Feminist Environmentalism. *Feminist Formations , 2* (23), 26-53.

Hay, P. (2002). *Main Currents in Western Environmental Thought* . Sydney: UNSW Press.

Norwood, V. (1996). Heroines of Nature: Four Women respond to the American Landscpae. In C. Glotfelty, & H. Fromm, *The Ecociticism Reader: Landmarks in Literary Ecology* (pp. 323-350). London&Athens: University of Georgia Press.

Mann, S. A. (2011). Pioneers of U.S. Ecofeminism and Environmental Justice. *Feminist Formations , 2* (23), 1-25.

Merchant, C. (1990). Ecofeminism and Feminist Theory. In G. O. I. Diamond, *Reweaving the World: The Emergence of Ecofeminism* (pp. 100-105). San Francisco: Sierra Club.

Mellor, M. (1992). Eco-Feminism and Eco-Socialism: Dilemmas of Essentialism and Materialism. *Capitalism, Nature, Socialism , 2* (3), 43-62.

Paterson, Tony (1989), *The Green Conservative:* A *Manifesto for tlıe Environmenl* (London: Bow Publlcations Ltd).

Pepper, David (1993), *Eco-Socialism: From Deep Ecology* to *Social Juslice* (London and New York:Routledge).

Plumwood, V. (1993b). Feminism and Ecofeminism. *Society and Nature , 1* (2), 36-51.

……, (1993a). *Feminism and the Mastery of Nature.* London: Routledge.

Salleh, A. (1993). Second Thoughts on Rethinking Ecofeminist Politics: A Dialectical Critique. *Interdisciplinary Studies in Literature and Environment , 1* (2), 93-106.

……, (1997). *Ecofeminism as Politics: Nature, Marx and the Postmodern* (1977 ed.). London: Zed.

Seager, J. (1993). *Earth Follies: Feminism, Politics and the Environment.* London: Earthscan.

Schwarzer, A. (1984). *After the Second Sex: Conversations with Simone de Beauvoir.* New York: Pantheon Publishing.

Slicer, D. (1994). Wrongs of Passage: Three Challenges to the Maturing of Ecofeminism. In K. Warren, *Ecological Feminism* (pp. 29-41). London: Routledge.

Spretnak, C. (1989). Towards an Ecofeminist Spirituality. In J. Plant, *Healing the Wounds: the Promise of Ecofeminism* . London: Green Print.

Walker, A. (1996). The Challenge of Blackness. *The Black Scholar , 26* (1), 9-17.

Warren, K. (1994). *Ecological Feminism.* London: Routledge.

……, (1987). Feminism and Ecology: Making Connections. *Environmental Ethics , 9* (1), 3-20.

Feminist Institutionalism: An Effective Collaboration of New Institutionalism and Feminist Theories

Şenay Eray

1. Introduction

This paper aims to carry out a theoretical and a conceptual discussion within the context of gender issues in political science discussions. Political science has mostly been a gender-blind discipline, with a peculiar ignorance on gender issues. Even though some feminist theories manage to take part in the mainstream theories, they are still marginalized. This paper intends to cast a light on an important exception of this marginalization. The paper focuses on a specific interaction and intermingling between feminist theories and new institutionalism as an important mainstream theory. This interaction brings up a new paradigm of feminist institutionalism, which is an effective cooperation of new institutionalism and feminist theories. This cooperation slowly finds its way in political science literature.

2. Method: Theoretical Discussion on Mainstream Political Science and Feminist Political Science

The main focus of this study is to explain how and on what grounds new institutional approaches and feminist theories interact and more importantly cooperate. Although these two paradigms seem separate, theoretically they have distinctive theoretical relations. There has been a routine understanding in political science on keeping feminist theories separated from mainstream approaches. This separation has kept feminism not only marginal and isolated but also almost irrelevant approach in political analyses and expressions.

Two major reasons can be listed in this marginalization process. First one is the gender ignorance of mainstream theories due to their "malestream" approaches (Oaklay, 1998). Their gender-blind stance dismisses the gradually developing importance of gender issues. The issue of gender became more and more important particularly due to the increasing importance of identity issues. Among the identity differences such as ethnicity, religion, age, nationality, economic class, social class, etc., gender has a specific prevalence. Apart from other differences, gender difference has an intersectionality. In other words, it has a parallel intersectionality with other identity differences. Therefore, each of the study areas relating to "socialization" and "politics" has a gender dimension in itself. For instance, in political science; each of the sub-study areas such as migration, security, urbanization, social policies, democratic participation, has a gender dimension. Therefore, ignoring gender dimension in a study means dismissing an integral component. Therefore a gender-blind stance in any social science studies causes half-read and insufficient results and evaluations.

The second reason of the marginalization of feminist theories is the conscious choice of some social scientists. According to them, working on gender as a sub-subject issue trivializes the importance of gender dimension. This is also a result of above-mentioned "malestream" approach. Studies focusing on gender issues merely with feminist theories deliver a successful explanatory outcome to understand the "power" and "patriarchy" relations within the issue at stake with a deeper analysis. Marginalization of feminism pushed feminist methodologies aside in general policy analysis.

The mis/non-use of feminist theories caused inadequacies in understanding and explaining sub-public policy areas. For a successful and true collaboration, those two theory groups need to be merged within the same paradigm and within the same ontological

perspectives. Regarding the theoretical commonality, it is seen that feminist theories and new institutional approaches have an important theoretical nexus in terms of their methodologies.

It can be urged that the basic and the most important partnership is the common interpretation of the concept of "institution" by new institutional approaches and feminist theories. As a brand-new approach of political science, new institutionalism particularly regarding the definition of "institution" in new institutionalism differentiates itself from the earlier schools, i.e. old institutionalists and behaviorists. Although the term "institution" is the most centralized concept in political analysis, there is a wide diversity and disagreement on the subject as to what kind of rules, organizations and practices are perceived as "institutions". While old institutionalism evaluates institutions only as "formal institutions" such as organizations, legislation, law; for new institutional approaches institutions are both formal and informal, such as values, norms, culture etc. That is, the new institutional approaches expanded the definition of institution from formal to formal-informal. Feminist theories also define institutions as formal and informal. Even though feminist theories are different from each other as being radical, socialist, cultural, etc., each of them has common terms to explain social and the political structure. These terms are power and patriarchy. For feminist theories, patriarchy is an informal institution. This is a major commonality between new institutional approach and feminist theory.

In conjunction with new institutionalism, feminist theories have participated into an "institutional turn", which occurred within mainstream political science. This conjunction emerged as a new institutionalist approach: feminist institutionalism. It also affected feminist outlook in political science as well as scholars in this area intending to develop feminist institutionalist frameworks (Mackay and Waylen, 2009; Krook and Mackay, 2011). Feminist institutionalism approach use the concept of *gender* as a central dimension of institutions of policy making processes particularly focusing on the dynamics of *power* and *change* (Kenny, 2011). Lovenduski (2011) defines gender as "a scale of masculinity and femininity along which behavior and attitudes may be ordered" and she also remarks that it is "evidenced by the presence of codes, norms, and behavior that reflect accepted (but possibly changing) dimensions of masculinity and femininity." These are all called as "gender" in social life; in other words as an informal institution.

New institutionalism has some different approaches in itself, each of which has a specific conceptual toolkit. Therefore the conceptual relationship between feminist theories and new institutional approaches changes from one new institutional approach to the other. Feminist institutionalism exists in the feminist political science using the new institutionalist approaches such as historical, normative, discursive and rational choice approaches. Feminist institutionalism is a synthesized approach (Freidenvall and Krook, 2011; Kenny, 2009; Mackay, Kenny and Chappell, 2010) of feminist political science and new institutionalism. The next section shows how this synthesis occurred via the common conceptual use of feminist theory and three main new institutional approaches, which are historical institutionalism, normative institutionalism, and rational choice institutionalism.

3. Theoretical and Conceptual Collaboration of New Institutionalism and Feminist Theory: Feminist Institutionalism

Feminist institutionalism is a theoretical and a conceptual synthesis of new institutionalism and feminist theories. This synthesis is explained by different types of new institutional approach. For each type; firstly the main concepts and the change/continuity balance are presented and then the synthesis of feminist institutional approach is explained.

3.1 Historical Institutionalism and Feminist Institutionalism

The conceptualization of the term of "institution" is the basic bond of feminist theory and historical institutionalism. Historical institutionalist approach delineates the institution as formal and informal institutions such as "the formal or informal procedures, routines, norms and conventions embedded in the organizational structure of the polity or political economy" (Hall and Taylor, 1996). This definition does not reject the usage of the term "patriarchy" as an institution.

"Path dependency", "historical continuity", "cultural embeddedness", "critical juncture" and "resistance to the change" are some of the main concepts used in historical institutionalism. It can be urged that these concepts are well used to explain the process of "continuity" and "resistance". Besides, these concepts help to clarify the continuity of patriarchal norms and the resistance to the equalitarian legislative reforms.

Table 1. Historical Institutionalism and Feminist Institutionalism

Main Concepts	**Change/Continuity Balance**	**Feminist Institutionalism (Feminist Historical Institutionalism)**
-Path Dependency -Historical Continuity -Cultural Embeddedness -Critical Juncture -Institutionalization	Continuity&Resistance	-Successful at explaining the resistance -Gender norms: path dependent institutions. -Historical continuity of the patriarchal system. -Long historical continuity of patriarchal norms -Strict path dependency -Cultural embeddedness of patriarchal norms -Routinization of gender norms -Institutionalization of the patriarchal norms.

The basic argument of historical institutionalism is that the political decisions appear when an institution is being formed. These policy choices are effective both in the formational and future stages (Peters, 2012). When a policy choice is institutionalized, it is supposed to persist. The activities and procedures of this policy are also supposed to become routine. This routinization creates a path to follow. Historical institutionalism argues that once institutional structure is created by the routinization, it is hard to change. This process is described as "path dependency" in historical institutionalism (Peters, 2012; Krasner, 1984; Pierson, 2000). Path dependency provides prior knowledge about the policy in the future. The path determines the policy on the issue at stake. The rigidity of the dependency may vary from one path to another and that change might be loose or rigid depending upon the routinization procedure. It causes a slow-moving from the path or a strict resistance to the change. Therefore, the change does not happen in an endogenous manner. The institution has a conscious for keeping and saving itself to prevail. For historical institutionalism, changes materialize by exogenous agents therefore the change generally occurs in the condition of "critical juncture," which is a period of significant change by "exogenous shocks" (Peters, 2012; Waylen, 2009). For historical institutionalism, institutions may persist and have a resistance towards the change to be able to save their original own path-way. Herein, two terms are vital for shaping the change-resistance balance; these are "*durability"* and "*capacity of institutions".* These are significant features to influence individuals' behaviors in terms of *continuity* and *resistance* (March and Olsen, 1995). Via continuity, dependency process is related with the *embeddedness* of the informal institutional norms on the pathways, which

have been occurring for a long time. That is, the more embedded the norms are, the more rigid the path dependency of these norms is going to be (see: Table 1).

This conceptualization of historical institutionalism goes well with the feminist political science and feminist institutionalism. This conjunction is also called "feminist historical institutionalism" by some scholars such as Georgina Waylen (2009). Besides, it is also called as "gendered institutionalist" approach. Both in historical institutionalism and feminist institutionalism "patriarchal norms" are so similar and both approaches evaluate these norms as harsh and embedded. This common point of view also establishes the theoretical background of this study with the approach of feminist historical institutionalism being able to explain different patriarchal resistances against the amendment policy regarding gender equality.

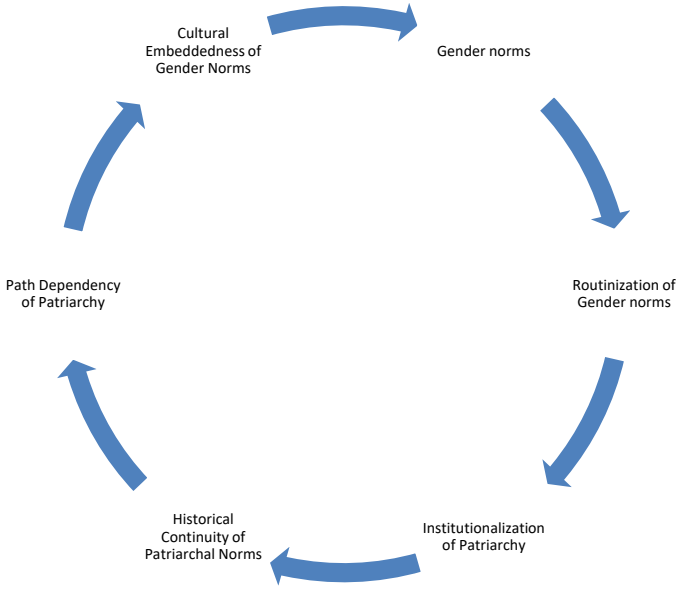


Figure 1. Conceptualization Process of Feminist Historical Institutionalism

With the collaboration, feminist institutionalist approach is practical at explaining the resistance against egalitarian legislative changes on gender issues. For feminist institutionalism, gender norms are path dependent institutions. Historical continuity of the patriarchal system has been carrying over since the human earliest day, that is, historical continuity of patriarchal system is one of the longest informal institutions in our social life. Patriarchal norms have a long historical continuity and strict path dependency therefore the cultural embeddedness of patriarchal norms in the society is considerably high. By the patriarchal practices depending upon gender roles, routinization causes institutionalization of the patriarchal norms. This continuity leads to reproduce the path dependency of patriarchal norms therefore the cultural embeddedness of the patriarchal norms is getting increased by time (see: Figure 1).

3.2. Normative Institutionalism and Feminist Institutionalism

The collaboration between normative institutionalist approach and feminist theories is very similar with the relation between historical institutionalism and feminist theories except from the change/continuity balance. Normative institutionalism provides a transition analysis from micro to macro stages about social and political issues. Analysis, determination, and the suggestion of the normative institutional approach are at the medium-level. Normative

institutionalism is one of the basic and important approaches of new institutionalism, which is efficient at explaining the relation between individuals and institutions. According to normative institutionalism, there is a bi-directional relation between individuals and institutions with a causality relation, which is a reciprocal one (Peters, 2012).

"Logic of appropriateness", "routine", and "garbage can" are some of the main concepts used in normative institutionalism. It can be urged that these concepts are useful in explaining the process of "continuity" and "change" together. Besides, these concepts help to clarify the continuity of patriarchal norms and the different responses towards equalitarian legislative reforms regarding gender issue.

Table 2. Normative Institutionalism and Feminist Institutionalism

Main Concepts	**Change/Continuity Balance**	**Feminist Institutionalism (Feminist Normative Institutionalism)**
-Logic of Appropriateness -Routines -Institution: Routines+ Norms -Change: • Endogenous process • Garbage Can -Compliance and conformity	Change &Continuity	-Successful at: • explaining the different responses of different gender groups -Men and women make a decision depending upon the "logic of appropriateness". -The power of logic of appropriates of gender roles - "Logic of appropriateness" of gender roles shapes the gender "routine". -Routine behaviors of gender roles & exceptional cases of patriarchal system & "acceptable" and "proper" behaviors of gender roles & logic of appropriateness of gender roles relation - Routine standards within the informal institution of patriarchal system. -Logic of appropriateness also affects compliance and conformity of the institution -Compliance and conformity of patriarchal norms.

Like historical institutionalism, institution is not necessarily a formal structure for normative institutionalism. For March and Olsen (1989) institution is understood as norms, rules, understandings, and routines. Among them, routine is the basic and the most important one for normative institutionalism, regarding the argument that routines define the "appropriate" actions and performance in the institution (March and Olsen, 1989). This is the essential point for the main term of normative institutionalism that is "logic of appropriateness". According to Peters (2012), logic of appropriateness influences behavior and it shapes individual action. He defines the logic of appropriateness as "if an institution is effective in influencing the behavior of its members, those members will think more about whether an action conforms to the norms of the organization than about what the consequences will be for him or for herself". Therefore people behave "appropriately" regarding the "logic" of norms and routines (see: Table 2).

It can be urged that normative institutionalism is good at explaining the process of "continuity" and "change" concurrently. For the change explanation, the conceptualization of "garbage can" is one of the most important tools. According to garbage can approach, "institutions have a set of routinized responses to the problems, and will attempt to use the familiar responses before searching for alternatives that are further away from core values"

(Peters, 2012). Besides garbage can, "process of learning" and "adaptation", are other significant terms for explaining the change. It states that "institutions identify and then adapt to changing circumstances in their environment through a process of learning" (Peters, 2012). This environment constitutes some patterns specifying appropriate behaviors through learning process. At large, endogenous agents are conducting this process, therefore it can be stated that the change is an endogenous process in harmony with the logic of appropriateness as well.

The synthesis of normative institutionalism and feminist theories brings out an effective approach called "feminist normative institutionalism" which is appropriate for explaining change and continuity together. It can be urged that feminist normative institutionalism is successful at explaining the different responses of different gender groups towards the legislative reforms considering gender equality. Besides, it is successful at explaining the different responses between men and women to the public policy of gender within the sub-policy areas such as education, political participation, employment, etc. It is seen that women and men react differently to policy changes providing gender equality within these sub-policy areas.

Considering normative institutionalism, individuals and institutions make a decision depending upon the "logic of appropriateness". When the formal institutional amendment regarding gender equality policy is conforming to the logic of appropriateness of individuals that was shaped by the gender norms and values, this amendment proposal turns into an action in everyday life. However, when the formal institutional change proposals such as legislative or organizational change drafts are in contradiction with logic of appropriateness, informal norms creating the logic of appropriateness such as norms and values are more effective on individuals and institutions' decision.

Feminist normative institutionalism is a prospering approach for analyzing patriarchal society and its influence on policy making processes. According to feminist normative institutionalism, behaviors depending on "logic of appropriateness" are also the "routine" behaviors determining the "exceptional cases". Exceptional cases draw the boundaries of "acceptable" and "proper" behaviors (Peters, 2012). These behaviors, that are acceptable and proper, clarify the logic of appropriateness of man and woman separately and this clarification determines the routine standards within the informal institution.

The logic of appropriateness also affects the compliance and conformity of institutions. While the power of this logic of some norms with the compliance and conformity is getting increased, routine standards become more rigid through incentive or punitive measures. The policy implementation tools such as punishments for honor crimes, incentives for women's employments and affirmative actions for girls' education can be investigated more deeply through feminist normative institutional approach.

3.3. Rational Choice Institutionalism and Feminist Institutionalism

The synthesis of rational choice institutionalism and feminist theory is very different from historical and normative institutionalisms. The rational choice provides a macro analysis about social and political issues. Therefore it rather helps to analyze a general public policy or sub-public policies of a country.

Table 3. Rational Choice Institutionalism and Feminist Institutionalism

Main Concepts	Change/Continuity Balance	Feminist Institutionalism

-Institutions: Rules -Interest -Utility-maximizing rule -Bargaining -Rational Choice: Institutions as well as individuals are rational -Change is a**n** exogenous process. -Change happens through "learning" and "adaption"	Change	-Successful at analyzing the changes of formal institutions. regarding gender equality. -The importance of exogenous agents: (such as European Union and United Nations) for the countries in Europeanization process -Individual interest is pretty high at the institutional change for gender equality policy -Change as a bargaining process: Europeanization or keeping patriarchal norms

Rational choice institutionalism conceptualizes institutions as "aggregations of rules with members of the organizations- or institutions- agreeing to follow those rules in exchange for such benefits as they are able to derive from their membership within the structure" (Peters, 2012). Like other institutionalisms, this process can be materialized in time. According to Peters, firstly "individual can gain some benefits from membership in an institution" and then they become "willing to sacrifice some latitude of action in order to receive those benefits" (Peters, 2012, 53).

For the rational choice institutionalism, institutions are the "rules". Individuals use the rules for shaping the decision situations as structuring the information. This also depends on "utility-maximizing" rule for rational choice. Considering the rational choice, institutions are conscious and rational designs. Besides institutions, individuals are rational for rational choice approach. Therefore each institution and individual gets into action to maximize his or her personal interest with respect to utility-maximizing rule. Concerning change and continuity balance, rational choice institutionalism is the basic and most important approach at explaining the formal institutional change, which is evaluated as an exogenous process (see: Table 3).

Regarding the collaboration between rational choice institutional approach and feminist theories, this synthesis provides a good cooperation to bring up an effective approach for explaining the legislative change regarding gender equality. This approach is particularly very effective for picking up the reasons and understanding the process of legislative changes within the countries in Europeanization process. As exogenous agents, the European Union and the United Nations are significant actors in implementing the gender equality policy in those countries at the stage of formal institutional level. Changing can be evaluated as a bargaining process between two significant interests of policy makers to decide whether keeping the patriarchal norms within the legislation or being a European country as changing the gender inequality norms in the legislation. Policy-makers calculate their personal or institutional interest and their total benefits regarding the utility-maximizing rule as amending the law for the purpose of being a member of the European Union.

Unlike historical and normative institutionalisms, the collaboration of rational choice institutionalism and feminist institutionalism are decisive at explaining the formal institutional changes. The conceptualization of rational choice institutionalism can be implemented in the feminist theories as well.

In brief, each of the main new institutional approaches can provide a special and a significant collaboration with feminist political science through their own conceptualizations. This collaboration brings forth the feminist institutionalism consisting of feminist historical institutionalism, feminist normative institutionalism, and feminist rational choice institutionalism and so on. Every feminist institutional approach, in this sense, is decisive at

explaining the change/continuity of the formal and informal institutions regarding gender issues.

4. Conclusion

Particularly with the 1980s it became a serious discussion in the political science that the mainstream discussions and theories have been discarding gender issues, with almost a gender-blind viewpoint. Although some feminist theories emphasized this from various perspectives they could not bring up a unified and coherent paradigm, which kept them on the margins of mainstream discussion. Feminists so far only managed to have a context related weight in the literature. On the other hand with their gender oriented approach feminist theories provide a useful toolkit for social sciences research on gender hierarchy and power relations behind it. Institutionalism, as a mainstream theory, is not an exception in this sense since feminists and institutionalists could not agree on "what the institution [actually] is". However, new institutionalists and feminists manage to develop some commonalities on their definitions about institutions. They both consider that institutions are both formal and informal structures, which enable them to use each other's research methodologies and paradigms.

This article intends to underline this theoretical collaboration between new institutionalism and feminism. Although there are several new institutionalisms, only the main approaches; historical institutionalism, normative institutionalism and rational choice institutionalism, were chosen to explain this theoretical and conceptual collaboration. These three institutional approaches can provide a productive cooperation with feminism via common conceptualizations.

Firstly, the collaboration of historical institutionalism and feminism, which is called the feminist historical institutionalism, depicts the continuity of informal institutions such as patriarchal norms, values, and ideas. It is also successful at clarifying the reasons of the resistance against policy amendments proposing gender equality through the conceptualization of historical institutionalism. Secondly, the collaboration of normative and feminist institutionalism enables the understanding of different responses of man and woman towards policy change proposals on gender equality issue or other issues having a gender dimension. Finally, the synthesis of rational choice and feminist institutionalism provides a good toolkit to explain the following question: "while there have been strict and dependent patriarchal norms, routines, and practices, in society; how the formal institutions, such as laws, rules, and regulations can be changed relatively much faster by the policy makers with the utility-maximization rule".

In brief, each of the new institutional approaches has a special conceptual and theoretical partnership with feminist theories. This compatible cooperation brings out one more new institutional approach: feminist institutionalism, which finds its place in mainstream political science. In conclusion, feminist institutionalism can cope with the main problem of the marginalization of the feminist theory in mainstream political science, and also the above-mentioned collaboration enables social scientists to explain social and political facts with a peculiar gender dimension.

5. References

Freidenvall, L., and M. L. Krook. (2011). Discursive Strategies for Institutional Reform: Gender Quotas in Sweden and France. In M. L. Krook, and F. Mackay (Eds.), *Gender,*

Politics and Institutions Towards a Feminist Institutionalism (pp. 42-58). New York: Palgrave Macmillan.

Hall, P. and Taylor, R. (1996). Political Science and Three New Institutionalisms. *MPIFG Scientific Advisor Board Meeting* (pp. 5-25). MA: MPIFG.

Kenny, M. (2009).Feminism and Institutionalism: Promising Synthesis or Another Case of 'Master's Tools'?. *European Conference on Politics and Gender* (pp.1-4). Belfast.

Kenny, M. (2011). Gender and Institutions of Political Recruitment: Candidate Selection in Post-Devolution Scotland. In M. L. Krook, and F. Mackay (Eds.), *Gender, Politics and Institutions towards a Feminist Institutionalism* (pp. 21-42). New York: Palgrave Macmillan.

Krasner, S. (1984). Approaches to the State: Alternative Conceptions and Historical Dynamics. *Comparative Politics*, 223-46.

Krook, M. L. and Mackay, F. (2011). *Gender, Politics and Institutions Towards a Feminist Institutionalism.* England: Palgrave Macmillan.

Krook, M. L. and Mackay, F. (2011). Introduction: Gender, Politics, and Institutions. In M. L. Krook, and F. Mackay (Eds.), *Gender, Politics and Institutions towards a Feminist Institutionalism* (pp. 1-21). New York: Palgrave Macmillan.

Lovenduski, J. (2011). Foreword. In M. L. Krook, and F. Mackay (Eds.), *Gender, Politics and Institutions towards a Feminist Institutionalism* (pp. vii-xii). New York: Palgrave Macmillan.

Mackay, F. and Waylen G. (2009). Feminist Institutionalism. *Gender and Politics*.

Mackay, F., Kenny, M., and Chappell, L. (2010). New Institutionalism Through a Gender Lens: Toward a Feminist Institutionalism?. *International Political Science Review,* 573-588.

March, J. G. and Olsen J. P. (1989). *Rediscovering Institutions.* New York: Free Press.

March, J. G. and Olsen J. P. (1995). *Democratic Governance.* New York: Free Press.

Oakley, A. (1998). Gender and People's Ways of Knowing: Some Problems with Feminism and The Paradigm Debate in Social Science. *Sociology, Vol.32 No.4, 707-731.*

Peters, B. G. (2012). *Institutional Theory in Political Science.* New York: The Continuum International Publishing Group.

Pierson, P. (2000). Increasing Returns, Path Dependence, and the Study of Politics. *American Political Science Review*, 251-67.

Waylen, G. (2009). What Can Historical Institutionalism Offers Feminist Institutionalists?. *Politics & Gender, Vol.5 No.2*, 245-252.

Labor Market Regulation of Turkey in Context of the National Employment Strategy

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1. Introduction

Capital accumulation and thus the industrialization process in Turkey was realized to be the future; before the industrialization, agricultural sector was the main and dominated sector of the economy. Production was done with traditional methods and family members were part of the process in the agricultural sector. Women were unpaid family workers, a labor structure where the children were noted as a helping hand and the workforce seemed like that.In other words, there has been a social structure that is intertwined with the economic structure and the family structure.

There have been radical changes in the society with the industrialization process, and this process has brought together many problems. Industrialization was the main factor of migration from villages to cities and has emerged a huge mass of unemployment due to a weak industrialization.On the other hand the level of women participation in employment due to gender roles remained at very low levels. At this point, due to both economic and social characteristics of the labor market, new problems have emerged and inadequate policy regulations to solve these problems during that period, that has become the lurching point of all problems and various other structures.

In 2005 the European Union has created requirements to harmonize the structure of the labor market with the introduction of full membership negotiations with Turkey.For this purpose, the first National Employment Strategy has been established in Turkey. Where the strategy covers the period of 2014-2023 and aims to attain 3 targets by the year 2023. Those three targets are, the level of unemployment should be reduced to 5% by the year 2023, Employment level has to be raised up to 55% by the year 2023, and finally the non-agricultural sector in informal employment rate is specified to be below 15% by the year 2023. To achieve these objective 4 basic policy axis are determined. Strengthening axes of this policy, education and employment relations, provision of security and flexibility in the labor market, group requiring special policies to improve employment and strengthening social protection of employment relationships.

This study includes, at first to explain neo-liberal transformation in the world depending on changes in the employment policies, further it refers to the characteristics of Turkey's labor market and the National Employment Strategy.

2. Transformation of the Welfare State and Neo-Liberal Economic Policy

The economic crisis experienced in 1929 is not sufficient alone the free market economy and state intervention in economic policy envisaged by Keynes as necessary has find area of implementation (Rose, 2006) Keynes, the idea that the market place full employment interventions rejects with its own dynamics without an outside party. Accordingly the state, against social risks, employees with the social insurance system; other social groups have undertaken the mission of providing protection while taking into social security and social assistance programs and a basic level of living.However, the crisis in the early 1970s and the subsequent stagflation falling growth rates in many countries has led to an increase in the public debt and unemployment.The fundamental cause of this crisis has shown an increase in social spending; Neo-liberal policies began to take the place of the Keynesian policies (Topak, 2012). Accordingly the Neo-liberal economy that aims to improve international

competitiveness by lowering labor costs business, deregulation of economic growth with individual welfare formula, flexibility, refers to the market freedom based on methods such as privatization (Mütevellioğlu and Sonmez, 2009) and since 1980s, especially the Bretton Woods dimming by organizations to cover public expenditure in the health and education services, retrench government participation and regulation in accordance with the conditions of the free market has been dominated by social policy applications. The implementation of economic policies experienced in the developed countries to facilitate the so-called capital accumulation in developing countries and under developed countries and a number of policy areas that will provide guidance on free-market application is determined as the Washington Consensus in 1991. These reforms; fiscal discipline and the reorganization of the public expenditure priorities, tax reform, liberalizing of interest rates, privatization, deregulation, and could be specified in the regulation of property rights (Ozturk, 2011).The most radical changes took place in England.In 1979, seems that Margaret Thatcher's with the foundation of Conservative government and the steps taken towards privatization of public services (Topak, 2012). The decisions taken by the "Washington Consensus" with the integration of flexible labor markets, as well as the liberalization of trade in order to comply in January 24, 1980 began a new process in Turkey. Employment policy should be increased from this date as well as practices to reduce labor costs in order to increase competitiveness in the economy (Mütevellioğlu and Sonmez, 2009).

2.1. Labor Market Structure of Turkey

Although Turkey has a young population, the employment opportunities for the population are inadequate because of a mismatch between the educational structures of the labor market, (Koray, 2005). Small and medium-size industries on a large scale and the difficulties in entering the labor market, depending on the significance of women in society, depending on the meaning of the difficulties in society and many socio-economic factors that lead to structural problems the labor market.

Elsewhere, growth-oriented policies in Turkey was established in general terms of employment and growth in the labor market seems to be expected to solve all problems. At this point the issue is closely related to the labor market and economic policies, but it is stated that it is not qualified to solved by growth alone (Bülbül, 2014). The weak correlation between growth and unemployment proves in 1992-2002 shows the actual facts (Akgeyik, 2004).

The Global Employment Trend Report, published by the ILO of 2015 study of immigrants from Syria, the unemployment rate in Turkey is estimated to increase under the influence; worldwide average unemployment rate in 2015 was 5.9%; In Turkey, this ratio has been determined as 9.2% (ILO, 2015).

When analyzed in terms of labor market data on the young people NEET (Neither in employment, nor in education or training) shows what proportion of young people not in education nor in the labor force was highest in Turkey. In 2011, this ratio was realized as 34.6% in Turkey. According that data almost 4 out of every 10 young people in education nor in employment is located.

Another problem area is unregistered employment rate (the informal sector) is quite high. According to the Turkey Statistical Institute has released the data of unregistered workers identified as 31.8% in January 2016. According to that every three unregistered workers in Turkey is estimated to take place in employment. Unregistered employment rate is high because of the density of small and medium-sized enterprises, and depending on the inadequacy of the control lies not want to reduce the employer's labor costs. When

unregistered employment in terms of registered employment analyze then an identified link cleared the relation according to the worker. In other words, the level of education increases in terms of enrollment rate increased and employment has been identified as an important factor in vocational training (Alcan et al, 2015).

On the basis of gender, the labor force participation data analyzed greatest variance in OECD countries seems to be in Turkey. Accordingly, in January 2016. According to data that the female labor force participation rate was 31%; this ratio was determined to be 70% in men. In this case, the low level of women's education is closely related to the employer's approach and gender roles (Turk Stat, 2016).

Another problem area for the labor market are disastrous mismatches. Expression that is incompatible with the nature of the qualifications required for individuals who generally work the mismatches in Turkey is higher than the OECD countries; when analyzed by gender it seems to be higher in women than men (ILO, 2014).

2.2. Formation of National Employment Strategy in Turkey

The process of formation of Turkish employment strategy plays an active and important role in accession process to the European Union. The fact that preparation for the membership of the European Union in the field of employment and social policies so as in all other areas, it should be emphasized by association with an employment concurring strategy with the European Union. Considering 19 section and minutes of the meeting where the development related to social policy and employment in Turkey, to be higher informal employment and unemployment, mostly are the reports of 2014. Where women and youth employment well below the level of the European Union and employment policy seems in a position to be criticized on the grounds that Turkey's accession process to the European Union.In the Progress Report of 2014 it is mentioned that the National Employment Strategy created an ambitious (EU Progress Report, 2015).

Firstly this chapter will form the basis of National Employment Strategy of Turkey addressed to the European Employment Strategy; after that Turkey's National Employment Strategy will be summarized briefly.

2.3. Development of the European Employment Strategy

The basis of the European Employment Strategy, published in 1993, "Growth, Competitiveness and Employment" of the White Book is said to be published during the Essen Summit held in 1994. For the first time the European Union raised the issue of employment has been identified as one of the Union's fundamental problem area summit held in Amsterdam in 1997. Same year council had an extraordinary employment summit in Luxembourg, for the first Employment Guidelines adopted by the Council and the Employment Strategy has identified four policy axes. The summit in Luxembourg emphasized the structural transformation of the labor market; as employment strategy Employability, Entrepreneurship, Adaptability and Equal Opportunities, focused on issues (Selamoğlu and Lordoğlu, 2006).

European Employment Strategy Workforce developments in the market and as a result of changes due to changing priorities in 2003. "The future of the European Employment Strategy; Full employment and good jobs for everyone Strategy "from the new European Employment Strategy is organized. The strategy seems that 3 main objectives set out in the strategy planning as well as supporting the Lisbon strategy. For this purpose, ensuring full employment, improving quality and productivity at work and social harmony

and comprehensive development has been identified as the creation of the labor market (Özgüler, 2013).

"Europe 2020 Strategy Held in 2010 and the European Employment Strategy seen as a complement to for the Smart, Sustainable and Inclusive European Strategy for "Europe 2020 Strategy Growth" is said to have an important mission in the regulation of labor market report.The Europe 2020 Strategy, it is stated that arise as a result of past financial crisis and after the financial crisis is a product of the idea of bringing more powerful than before and globalization, climate change and the rapid aging of the European population factors. Europe 2020 the EU's economic crisis is scraped from the negative effects of economic growthand Strategy a way to realize the objectives related to employment and the environment is said to draw the map (Europe 2020 Strategy).*Targets for achieving full employment in the previous report determining; 2020 replaces the rhetoric of full employment in the European Strategy; medium and long term, high levels of employment, productivity and social cohesion is achieved, rational, sustainable and comprehensive growth has left the discourse (Özgüler, 2013):*

3. National Employment Strategy of Turkey

2008 Economic crises effect almost all the world as other countries Turkey also had a deep effect by the economics downtown and has been structured cause of the problems inherent in this economic crisis.Therefore, the National Employment Strategy, which aims to ensure growth in the economy from a macro point; it is stated that the micro aspects of the labor market aimed at solving structural problems (NES, 2014). Unregistered structural problems in the labor market, Employment, Youth Unemployment, Labor force participation and lagging behind the developed countries, employment rates, According to the European Union average participation of women in the labor force remains at low level, it expressed as structural unemployment and labor market rigidities (NES, 2013).

The strategic importance of creation emphasizes on policies of globalization.Accordingly, there has been an accelerated change with the globalization process because of its importance of human capital and market information,training aimed to increase the level of skill and production to meet the needs of economy, levels of participate in the vocational secondary education is low and because of that unable to train the labor force in general due to low workforce education,lack of knowledge and skills related to communication technologies, the amount allocated from the state education budget remain at very low level which is insufficient (NES, 2013).

NES has 4 basic policy axis. Strengthen the education-employment relationship, ensuring the security and flexibility in the labor market, increasing the employment of groups that bears the title require special policies to strengthen the employment association and social protection.The other part of the study will explained the policy axes.

3.1. Education-Employment Relationship

Strengthening the strategy of the education-employment relationship constitutes the first axis that focuses on the supply side of the labor market and to increase the human capital of the individual case and to emphasized on their employability stability. On the other hand focusing on vocational education and it should be emphasized that the function is configured as a market-based system of education.However, the education problem should only be considered as rather a part of the general training or focusing in terms of professional

training, and therefore the criticism made non-economic educational objectives come into the mainstream and that should not be ignored. (Aksoy, 2012).

The main link between the relationship of education and employment at the National Employment Strategy policies, are as following (NES, 2013):

- ✓ To gain basic skills and competencies should start from the pre-school education accessible to everyone in the system,
- ✓ Increasing the quality and effectiveness of education and vocational training,
- ✓ Lifelong Learning (LLL) will be established under the open learning environments and encourage lifelong learning,
- ✓ Synchronization between education and the labor market,
- ✓ To increase the effectiveness of active labor market policies,
- ✓ Project with the education system and active labor market policies and entrepreneurship hipster support center,

It is seems that the strategy of training-employment relationship based on neo-liberal economic policies of Human Capital Theory forms the education policy. For the first time in human capital theory, labor, considered as capital goods, equipment and workforce training, knowledge, to increase the skills, experience and employability likewise the idea and the possibility to remain unemployed for a person will be reduced (Ozturk, 2005).In other words, Human Capital Theory hypothesis in mind, "individuals are excluded from the labor market because of maladjusted, cannot participate in the labor force or unemployed", to ensure compliance with the individual's labor market "employability" concept is to emphasized the idea that arise from economic and social factors that could be individual reasons caused unemployment in this approach it is negligible (Kapar, 2012).

3.2. Achieving flexibility and Assurance in the labor market

The basic grounds of assurance and flexibility policies in the strategy is explained by the developments in the production model. Accordingly, in the 1970 depending on developments in production post-Fordism model replaces the Fordism production model; In other words, rather the mass production demand production model has been used in the effort to increase competitiveness with the impact of globalization and supple of production has emerged (IAP, 2012). Turkey has been identified as the country with the most stringent regulations in OECD countries is analyzed in terms of legal regulations. The reasons for the complete and permanent arrangement was made according to the type of employment and the labor market employment termination benefits application was expressed as the entry-exit barriers (NES, 2012). Consequently application of flexibility to adapt to the globalization in the labor market, has emerged as a result to focus in Turkey.

The assurance and flexibility in the labor market has been done to ensure policy objective and summarized are as follows (NES, 2012):

- ✓ Increasing the applicability of regulationsis not enough for implementation of flexible working conditions and Increasing legal arrangements regulations for regulated flexible forms of work,
- ✓ Flexible access of economic and social rightsopportunities to Employees
- ✓ To flexible workers benefit from active labor market measures to increase employability,
- ✓ Protection of unregistered employment through the reduction of auditing activities and flexible employees' rights

One of the most controversial issues in the strategy of "Flexicurity" which aims to provide for flexibility in the labor market on the one hand; It aims to provide assurance to the loss of life

as well as labor rights. Otherwise it should be run for the functioning mechanisms of social dialogue state of flexicurity policies are expressed and will lead to loss of rights of the employees of this policy (Kapar, 2012).

3.3. Enhancement of Private Group Employment Policy

In this part of the strategy women defined as disadvantaged groups, young people and persons with disabilities aims to increase the participation in the labor market. At this point the flexibility of applications are the basic policy for women and young people to increase their participation in employment and informality and seems as fighting front. On the other side, while women in employment; improving flexible working conditions, mainly home-based work in order to fulfill the requirements of gender roles a part from all reducing the maintenance burden on women. The increased flexible working conditions for young people as well as supporting young entrepreneurs, job search, mapping , is aimed at the provision of advisory services (NES, 2014).
Policy targets set to increase the employment of groups requiring special policy stated as follows:

- ✓ Women's labor force participation rate and employment will be increased to combat unregistered employment,
- ✓ Reduction youth unemployment,
- ✓ Embed the rate of disabilities in the labor force and increasing employment,
- ✓ To speed up the reacceptance after a long-term unemployed,
- ✓ Improvement of regulations for anti-discrimination

3.4. Relation of Employment and Social Protection

This part of the strategy of social protection in a narrow sense; There seems to be addressed in the context of social assistance and help of this part of has become dependent on social welfare destined on the arguments therefore they prefer to get help instead of working individuals (Kapar, 2012).This types of help depending on whether the state social assistance is given to the arrangements related the involvement of individuals in the labor market.
Employment-policy arrangements for the establishment of social assistance relationship stated as follows (NES, 2014):

- ✓ The offer of social benefits and rights-based should be predetermined on the basis of objective criteria,
- ✓ Social protection services encourage household work according to the needs of the person taking into account the composition annoying way of identifying and classifying,
- ✓ Informal workers to increase activities for people who are poor and at risk of poverty,
- ✓ The provision of productive by bringing sustainable income generation indigent citizens in workable condition,

These arrangements were unable to fulfill the conditions to participate in vocational training orif not benefit from assistance work programs for those who want to benefit from assistance are evaluated generally.These arrangements (social) the welfare state "executive" can be interpreted as an indication return approach of government.Social assistance programs for the executive is criticized because of their coercive and punitive case study work (Standing, 1999). According to another opinion to be directed to run social welfare of individuals it would prevent waste of resources.Because assistance programs for the poor made by liberals

and the poor that make up much of this program has been implemented for the benefit of the middle class, individuals have to manage these programs according to their personal interests (Swanepoel, 2014).The other half of social assistance and employment linkage studies of social assistance is to assist the establishment of volition.

4. Conclusion

Economic policy seems to be are continuously in interaction with employment policies. In other words adoption of supply-side-liberal economic policies is a case where problem will resolve itself on the market and therefore it should not interfere with the state of the labor market while considering demand-side-Keynes economic situation to adoption the policies that interfere with the state of the labor market and therefore it is observed that the arrangements for the resolution of the problems sought to be realized through public policies.
After the oil crisis of the early 1970s represents a paradigmatic shift in economic policy.Such demand instead of supply-side policies after the crisis neo-liberal economic policies have been introduced.Thus, the problems in the areas of state intervention and contracted labor market flexibility and applications of individuals if they increase the availability then employment seems to be at the forefront that resolved the idea.On the other hand of social assistance beneficiaries which made the arrangements for the inclusion in the labor market and full-term replaced by solid implementation of legislation based on contracts for the labor market. Part-time and fixed-term contracts seem to be provisions left to the principles of flexible application.National Employment Strategy adopted by the year 2013 in Turkey and in the labor market transformations has earned its legal status.The creation of a labor market that seems to assistance reduce the dependence on flexibilisation that lead to increment in the employability.

Reference

Abdülkadir Ş. (2011). *Küreselleşme Sürecinde Sosyal Politika*, İstanbul, Alfa Yayınları, 3. Baskı, 2011, s.148.

Akgeyik, T.(2004). Türkiye'de İşsizlik ve İstihdam Politikaları, İstanbul, *İktisat Fakültesi Mecmuası*, 54(2), s. 1-33.

Aksoy, H. (2012). Ulusal İstihdam Stratejisinin Politika Eksenlerinden Biri Olarak Eğitim İstihdam İlişkisi, Ulusal İstihdam Stratejisi: Eleştirel Bir Bakış, Ulusal İstihdam Stratejisi Sempozyumu, 13 Nisan 2012, s.50-64.

Alcan, D., Can, R., Pektaş, B. (2015). Türkiye İşgücü Piyasasında Hareketlilik: Mikro Veriye Dayalı Analiz, T.C. Kalkınma Bakanlığı.

Avrupa Birliği İlerleme Raporu, 2010-2014.

Bülbül, O. G. (2014). Ulusal İstihdam Stratejisi Taraflar İçin Ne Öngörüyor?, İstihdamda 3İ, sayı 14, s.68-73.

Gül, S.S. (2006). Sosyal Devlet Bitti Yaşasın Piyasa! Yeni Liberalizm ve Muhafazakarlık Kıskacında Refah Devleti, İstanbul, Etik Yayınları,

ILO, (2014). Global Employment Trend.

Kasalak. M.A. (2007). Avrupa Birliği'ndeki İstihdam Stratejileri ile Türkiye'deki İstihdam Stratejilerinin Ekonomik Anlamda Karşılaştırılması, *SDÜ Sosyal Bilimler Enstitüsü Yüksek Lisans Tezi,* Isparta.

Kesici, M.R., Selamaoğlu, A. (2005). Genel Hatlarıyla Avrupa İstihdam Stratejisi ve Geçirdiği Dönüşüm, "İş, Güç" *Endüstri İlişkileri ve İnsan Kaynakları Dergisi*, 7(2), s.25-51.

Kesici, M.R. (2011). Avrupa Emek Piyasası Dinamikleri ve Avrupa İstihdam Stratejisi Temelinde Türkiye'nin Uyumu, *Çalışma ve Toplum,* 2011/1, s.75-115.

Koray, M. (2005). *Sosyal Politika*, Ankara: İmge Yayınevi

Mütevellioğlu, N., Sönmez., S.(2009). *Küreselleşme, Kriz ve Türkiye'de Neoliberal Dönüşüm*, İstanbul Bilgi Üniversitesi Yayınları.

Özgüler, V.C. (2013). *Avrupa Birliği ve Türkiye İşgücü Piyasasının Karşılaştırılması*, İstanbul, Cinius Yayınları, s.99.

Öztürk, N.(2005). İktisadi Kalkınmada Eğitimin Rolü. Sosyo-Ekonomi Dergisi, Ocak-Haziran, s.27-44.

Öztürk, Ş.(2011). Sosyal Politikada Aktifleşme Stratejisi: Refah Devletinin Çıkış Yolu Mu, Çöküş Yolu Mu?, *Kamu-İş Dergisi*, 12(1), s.110- 116.

Palley, T. (2004). From Keynesianism to Neoliberalism: Shifting Paradigsm in Economics, Neolibralism-A Critical Reader, Pluto Press.

Selamoğlu, A., Lordoğlu. K. (2006). *Katılım Sürecinde Avrupa Birliği ve Türkiye'de İşgücü ve İstihdamın Görünümü*, Ankara, Belediye-İş Yayınları.

Şenses, F. (2001), *Küreselleşmenin Öteki Yüzü: Yoksulluk*, İletişim Yayınları, İstanbul.

Standing, Guy(1999). *Global Labour Flexibility, Seeking Distributive Justice*, Basinhstoke Macmillan Press London.

Swanepol, M. (2014). *Sefaletten Zenginliğe*, Liman Kitap.

T.C.Başbakanlık Avrupa Birliği Genel Sekreterliği Sosyal, Bölgesel ve Yenilikçi Politikalar Başkanlığı, Avrupa 2020 Stratejisi: Akıllı, Sürdürülebilir ve Kapsayıcı Büyüme İçin Avrupa Stratejisi Özet Bilgi Notu, 2010

T.C. Ulusal İstihdam Stratejisi, 2014-2023.

T.C.Dışişleri Bakanlığı, Türkiye-AB ilişkileri, Erişim, http://www.mfa.gov.tr

Topak, O. (2012). Refah *Devleti ve Kapitalizm 2000'li Yıllarda Türkiye'de Refah Devleti*, İstanbul, İletişim Yayınları,

Environmental Protection Oriented Transportation Policies Of The European Union

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Introduction

There are many studies on European Union's transportation policies and environmental policies. However, there are relatively fewer studies aiming to evaluate the Union's transportation policies from environmental aspects. The effect of Unions' actions on that issue having begun significantly new should not be ignored. That fact was taken into consideration while conducting this study. The subject is discussed in the four sections. In the first section 'Development of EU Environmental Policy', in the second section 'EU Transportation Policy', in the third part 'Environmental Problems Arising from Transportation ', and in the fourth section 'Evaluation of EU Transport Policy through the Aspect of Environment' are examined including various sub-headings within the sections.

1. Development Of EU Environmental Policies

There was no provision on environment in the Treaty of Rome, which was agreed in 1957 and founded the EEC and EURATOM. The issues able to be related with environment were conducted according to Treaty's Acts 100 and 235, which regulates competition. The Union put developing environment policies on the agenda after The Single European Act that entered into force in 1987. It can be said that the process gained momentum after the 1st Environment Action Plan adopted in 1973. The sum of 120 directives, 27 decisions and 14 regulations having been promulgated between the years 1973-1985, may create evidence that the fastest growing policy area in EC was environment in that period. Also, The Conference on the Human Environment organized by the United Nations in Stockholm in 1972 has played an encouraging role for the Community's environmental policy (Çokgezen, 2007: 92; Duru, Erhan and Senemoğlu, 2007: 2-3). Environmental Action Programs constitute a milestone in this respect.

1.1. Environment Action Programmes

When the historical development of EU Environment Action Programmes is observed, - according to the statement of Akdur (2005: 82)- the emerging situation is:

"The European Union raised the issue of environment for the first time, at the meeting of the Council of Ministers in 1971, after that came a declaration by the Commission in July 1971. In the meeting of the heads of the states or governments of the member countries in Paris on September 19-20 1972 it was stated that economic growth alone could not be an objective alone and that growth should be taken together with the aims improvement of environment and living conditions. The commission issued a call for preparation of an action plan in this regard. "

Currently, it is possible to mention 7 EU Environment Action Programmes (EAP), the first of which involves the years 1973-1977. The principles of the fist plan: "preventing pollution at the source; inclusion of environmental concerns into all planning and decision-making processes; adoption of the principle of 'polluter pays'; considering the impact of EC policies on developing countries; improving international cooperation; promotion of

educational activities for increasing environmental awareness; ensuring actions at the most appropriate level (local, regional, national, EC, and international); co-ordination and harmonization of environmental programs of all member states" constitute the general framework of all the plans (Duru, Erhan and Senemoğlu, 2007: 6).

While the Second Programme (1977-1981) determined a greater range of problems and followed the main principles of the first one, the Third (1982-1986) and the Fourth (1987-1992) Programmes involved significant change of policy by focusing on completion of the Internal Market. The Fourth Programme is important because it was prepared under the effect of environment chapter of the Treaty. That EAP took environmental protection as an integrated activity to the production process. The main framework of the Fifth EAP (1992-1995) was determined by the UNCED Conference and the Maastricht criteria. The Sixth EAP (1997-2003) focused on environmental policy integration and sustainable development (Hey, 2005). The Seventh EAP identifies three objectives as: protecting, conserving and enhancing the Union's natural capital; turning the Union into a resource-efficient, green, and competitive low-carbon economy; and safeguarding the Union's citizens from environment-related pressures and risks to health and wellbeing (European Commission, 2015: ec.europa.eu).

1.2. The Single European Act (1987)

Due to the absence of any provisions on environment in the founding treaties, during the process until the Single European Act the actions were conducted according to the interpretations about the environmental issues, based on the 2nd 100th and 235th articles of the Treaty of Rome (Yıldırım and Budak, 2005: 181). On the other hand, those articles essentially defined the foundation objectives of the Community and were establishment of the Common Market and improvement of economic functioning, rather than protection of the environment (Yıldırım and Budak, 2005: 195).

The articles of 130 R, 130 S and 130 T were added to the European Single Act and the Treaty of Rome under the 'Title VII. Environment' and environmental policy has become under the Community's joint jurisdiction. In the 2nd paragraph of Article 130 R; the principles of shifting to preventive action, repairing by giving priority to rectify at source, the polluter should pay and the statement of 'environmental protection requirements shall be component of the Community's other policies' is noteworthy (İktisadi Kalkınma Vakfı, 1987: 21). In addition, existence of the statement of "environmental protection" in the 3rd paragraph of the Article 100 A in paragraph is important in terms of taking place among the phrases related to environment.

1.3. The Maastricht Treaty (1993)

The aim of "accomplishment of ... environmental protection" was added to the objectives in the initial section of the treaty and also the statement of "a policy in the sphere of the environment" was added to the 3rd Article, where the Community's common policies take place (İktisadi Kalkınma Vakfı, 1987: 8). Thus, the issue of environment have become one of the basic policy areas of the Community with the Maastricht Treaty. The Treaty also supports the measures to be taken in international cooperation for the elimination of the environmental problems at the global-regional level.

The Maastricht Treaty, adds the concept of precautionary to the principles of preventive action, repairing by giving priority to rectify at source, the polluter should pay in the 2nd paragraph 2 of Article 130 R of the Single European Act.

1.4. Basic Principles of EU Environmental Policy

When the EU Environmental Policies are observed, a set of certain principles developed during the process will be seen in the Treaties and Environmental Action Programmes. Those principles may be summarized as follows:

1. Complementariness Principle: 2nd paragraph of the Article 130 R of the Single European Act and the Article 6 of the Amsterdam Treaty in 1999, reveal the need to integrate environmental protection with other Community policies and activities in order to encourage the sustainable development (Sarıkaya, 2004: 2, İktisadi Kalkınma Vakfı, 2000: 4).

2. High-Level Protection Principle: This principle involves protection of the European Union institutions considering the situations of them in various regions of the Union. It takes place in the Article 2 of the Treaty of Amsterdam (İktisadi Kalkınma Vakfı, 2000: 3).

3. Precautionary Principle: This was included among the principles for the first time with the Maastricht Treaty. If the danger is based on scientific uncertainty rather than reality; then the principle of diligence/precautionary comes into play (Durmaz, 2004: 3). Therefore, in case of a serious danger in terms of emergence of harmful results, the necessary measures are taken without waiting for the emergence of scientific evidence.

4. Prevention Principle: The principle of prevention is the product of an approach that assumes taking precautions before the occurrence of harm rather than working for correcting the possible loss (Durmaz, 2004: 3).

5. Rectify at Source Principle: Environmental damage should primarily be prevented at source. Community legislation applies this principle to the sectors of effluent water and waste, and requests the disposal of waste in the places close to the areas of production, as possible (Çokgezen, 2007: 103).

6. The Polluter Should Pay Principle: That principle involves essentially that the ones to cause pollution of the environment should bear and compensate those costs they load over the society and the environment (Ulucak, 2013: 3). However, it is possible to encounter some difficulties in the implementation of that principle. Although the physical damages arising from some violations of environmental pollution may be determined, it is not possible to determine some of the pollutions and limit excesses. Some damages emerge in the long term and their results cannot be observed in a short time. Same kind of challenges is encountered in terms of identifying and evaluating the cross-border damages, in the light of the ‘polluter should pay’ principle (Dağdemir, 2003: 150).

2. EU Transportation Policies

European Community Commission accepted a common policy for foreign trade, agriculture and transportation for the Community member states through the Treaty of Rome. The Articles or the Treaty of Rome from 74th to the 84th are related to transportation and they are discussed under 4 titles (Kuşçu, 2011: 79).

Again the 61st and 84th Articles of the EEC Treaty and the 70th Article of ECSC Treaty include various provisions relating to transportation policy. However, no effective and coordinated transportation policy was applied in the EC until the decision of the Court of Justice in 1985, declaring the coming of the treaties into force (Buket, 2006: 28). European Community's emphasising the importance of the title of transportation in the White Paper published in 1985 for completing the formation of the internal market, accelerated the regulation and liberalization efforts in that field (Çelik, 2007: 3).

Transportation sector constitutes, 7% of GDP, 7% of employment, 30% of energy consumption, 40% of the members' investment of the EU. The EU Commission published a White Paper called "European Transport Policy for 2010, Time to Decide" on 12 September 2001, in order to respond to the problems and needs about transportation services. Here achieving a common transportation policy is intended. Naturally, it is also important to integrate transportation into sustainable development. The sanctions for prevention of air pollution and climate change caused by carbon dioxide emissions, for safety of the sources and preventing noise pollution are the other important topics (Çelik, 2007: 4-5).

Basic principles of the White Paper -2010 European Transport Policy: Time to Decide- are collected under four main categories (Aydin 2008: 15-16):

- ✓ Carrying out a balanced distribution between the transportation methods
- ✓ Elimination of bottlenecks in transportation
- ✓ Bringing the users to the heart of transportation policies
- ✓ Global transportation management

EU transport policy is supported using four basic programmes: Trans-European Transport Networks (TENT-T), South East Europe Transport and Energy Infrastructure, Marco Polo Program and the Civitas II and Concerto Programs under 6th Framework Programme (Cansevdi, 2004).

3. Environmental Problems Arising From Transportation

There are various environmental problems caused by transportation. Negative environmental impacts of transportation may be classified under three groups as global, urban and local. Current distorted structure of the transportation plays an important role in the damage to the environment. On the one hand transportation is one of the most important vital factors to be provided. On the other hand, it is one of the important factors to determine the environmental conditions, as well.

Transportation is a global resource of pollution primarily in terms of greenhouse gas that has been exposed. That pollution created by transportation effects not only the local or urban but also affects the world and directly affects all life on earth. The transport sector consumes 25% of total world energy and half of the total oil production. So transportation is the cause for approximately 25% of global greenhouse gas emissions. According to the EPA's 2006 data, transportation it is the world's largest greenhouse gas producing sector, after the electricity generation sector (Elker, 2007: 2, *cf* Gorham, 2002). In the urban scale, transport in its present form is the most important factor in destroying the physical environment and

sometimes in irreparable ways. The unconscious works for road widening, tunnels and multi-level junctions in order to meet the demand of roads and parking places caused by the increased number vehicles, lead to invasion and concretion of the rural areas and destroy our cultural heritage (Elker, 2007: 2).

At the local level, the transportation policies giving priority to motor vehicles rather than pedestrian, negatively affect public health and communications. Deaths and injuries due to increased traffic accidents are the most concrete examples of that. Also at this point, the noise pollution caused by motor vehicles should not be ignored. Noise pollution poses a direct threat to human health and indirect threat to labour force through the effects such as disturbance of the nervous system, creating stress, fatigue, exhaustion and reduction of hearing. Additionally noise pollution is a threat for natural life world. For example young birds die due to noise pollution and in some cases the birds leave the area or change their migratory routes, and that causes a rapid deterioration in natural balance. In addition, it should be noted that the urban public transportation cause air pollution much more than industry, energy and residential heating. According to US data, the rates of contributing to air pollution are: transportation 60%, industry 17%, energy 14% and heating 9% (Algül, 2011: http://ulasimkaynaklicevresorunu.blogspot.com.tr/).

In the formation of air pollution arising from transportation, the points to be known are combination of the hydrocarbons released through combustion of the fuels of the motor vehicles with the oxygen in the air and thus forming compounds harmful for human health. Main compounds of the Emissions are carbon monoxide, evaporated organic compounds (VOC), nitrogen oxides, sulphur, nitrogen oxides, hydrocarbons, particulates and lead compounds. In addition, when the carbon dioxide is produced over the endurance capacity of ecosystems, it will accumulate in the upper atmosphere, create the effect of greenhouse gases and cause global warming (Ay, 2009: 3). The system of transportation which causes the highest level of fuel consumption thus carbon dioxide gas emission is the land transport. On the other hand, the emissions of the land transport vehicles are not the same. For instance, carbon dioxide emission of a diesel vehicle is lower (1/8 in litre) that of one using gasoline. Railways cause 5% of air pollution, while the road transport causes 85% of it. The waste oils of motor vehicles also pollute the lands and water sources around, as well (Lorasokkay, 2007: 24).

The gases emitted from motor vehicle exhaust pipes, aerosol (gas-dust or gas-liquid mixture) and the harmful solid particle substances, reach the earth in various ways, accumulate in the soil and will damage the soil by entering into some chemical and biological reactions in it. The resulting damages may in the forms such as disrupting the physical and chemical soil properties that play a role on the productivity power of soil and killing the living organisms in the soil (T.R. Ministry of National Education, 2012: 16).

4. Assessment Of The Environment Focused Transportation Policies Of EU

Increase in the diversity of motor vehicle and usage of them, has significantly increased greenhouse gas emissions, and has caused a negative impact on the environment and living organisms in many ways, including global warming. EEA (European Environment Agency) General Director Jacqueline McGlade, states that; “One of the most challenging goals of the 21st the century's will be reducing the negative effects of transportation –greenhouse gases, air pollution and noise levels- while saving advances in transportation and shipping. Europe may intensify efforts in the field of technological innovation related to electric transport, and may lead in that area. Such an amendment will allow the change of urban life.” Saying that she mentioned the importance of the issue and offered a perspective that may be an

alternative to the methods used today (EEA, 2008: eea.europa.eu). With the new regulations agreed the EU, which supports research and the use of new green transport technologies, aims to restrict the carbon emissions from vehicles, ensure fuel efficiency and promote usage of alternative fuels. (İktisadi Kalkınma Vakfı, 2011: the ikv.org.tr).

In 2011 a White Paper called "Roadmap to a Single European Transport Area" was published. The White Paper presents the proposals for a sustainable development of transport systems of the EU until year 2050. It is aimed to reduce the greenhouse gas emissions 60 % in 2050 compared to 1990, and decrease the rate of oil-based transport and the congestions (T.R. Ministry for EU Affairs: http://www.ab.gov.tr/). "*There have been some improvements over recent years, although these can be partly attributed to reduced economic activity during the recession. As the economic climate improves, the new EU transport targets should focus efforts to further reduce environmental impacts.*" (EEA, 2012: eea.europa.eu).

The EEA has put forward a baseline to assess progress towards targets of the transport sector on environment. Those are about greenhouse gas emissions, energy consumption and noise. The key findings of EEA in this regard are the following (EEA, 2011: eea.europa.eu):

- ✓ In terms of greenhouse gas emissions, EU must make an overall 68 % reduction between 2009 and 2050.
- ✓ Although annual energy consumption from transport fell 4% from 2007 to 2009, an upward trend will occur with the economic growth.
- ✓ Air quality objectives were exceeded in many areas. For example, the annual limit values of nitrogen dioxide were exceeded at 41 % of traffic monitoring stations in 2009.
- ✓ Particulate matter (PM10) from transport in 2009 was exceeded at 30 % of the traffic sites across the EU-27.
- ✓ Almost 100 million people were exposed to damaging levels of noise from vehicles on major roads.
- ✓ The slow increase (15% during 1980-2011) in the fuel prices does not encourage more efficient transport choices.
- ✓ The relative number of alterative fuelled cars on the roads is growing. 5% of the total used LPG in 2009 while 0.02% of them were electricity vehicles.
- ✓ Roads, railways and motorways, which cut up Europe's landscape into ever smaller parcels, cause serious consequences for biodiversity.

It is seen that, much more easily transportation to much more far points of Europe is possible today as a result of the technical facilities and developing infrastructure provided in terms of land, air, sea, and rail transport. However, those facilities using the technology as a means do not decrease the duration of exposure to noise, air pollution and traffic congestion.

Another programme about the transportation policy of the European Union is The Horizon 2020 Programme, which "aims at a better mobility, less congestion, more safety and security with a substantial reduction of traffic congestion; with a substantial improvement in the mobility of people and freight; by developing new concepts of freight transport and logistics and by reducing accident rates, fatalities and casualties and improving security". The Programme "will provide funding for a resource efficient transport that respects the environment by making aircraft, vehicles and vessels cleaner and quieter to minimise transport systems' impact on climate and the environment, by developing smart equipment, infrastructures and services and by improving transport and mobility in urban areas." (European Commission, https://ec.europa.eu/programmes/horizon2020).

The Roadmap to A Single European Transport Area: Towards a Competitive and Resource-Efficient Transport System identifies the following goals for guiding policy action (EUR-Lex, 2015: http://eur-lex.europa.eu/):

- ✓ *reduce the use of petrol and diesel cars in cities by half by 2030, phasing them out completely by 2050 and achieve CO2-free city mobility by 2030;*
- ✓ *increase the use of low-carbon sustainable fuels in air transport to 40 % by 2050;*
- ✓ *reduce EU CO2 emissions from ship fuels by 40 % by 2050;*
- ✓ *switch 30 % of road freight travelling over 300 km to rail and waterborne transport by 2030, and over 50 % by 2050;*
- ✓ *triple the existing high-speed rail network by 2030. The majority of medium-distance passenger transport should go by rail by 2050;*
- ✓ *establish a fully functioning, EU-wide TEN-T core network integrating all forms of transport by 2030;*
- ✓ *connect major airports to rail and core seaports and rail and inland waterways by 2050;*
- ✓ *introduce traffic management systems for the various transport modes, such as for rail and road;*
- ✓ *develop a multimodal transport information management and payment system by 2020;*
- ✓ *halve road casualties by 2020 and reduce these to almost zero by 2050;*
- ✓ *fully apply the 'user pays' (i.e. those who use infrastructure pay for it) and 'polluter pays' (i.e. those who pollute pay for it) principles.*
- ✓ *This comprehensive strategy for transport seeks to create a competitive transport system that will increase mobility, remove major barriers in key areas and fuel growth and employment by 2050. It is complemented by initiatives, such as:*
- ✓ *Horizon 2020 programme with its support for research and innovation on smart, green and integrated transport;*
- ✓ *Connecting Europe Facility, which provides finance for 10 transnational transport infrastructure projects;*
- ✓ *Roadmap to a low-carbon economy by 2020 in which transport is a key sector to reach that goal;*
- ✓ *various energy efficiency measures to reduce Europe's use of primary energy by 20 % by 2020.*

Conclusion

A quality and liveable environment, is not only an important component of welfare, but also is an essential requirement for sustaining life. In order to safeguard environment, sustain environmental values, and removing the harmful effects of the production and consumption activities of human beings; it is required to determine goals and common environmental policies to evaluate each factor together. In this study the transportation policies among those required were discussed through a case study on the European Union. On e of the points to have drawn attention is the environmental policies' periodically being included in the Union's policy area in time, and those policies' assuming a more dominant role every passing day.

The European Union common transportation policy, aims to overcome the problems such as traffic jams, environmental pollution, life and property safety, which arose as result of the liberalization of services in the transport sector. However, among the goals there are; creation of a modern and sustainable transport system, giving priority to the issues of environment, safety, and security as well as cost, speed, and quality. In this context, the EU

Transport Network and corridors are significant means for achieving sustainable development and competitive advantage in the connections between member and neighbour states. In addition, multi-modal transport, which is the integration of different transport modes and is discussed especially over the last quarter, draws attention as an alternative transportation and shipping goal for taking the over-load on the roads.

References

Akdur, R. (2005). *Avrupa Birliği ve Türkiye'de Çevre Koruma Politikaları "Türkiye'nin Avrupa Birliği'ne Uyumu"*, Ankara: Ankara Üniversitesi Avrupa Topluluğu Araştırma ve Uygulama Merkezi Araştırma Dizisi: No. 23.

Algül, Engin (2011). *Ulaşım Kaynaklı Çevre Sorunları*, http://ulasimkaynaklicevresorunu.blogspot.com.tr/2011/02/ulasim-kaynakli-cevre-sorunlari.html (Access date: 20.04.2016).

Ay, S. (2009). *Ulaştırma Sistemlerinin Çevresel Etkileri*, http://cevre.club.fatih.edu.tr/webyeni/konfreweb/2008_pdf/sayfa255.pdf (Access date: 21.04.2016).

Aydın, E. (2007). *Avrupa Birliği Ulaştırma Politikasına Uyum Sürecinde Bir İnceleme: Türkiye Hava Trafik Kontrol Hizmetleri,* Doktoral Thesis. İzmir: Dokuz Eylül University, Social Sciences Institute.

Buket, C. (2006). *Türkiye'de Çok Modlu Taşımacılık, AB Ulaşım Politikaları ve Uyum Sürecinin Değerlendirilmesi,* Master Thesis, Ankara: Gazi University, Institute of Science.

Cansevdi, H. (2004). *Avrupa Birliği'nin Enerji ve Ulaştırma Politikaları ve Türkiye'nin Uyumu*, İstanbul: İktisadi Kalkınma Vakfı Yayınları.

Çelik, C. (2007). *AB Ulaştırma Politikasına Uyum Sürecinde Türkiye'de Kara Ulaşımı Trafik Güvenliği,* Master Thesis, İstanbul: Bahçeşehir University, Social Sciences Institute.

Çokgezen, J. (2007). Avrupa Birliği Çevre Politikası ve Türkiye*, Marmara Üniversitesi İİBF Dergisi*, 13(2), 91-115.

Dağdemir, Ö. (2003). *Çevre Sorunlarına Ekonomik Yaklaşımlar ve Optimal Politika Arayışları*, Ankara: Gazi Kitabevi.

Durmaz, B. (2004). *Avrupa Birliğinde Çevre Politikası Alanında Muhtemel Müzakere Sürecine Yönelik Gerekli Hazırlıkların Örneklerle Çalışılması,* Dissertation Thesis, Ankara: Avrupa Birliği Genel Sekreterliği Sektörel ve Bölgesel Politikalar Dairesi.

Duru, B., Erhan, Ç., Senemoğlu D. (2007). *Avrupa Birliği Politikaları*, Ankara: İmaj Yayınevi.

EEA (European Environment Agency) (2008). *EU Fails to Curb Emissions from Transport: Dramatic Improvements and Clear Targets Needed*, http://www.eea.europa.eu/media/newsreleases/eu-fails-to-curb-emissions-from-transport-dramatic-improvements-and-clear-targets-needed (Access date: 15.04.2016).

EEA (European Environment Agency) (2011). *European Transport Sector Must Be Ambitious to Meet Targets*, http://www.eea.europa.eu/media/newsreleases/european-transport-sector-must-be (Access date: 15.04.2016).

EEA (European Environment Agency) (2012). *Traffic Pollution Still Harmful to Health in Many Parts of Europe*, http://www.eea.europa.eu/media/newsreleases/traffic-pollution-still-harmful-to (Access date: 15.04.2016).

Elker, C. (2007). *Ulaşım Politikalarının Çevreye Etkisi / TheImpact of TransportationPolicies on the Environment*, Ankara: Atılım Üniversitesi.

EUR-Lex (2015). *Roadmap to A Single European Transport Area: Towards A Competitive and Resource-Efficient Transport System*, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Atr0054, (Access date: 01.05.2016).

European Commission (2015). *Environment Action Programme to 2020*, http://ec.europa.eu/environment/action-programme/, (Access date: 01.05.2016).

European Commission (Undated). *Smart, Green and Integrated Transport*, https://ec.europa.eu/programmes/horizon2020/en/h2020-section/smart-green-and-integrated-transport, (Access date: 01.05.2016).

Hey, C (2005). EU Environmental Policies: A Short History of the Policy Strategies, In Scheuer S. (Ed.), *EU Environmental Policy Handbook: A Critical Analysis of EU Environmental Legislation*, Bruxelles, Belgium: European Environmental Bureau, 17-30.

İktisadi Kalkınma Vakfı (1987). *Single European Act*, Translated by: Cansever, M., İstanbul: İktisadi Kalkınma Vakfı Yayını, No: 43.

İktisadi Kalkınma Vakfı (2000). *The Treaty of Amsterdam*, Translated by: Bolayır, C., İstanbul: İktisadi Kalkınma Vakfı Yayınları, No: 162.

İktisadi Kalkınma Vakfı (2011). *Avrupa Birliği - Temel Politika Alanlari - Ulaştirma Politikasi*, http://www.ikv.org.tr/icerik_print.asp?id=250 (Access date: 16.04.2016).

Kuşçu, S. (2011). Avrupa Birliği Ulaştırma Politikası ve Türkiye'ye Yansıması, *Gazi Üniversitesi Akademik Bakış Dergisi,* 5(9), 77-91.

Lorasokkay, M.A. (2007). *Konya Kentiçi Ulaşım Sorunları ve Çözüm Önerileri,* Master Thesis, Konya: Selçuk University, Institute of Science.

Sarıkaya, H. Z. (2004). Avrupa Birliği Uyum Sürecinde Çevre Politikaları ve Uygulamaları, *Su Kirlenmesi Kontrolü Dergisi,* 14(1), 1-10.

T.R. Ministry for EU Affairs (Undated). *Chapter 14 - Transport Policy*, http://www.ab.gov.tr/index.php?p=79&l=2 (Access date: 27.04.2016).

T.R. Ministry of National Education (2012). *Toprak Kirlilik Kaynakları,* Ankara: MEB Aile ve Tüketici Hizmetleri.

Ulucak, R. (2013). İktisat Politikası Olarak Çevre Politikaları ve Araç Seçimi, *Akademik Bakış Dergisi,* 34, 1-16.

Yıldırım, U., Budak, S. (2005). Son Gelişmeler Işığında Avrupa Birliği Çevre Politikasında Değişimler ve Türkiye'nin Politik Yaklaşımı, *Marmara Avrupa Araştırmaları Dergisi,* 13 (1-2), 177-216.

Comparative Analysis of Women's Rights in Turkey, Tunisia and Iran

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1. Introduction

This paper deals with the question whether the involvement of religion in the ruling of a country influences the government's respect for women's rights in Muslim countries. In other words; Does the fusion of state and religion support or hinder women's rights in Muslim countries? This issue is important as women in Muslim countries suffer relatively high inequalities vis a vis men. The factors affecting these inequalities need to be analyzed more in order to improve women's status in the regions where Muslim women live. This study particularly focuses on the effect of state Islamization and secularization on women's empowerment in three Muslim countries; Turkey, Tunisia and Iran. After a historical analysis of the religious legislations and their effects on women's rights, an analysis of contemporary social, political and economic status of women will be analyzed. The legal reforms are used as indicators of women's rights in Muslim countries since the law system is the highest regulatory framework of the states. In addition, this study also questions the practical expressions of the legal frameworks and analyzes the practices of the existing rights of women by using Global Gender Gap Index as the main source of data.

2. Literature Review: Secularism and Women's Rights

Fox and Sandler (2004) developed a six point multidimensional measurement for government's involvement in religion: 1) state's support for religions 2) state's hostility to religion 3) government's treatment to religions 4) restriction of religious practices by religious minorities 5) government's regulation of majority religion 6) government's legislation of religious law.
This study will mostly focus on the last dimension of secularism which focuses on legal frameworks for secularism.

Freud, Marx, Weber, Nietzsche, Comte and Durkheim all believed that a modern Age of the Enlightenment would replace the influence of religion on society and politics. However, today many scholars argue that the so-called secularization theory has failed as the modernization of society has led to a decline in the levels of religiosity in the modern era. Many developed and modern societies do not neutralize the effects of religion in their state governance systems and therefore could not reach the goal of full separation of state and religion (Fox & Sandler, 2004).

Secular feminists see issues of women's rights totally incompatible with Islamic law and use the secular interpretation of Islam as the starting point, in which religion is seen as a private matter rather than a way of governing the society (Walseth & Fasting, 2003, pp.46-47; Karam, 1998, p.13). Secular feminists mostly believe that secularization of Islamic law is a precondition to reach the full equality of men and women because Islamic states control mostly family laws to reach the goal of Islamic perfect family which is guided by Qur'an along gendered lines. Secular feminists argue that "a combination of strict family laws and religiously prescribed "modesty" would inhibit women's mobility, freedom, etc."(Ahmed-Gosh, 2008, p.106) The religious based subordination of women in Islamic states prevent not only women's development but also the economic, social and political development of these states by limiting the rights of half of the population from education, work force and political participation (Ahmed-Gosh, 2008, p.107)

Some scholars argue that the most difficult struggle against sexual discrimination is in the context of Islam, especially in the context of fundamentalist Islam (Santos, 2015, p.29). Islam, as an Abrahamic religion, is seen as inevitably rooted in gender hierarchy. It strengthens diversity of sex and promotes patriarchal family. Thus, some scholars argue that secularism is an essential aspect to provide women's rights in Muslim countries. Particularly it is argued that especially issues of private life and personal status are defined by religious texts. This particularly affects family law and causes inequality between men and women in issues such as marriage, divorce, guardianship etc. (Eekelaar, 2016, p.17). Religion is seen as a tool of patriarchal politics which oppresses women in private area (Toldy, 2011). Even though secularism left religion to the private sphere, there are some circumstances which make private issues reflect on public sphere. For example, women's educator role in family has a public impact (Toldy, 2011, p.15). Jamal and Langhor similarly argue that Islamist parties are more flexible on public role issues than on personal status rights (2010, p.2). Nonetheless, Jamal argues that there is a growing improvement in personal status rights. This progress is not a result of secular movements, even though secular women tend to organize or collaborate in association to advance women emancipation, but a proof taking on the Islamic interpretations is successful for women's right (Jamal, 2010, pp.18-19).

Azam Kamguian (2003) argues that separation of mosque and state is a precondition to any improvements on women's status in Middle Eastern countries. The rise of political Islam worsens the social, economic and political rights of women and leads to violence against women. She argues that the only way to liberate women would be full secularization of the state through eliminating religion from law systems and education and identifying religion "as the private affair of individuals." On the other hand, Sweeney in her cross-national study focuses on the impact of secularism on women's rights in both Muslim and non-Muslim countries. In her studies, Sweeney measures the relationship between government's respect to the economic, social and political rights of women in 160 countries and four independent variables: economic globalization, level of democracy, separation of state and religion, and internationalization of human rights (Sweeney, 2006, 2004). In her time series cross-national comparative studies she demonstrates that the realization of women's economic, social and political rights will be higher in secular countries than religious countries (Sweeney, 2004, 2006, 2007).

In this study we will test the arguments of this literature by questioning the following hypotheses;

Hypothesis 1: Separation of state and religion has a crucial positive impact on women's rights attainments.

Hypothesis 2: Legislative role of Islam, including both constitutional level and the İslamic law, will have a negative influence on women's rights, everything else being equal.

3. Data and Methodology

The present study undertakes a small-N comparative approach. In this paper we first start with historical explanations of law reforms and look at the indicators such as minimum marriage age, marriage registration, dissolution of marriage, abolition of talaq, inheritance reform, secular inheritance law, abolition of polygamy, equal child custody, Civil Code replacing all religious law. Secondly, we analyze longitudinal data from Global Gender Gap Index created by World Economic Forum. The main goal of the Global Gender Gap Index is to measure the gap between men and women in four main categories: economic participation and

opportunity, educational attainment, political empowerment, and health and survival (Global Gender Gap Report 2015).

3.1. Selection of the Cases

Table 1 illustrates the case selection method of this paper. The two-way typology presents the relationship between constitutional declaration of religion and Islamic law. In short, there are two determinants for selection: 1)whether the state officially declared that Islamic law, source of law or legislation is used in the country 2) whether or not the country declares itself as secular (See Table 1).

Table 1: Relationship between Constitutional Provisions of Religion and State

		Islamic law/ source of law or Legislation	
		Yes	No
Declared Secular	Yes	__	**Turkey**
	No	**Iran**	**Tunisia**

Source: author's own based on the information from Stahnke, T.B. and Robert C. Blitt (2005).

First of all, Turkey is suggested as a case because it is the first among Muslim countries involved in a radical secular movement in its institutional governance model. Turkey under the leadership of Atatürk abrogated Shari'a, separated state and religion and accepted secularism as one of the basic tenets of the country. None of the Arab countries had presented such a movement, which followed Turkey or even suggested a similar program (Baer, 1976, p.44). Declaration of secularism was one of the fundamental unchangeable components of the constitution. In addition, Turkey's case is particularly significant because it still embraces two-dimensional tendencies in its nature such as Islamic and secular, modern and traditional and democratic and authoritarian (Ertürk, 2006, p.79).

Secondly, Iran is suggested as a case because in contrast to Turkey's secularization movement, Iran had an exact opposite trend: Islamic revolution. This revolution is a turning point for many Muslim countries in terms of strengthening trends of Islamic fundamentalism as a political source in countries like Malaysia or Afghanistan. The effects of the revolution on the social, political and economic rights of women are very clear. Therefore, as an example of full application of Shari'a law in everyday life of women, Iran is a very good case to study.

Lastly, Tunisia is suggested because this country is one of the four countries - Bangladesh, Brunei, Morocco and Tunisia- which have a declaration of Islam as the state religion but Islamic law, principles, or jurisprudence are not embedded in strict sense and established in their constitution (Stahnke & Robert, 2005, p.10). This country is also seen by many scholars as one of the most advanced Arab countries in terms of women's rights (Zaki, 2007, p.173). Although there is not a constitutional proclamation of Shari'a law, Shari'a law is still applied in some cases as in disputes relating to inheritance and family matters. This leads to a contradiction in the country between the application of civil law and Shari'a law in the matters stated above. Therefore, this case is interesting to show mixed implementation of Shari'a and civil law. That is not the same as in the first two cases i.e., Turkey and Iran.

4.Historical Case Studies

4.1. Turkey

After the collapse of the Ottoman Empire, the Republic of Turkey was established on secular grounds. The new regime under the leadership of Mustafa Kemal Atatürk esteemed in a duty to improve women's status in the society. Atatürk had the idea that a country cannot develop if half of the society (women) stays uneducated and inactive (İçli, 2003)

In 1924, secular education system was established and women were granted equal educational rights with men. First reforms in Islamic laws in the Muslim world took place in Turkey. The Shari'a law was completely abolished and replaced with a translation of the Swiss Civil Code in 1926. Women were granted equal rights with man on inheritance, child custody and divorce. Woman's subordinary status in Shari'a law in both family and society was improved by this change and equality of spouses should be guaranteed by secular law.
The right to vote and to be elected were first granted to Turkish women in 1930 for municipal elections and in 1934 women were enfranchised in national elections even much before many Western countries (Özdamar, 2002, p.50).

A new dress code introduced western type clothing to the citizens as a symbol of the modernization of their society. The ban on veiling in the universities did not exist before 1982. This law was made after the military coup in 1980. Insofar as the publication of change in law no. 2413 of Council of Ministers Decision in Official Gazette in 8th of October 2013, women can put on veiling in public and private spheres. (Official Gazette of Turkey, 2013). The Constitution of Turkey was amended in 2004 and women's equality with men was further guaranteed by stating that "Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice…" (Constitution of Turkey, 1982, Art. 10-11). The Law on Protection of the Family provided security for women who are issue to domestic violence (Law No. 4320 on the Protection of the Family, 1998). This law was amended in 2007, aiming to extend the framework for the prevention of domestic violence. Not only in constitution, but also in many laws, changes were made in the favor of women rights. For example, on Civil Law, the state of 'Head of family is the husband' has become 'Pairs control the marriage unity'. Also, women have gained right to use their surnames before their husbands' surname. The article which includes "Division of women and girl" has been collapsed on Criminal Law. In 2014, punishment for sexual crimes has been intensified (Kadının Statüsü Genel Müdürlüğü, 2015).
Since Justice and Development Party gained the political power, negotiations about abortion have been some of the main topics in terms of women emancipation. Even though some arguments stood up for banning abortion, on criminal law, abortion right continued to exist only in the case of victimization of the women (Turkish Criminal Law, Art 99).

4.2.Tunisia

The most important leader in Tunisia's recent history was Bourgiba as he left his footprint on women's rights issues. Bourgiba was the president of Tunisia for 30 years between 1956 and 1987. He led the enactment of many progressive laws to minimize discrimination against women including introducing a new constitution which proclaimed the full citizenship for men and women and granted all citizens the full right to exercise fundamental freedoms such as suffrage rights (Constitution of Tunisia, Art. 5-6; Benninger-Budel & Bourke-Martignoni, 2002, p.18; Murphy, 2003, p.173).In addition, Islamic law was replaced with the Personal Status Code which led to significant achievements of women's rights. The most important achievements of women by this legal reforms were the abolishment of polygamy, increasing

women's autonomy, defining minimum age for marriage (17 for women 20 for men), granting the right to divorce to women, the right to work and education, etc. (Murphy, 2003, p.172). Moreover, Islam was declared as the state religion in the new constitution of Tunisia restricting women's emancipation within the framework of traditional values. It would be misleading to argue that Bourguiba was a supporter of pure equality between men and women. On the contrary he stated that emancipation of women should not be understood as "her equality with men in all matters" but equality in accordance with their physical capabilities (Salem, 1984, p.157). His opinion on the equality of women and men reflects Islamist understanding of human rights which refuse the existence of universal human rights and propose complementary roles for men and women.

Zine al-Abidine Ben Ali was the president of Tunisia until 2011 after seizing power in a constitutional cup in 1987. President Ben Ali has always been opposed to Islamic fundamentalism and he initiated some important steps to strengthen democracy level. He abolished the restrictions on the political representation of women. (Murphy, 2003, pp.176-177). In addition, sex discrimination was abolished from educational system, school text books were rearranged in a more gender egalitarian way and the age for compulsory education was increased to sixteen years (Benninger-Budel & Bourke-Martignoni, 2002, p.16). Penal Code, Civil Code and Code of Nationality were also revised to improve women's status in family and became more gender equal (Benninger-Budel & Bourke-Martignoni, 2002, p.13; Murphy, 2003, p.179). However, some inequalities between men and women remained in the legal system. Tunisian Personal Status Code put daughters in three categories regarding their inheritance rights: "1) a half to one daughter when only one 2) two thirds to two or more 3) as agnatic heirs with their brothers, in which case the male receives the same as two females" (Salem, 1984, p.153). Furthermore, according to Article 23 of the Personal Status Code husband is still considered as the head of the family (Benninger-Budel & Bourke-Martignoni, 2002, p.14).

In 2010-11, during Arab Spring, women played active roles as protesters, activists and politicians. In the so – called Jasmine Revolution in 2011,women protests were main feature of the revolution which caused gender equality to become central to discussions of Tunisian politics, especially in terms of elections and making new constitution (Beardsley, 2011).For example Mounia Brahim, the Islamist party Ennahda's Executive Council member, put forward woman participation in politics by saying: "Look at us. We're doctors, teachers, wives, and mothers – sometimes our husbands agree with our politics, sometimes they don't. But we're here and we're active" (Marks, 2011). After the Arab Spring, Tunisia wrote a new constitution in 2014 and women gained their most important right on a constitutional basis: "All citizens, male and female, have equal rights and duties, and are equal before the law without any discrimination" (Tunisian Constitution, 2014, art.21).

4.3. Iran

After the Pahlavi regime came into power, some improvements were made in favor of women. Reza Shah Administration introduced many reforms in 1920s, including ratification of the first Iranian Civil Code which dealt with the family affairs. However, this code remained very limited and continued to subordinate women (Moghissi, 1991, p.209). Later in the context of White Revolution, some more reforms; such as ban on veiling or putting up compulsory education were done but their content remain limited and received resistance from the society that led the failure of the implementation of these laws (Kandiyoti, 1988; Obermeyer, 1995). Additionally, women were given the right to vote in 1963 with the approval of a national referendum accompanying with a land reform, which abolished

feudalism (Hoodfar, 1999, p.18). The Iranian Family Protection Act of 1967 improved women's rights in family matters such as polygamy, custody of children and divorce. (Moghissi, 1991, p.209).

In 1979, the so – called 'third great revolution in the history', Iranian revolution took place under the leadership of Ayatollah Khomeini. Women from both rural and urban areas played an active role in the revolution and women in black chadors became the symbol of revolution. The Revolution brought reversal trends in terms of women's rights achievement. Not later than 1980 every women in Iran had to wear hijab and by 1983, according to Article 102 of penal code, women were issue to 74 lashes in failing to use proper hijab in public spaces (Parliamentary Human Rights Group, 1995, p.61). By 1985, 91 areas of higher education institutions were forbidden for women (Moghissi, 1991, p.218). The role of Iranian clergy has been very important in legislations and clergy thought that God has given man a higher status and authority than women (Afshar, 1988, p.42). The female members of Majles struggled for women's rights and they failed to pass the bill ratifying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

On 3rd August 2005, Ahmadinejad was elected as the president of Iran and pursued his presidency until 2013. One of the most important legislations about women during his administration was Family Protection Bill, approved in 2008. This legislation made divorce of women more difficult and polygamy became more accessible (Sorenson, 2013, p.219). Ahmedinejad faced a big pressure because of the protests after this change (Esfandiari, 2012). On 12 June 2006, Iranian women's rights activists started a protest to demand the reform of discriminative laws in Haft-e Tir Square, in Tehran (Tahmasebi, 2008). This action was the root of One Million Signatures Campaign which was, "broad based and dynamic push for reform in this area than the country had ever before seen" (Khorasani, 2009, p.5). Main goal of this campaign was to achieve sexual equality by changing laws, especially Family Law, through collecting one million signatures.

There were some women in the cabinet such as minister of health, but Ahmadinejad introduced some policies limiting women's rights, such as reestablishment of gender segregation in universities (Childress, 2011, p.128; Esfandiari, 2012). In 2006 World Cup games, while Iran was playing with Qatar, women in white headscarves and hijabs started a campaign named 'White Scarves' against the ban of women at the entrance of stadium (Moaveni,2009,40) . Ahmadinejad helped them and gates were open for women to watch the match. However, the same demand was not responded in 2014 under Rouhani administration. Women were not allowed to enter watch Iran vs. Brazil men's volleyball match. Although Brazilian women could enter the stadium, Iranians could not as the tickets were not even for sale for Iranian women (Shahrabi, 2014). But these campaigns were oppressed and women were arrested (Ahmed, 2015).

President Hassan Rouhani was elected in 2013 and a new law was passed in the same year that enabled men to marry their 13 years old adopted daughters. Thus, we can say that his perspective on gender equality and discriminatory religious traditions is doubtful (Keneally, 2013).

5. Comparing Current Situation of Women's Rights in Turkey, Tunisia and Iran

This section analyzes current women's rights practices in Turkey, Tunisia and Iran. Global Gender Gap Index' four main indicators (1.Economic participation and opportunity, 2. Educational attainment 3.Political empowerment 4.Health and Survival) will be analyzed between the years 2006 and 2015. We should note that due to Arab Spring protests and

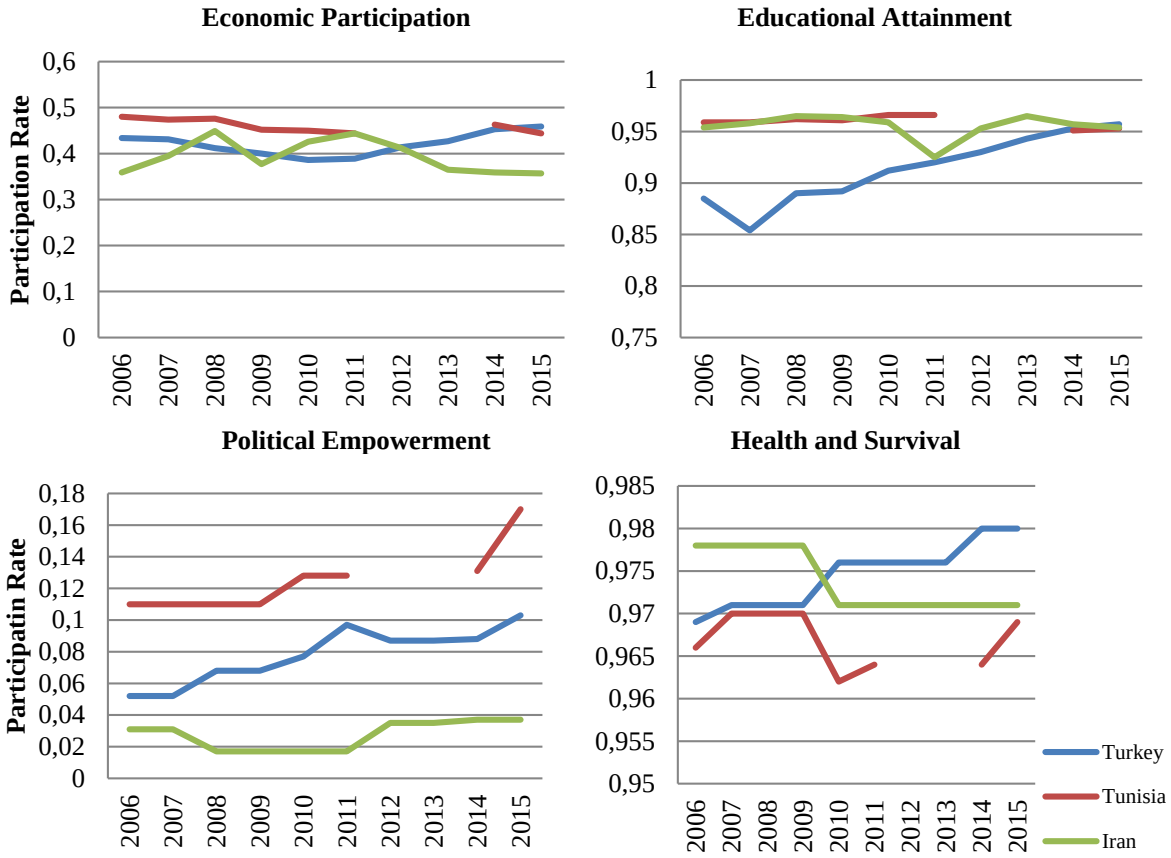
unstable political situation in Tunisia, the data between 2011 and 2014 is not available for Tunisia. Figure 1 summarizes the results of three countries in all four indicators.

5.1. Economic Participation and Opportunity: Turkey has the highest ranking (131st) in Global Gender Index 2015 followed by Tunisia (133rd) and Iran (141st). Looking at last year, the scores seem to be very close to each other. However, when looking at the sub-indicators we can say that labor force participation of women in Iran is significantly higher than Tunisia and Turkey. Looking at longitudinal trends, both Iran and Tunisia have a fluctuating but quite steady trends in economic participation and opportunity scores. What's more, Iran shows a slow and steady decline from 2011 to 2015. Turkey has a steady but slow increase after 2011 that makes the country the highest among the three. However, the difference between Turkey and the second best country Tunisia is not significantly different for the year 2015.

5.2. Educational Attainment: Looking at the 2015 educational attainment scores, we cannot observe a significant difference between countries. However, when looking at the longitudinal trends, we observe quite stable scores in Iran and Tunisia. In Iran there is a steady decrease in educational attainment score due to a fluctuation in secondary education score. On the other hand, we observe a gradual betterment of women's educational attainment in Turkey between 2007 and 2015. Turkish and Tunisian women stand below the world average in tertiary education whereas Iranian women have exceptionally good scores (ranking 1st in the world) in women's tertiary education. It might be as a result of government's support for female education and separation of a big proportion of money to nation's educational system after Iranian Revolution (Hoodfar, 1999). Women in Iran, particularly middle and upper middle class women, see education as a way to participate in decision-making levels of the society or as a way to postpone marriage or leave home (Efsandiari, 2003).

5.3. Political Empowerment: Political empowerment measure of the Gender Global Index based on three indicators: 1) female rates in parliament 2) women in ministerial positions and 3) number of years with a female head of state. We can see a clear difference and ranking between three cases in terms of political empowerment scores. In last ten years all three countries made some improvements in this indicator. Tunisia has the highest political empowerment in comparison with Turkey and Iran due to women's quotas in parliamentary elections. Turkey has some steady increase in female political empowerment. However, the country remains the second after Tunisia. Iran has the lowest rates ranking as particularly women's representation level remains only 3% over the last decade.

Figure 1: Change in Global Gender Gap Index Indicators (2006-2015)



Source: author's own based on the information from Global Gender Gap Index

5.4. Health and Survival: The Global Gender Index measures the gender gap in health and survival opportunities by using two indicators: sex ratio at birth and healthy life expectancy. Looking at the Figure 1 Turkey has a steady increase in health conditions of women and it became the best country after 2010 in comparison to Iran and Tunisia. Tunisia has fluctuating scores over the years. Particularly there are some declining trends in 2009 and then after Arab Spring we do not observe any improvements in health and survivor indicators of women. Iran seems to have higher scores of health and survival until 2010 but then Iran remains the second among three countries.

6. Conclusion

This paper has analyzed three countries' women emancipation by examining the historical processes and the data from the Global Gender Gap Report. Analysis of legal reforms of women in Turkey, Tunisia and Iran demonstrates that governments have achieved better progress in developing and enforcing policies about women's empowerment in countries where there are anti-fundamentalist and western style modernization processes. On the other hand, government's particular aims of interest and priorities of decision makers constitute the reasons of the selective gender egalitarian reforms. The historical legislative analysis of this study supports the argument that separation of state and religion have a crucial positive impact on women's legal rights attainments. This is particularly true when analyzing women's personal status and private issues such as marriage, divorce, inheritance or child custody. However, the longitudinal analysis of Global Gender Gap Index showed that there is

no direct relationship between the level of secularity and the actual condition of women in Iran Turkey or Tunisia. If secularism is the main factor which enhances women rights, then we will except that Turkey will have highest levels of women's rights in comparison to Iran and Tunisia. However, the picture is more complicated and in some issues Iran and Tunisia also get high scores. Thus, we can argue that fusion of Islam on its own cannot be condemned as the reason for unequal treatment of women in Muslim countries. In brief, we argue that only the combination of the establishment of secular and gender egalitarian law system and the implementation of successful women's empowerment policies can pave the way to liberalization of Muslim women.

7. References:

Afshar, H. (1988). Women, State and Ideology in Iran. Women Living Under Muslim Laws, *Dossier No. 3*, 42-48.

Ahmed-Gosh, H. (2008). Dilemmas of Islamic and Secular Feminists and Feminisms. *Journal of International Women's Studies*. 9, 106-107.

Baer, G. (1976). *Population and Society in the Arab East*. Westport, Connecticut: Greenwood Press.

Beardsley, E. (2011), In Tunisia, Women Play Equal Role In Revolution, NPR, Retrieved from: http://www.npr.org/2011/01/27/133248219/in-tunisia-women-play-equal-role-in-revolution.

Childress, D. (2011). Equal Rights Is Our Minimum Demand: The Women's Rights Movement in Iran 2005, Mineapolis: Lerner Books.

Eekelaar, J. (2016) Marriage Religion and Gender Equality, in F. Banda and L. F. Joffe (Eds.), *Women's Rights and Religious Law: Domestic and International Perspectives* (pp.32-44), New York: Routledge.

Benninger-Budel, C. & Bourke-Martignoni, J. (2002). Violence against Women in Tunisia. Geneva: The World Organization Against Torture (OMCT).

Constitution of Tunisia, (2014), Retrieved from; https://www.constituteproject.org/constitution/Tunisia_2014.pdf

Ertürk, Y. (2006). Turkey's Modern Paradoxes: Identity Politics, Women's Agency, and Universal Rights. In M. M. Ferre & A. M. Ferre, Tripp (Eds.), *Global Feminism: Transnational Women's Activism, Organizing, and Human Rights* (pp.79-108), New York: *New York University Press.*

Esfandiari, Haleh. (2012). Is the Arab Awakening Marginalizing Women?, *Middle East Program Occasional Paper Series*, Wilson Center: 1-4.

Fox, J. & Sandler. S. (2004). World Separation of Religion and State in the Twenty First Century. *Paper presented at the International Studies Association Conference*. Retrieved February, 2016, Retrieved from http://www.allacademic.com/meta/p72482_index.html

Hoodfar, H. (1999). The Women's Movement in Iran: Women at the Crossroads of Secularization and Islamization. Grabels Cedex, France: Women Living Under Muslim Laws-The Women's Movement Series No.1.

İçli, T. G. (2003). Cumhuriyet Döneminde Kadının Sosyal Konumu [Electronic Version]. Atatürk Araştırma Merkezi Dergisi, 19. Retrieved February 1, 2016, Retrieved from http://www.atam.gov.tr/index.php?Page=DergiIcerik&IcerikNo=173

Jamal A. & Langhor V. (2010), The Politics of Passing Women-Friendly Legislation in Arab Parliaments, *The International Studies Association Meeting*, New Orleans.

Jamal A. (2010), Democratic Governance and Women's Rights in the Middle East and North Africa (MENA), Report for *Department for International Development (DFID*).

Kadının Statüsü Genel Müdürlüğü (2015). Türkiye'de Kadın, Retrieved from: http://kadininstatusu.aile.gov.tr/uygulamalar/turkiyede-kadin

Kamguian, A. (2003). Islam and the Liberation of Women in the Middle East: Separation of Mosque and State is the Only Answer. *Free Inquiry Magazine*, 23.

Kandiyoti, D. (1988). Women and Islam: What are the Missing Terms?. Women Living Under Muslim Laws Dossier, 5(6), 5-9.

Karam, A. M. (1998). *Women, Islamisms and the State: Contemporary Feminisms in Egypt*. Great Britain: Macmillan Press Ltd.

Keneally, (2013). Iran Passes a Law Allowing Men to Marry their 13-year-old adopted Daughters Just as the Country's New President Touts Himself as a Moderate, *Mail Online*, Retrieved from; http://www.dailymail.co.uk/news/article-2442270/Iran-passes-marriage-law-allowing-men-wed-13-year-old-adopted-daughters.html

Khorasani, N.A. (2009) Iranian Women's One Million Signatures: Campaign for Equality Women's Learning Partnership, Translation Series.

Marks, M. (2011). Can Islamism and Feminism Mix?, *New York Times*, Retrieved from: http://www.nytimes.com/2011/10/27/opinion/can-islamism-and-feminism-mix.html

Moaveni A. (2009), *Honeymoon in Tehran: Two Years of Love and Danger in Iran*, New York: Random House Publishing Group.

Moghissi, H. (1991). Women, Modernization and Revolution in Iran. *Review of Radical Political Economics*, 23, 3(4), 205-223.

Mostagim, R. (2008). Iran: Zanan, a Voice of Women, Silenced, *Los Angeles Times*, Retrieved from: http://latimes.com/babylonbeyond/2008/01/zanan-a-voice-o.html

Murphy, E. C. (2003). Women in Tunisia: Between State Feminism and Economic Reform. In E. A. Doumato & M. P. Posusney (Eds.), *Women and Globalization in the Arab Middle East: Gender, Economy, and Society* (pp. 172-177), Colorado: Lynne Rienner Publishers, Inc.

Obermeyer, C. M. (1995). Justifying the Ends Reproductive Choice in Islam: Gender and State in Iran and Tunisia. In S. Gah (Ed.), Reconstructing Fundamentalism and Feminism: The Dynamics of Change in Iran (pp. 39-57): Women Living Under Muslim Laws Special Bulletin.

Official Gazette of Turkey. (2013). No.5-2413

Özdamar, D. (2002). *Türk Hukukunda Özellikle Türk Medeni Kanunu Hükümleri Karşısında Kadının Hukuki Durumu: Eski Yeni Türk Kanunu Karşılaştırmalı*, Ankara: Seçkin Yayınevi.

Parliamentary Human Rights Group November 1994. (1995). Iran: The Subjection of Women. In S. Gah (Ed.), Reconstructing Fundamentalism and Feminism: The Dynamics of Change in Iran (pp. 58-66): Women Living Under Muslim Law Special Bulletin.

Salem, N. (1984). Islam and the Status of Women in Tunisia. In F. Hussain (Ed.), The Islamic Revolution and Women: Quest For the Quranic Model, *London: Croom Helm Ltd.*

Santos B. (2015). *If God Were a Human Rights Activist*, Stanford: Stanford University Press.

Shahrabi, S. (2014). Iran Won't Let Women Watch The World Cup, *The Daily Beast*, Retrieved from: http://www.thedailybeast.com/articles/2014/06/21/iran-won-t-let-women-watch-the-world-cup.html

Sorenson D. S. (2013). *An Introduction to the Modern Middle East: History, Religion, Political Economy*, Politics, Boulder: Westview Press.

Stahnke, T. & Blitt, R. C.(2005), The Religion-state Relationship and the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Predominantly Muslim Countries, *Georgetown Journal of International Law, 36(4).*

Sweeney, S. E. (2004). Global Transformations, National Institutions, and Women's Rights: A Cross-National Comparative Analysis. *Paper presented at the Annual Meeting of the American Political Science Association.*

Sweeney, S. E. (2006). Women's Human Rights: A Global Comparative Analysis. *Unpublished doctoral dissertation, Graduate School of Binghamton University State University of New York.*

Sweeney, S. E. (2007). Government Respect for Women's Economic Rights: A Cross-National Analysis, 1981–2003. In S. Hertel & L. Minkler (Eds.), *Economic Rights: Conceptual Measurement and Policy Issues* (pp. 233-266). New York: Cambridge University Press.

Tahmasebi S. (2008), One Million Signatures Campaign, Answers to Your Most Frequently Asked Questions, *Amnesty International Middle East North Africa Regional Office*, from: http://amnestymena.org/en/Magazine/Issue20/TheOneMillionSignatureCampaigninIran.aspx?media=print

The Global Gender Gap Report, 2007-2015, from; http://reports.weforum.org/global-gender-gap-report-2015/

Turkish Criminal Law, (2004) from; http://www.legislationline.org/documents/action/popup/id/6872/preview

Walseth, K. & Fasting, K. (2003). Islam's View on Physical Activity and Sport: Egyptian Women Interpreting Islam. *International Review for the Sociology of Sport*, 38(1), 46-47.

White, E. H. (1978). Legal Reform as an Indicator of Women's Status in Muslim Nations. In L. Beck & N. Keddie (Eds.), *Women in the Muslim World* (pp. 52-68). Cambridge, Massachusetts: Harward University Press.

A Solution Suggestion To A Modern-Day Disease, Political Corruption: Farabi's Political Approach

Tuğba Yolcu

1. Introduction

As long as there are ruler and ruled in the societies, problems will be, too. The important thing is to minimize the problems. Since the early ages, studies conducted on politics which is one of the most important areas of social sciences have aimed to improve that area. In this sense, politics institution whose primary objective is serving the public and which is a mirror of the society has always been on the firing line. Particularly today, with the rapid improvement in communication opportunities, these criticisms have started to draw individuals' attention more.

The one who made the first systemic study about the relation of politics-morals in the Islamic world is Farabi. In the studies made in politics which have been the most important area of social sciences both in classic age and in modern ages, Farabi has always been referenced in the past. In this sense, including opinions of an important philosopher reveals the significance of our study.

There are many types of behavior and acts that corrupt political decency. Behaviors and acts that disrupt political decency can be briefly named Political Corruption. Political corruption is present in different sizes and varieties in all governmental systems as monarchy, oligarchy or democracy. Political corruption, which is one of the main problems of modern-day political approach, it is also one of the underlying reasons of disruptions in the functioning of political mechanism. Political corruption is a concept that is also closely related to ethics. The institutional works carried out in this area in Turkish political life has not been sufficient until recently. Today, one of the important institutions established for this purpose is the Commission of Political Ethics. When the methods and principals employed and the results achieved by the Commission are observed, it is clear that there are some disruptions.

For this reason, in our study, solution suggestions aimed at the disease of political corruption in the framework of the political understanding of Farabi, one of the Islamic thinkers, will be generated. Farabi associates the goal of the state, a political organization, with virtue, a moral concept. But in modern day politics, the political ethics understanding that Farabi offers leads us to an impasse between the ideal and reality. This impasse is mentioned in our study and solution suggestions will be made through the appropriate points.

2. The Concept of Political Corruption and Its Types

While the main goal in classical management is to increase production and efficiency, modern management accepts meeting the requirements of workers as the main goal as much as the concepts of production and efficiency. Workers as the free individuals of modern society expect to be ruled with a modern and democratic management mentality (Aydın, 2001:40). In parallel with the change and improvement in management mentality, citizens' susceptibility to ethical problems increased. However, it can be said that there is an increase in ethical problems despite this susceptibility. The increase in nonethical behaviors in management field causes the corruption in management field.

Generally, corruption can be described as making operations that should not be made or as profiting from the operations that they made but that they should not have made

(Çulpan, 1980: 34). Political corruption, on the other hand, is using the public authority about political functions against the law by looking after their interests in the process of making legislation (Aktan, 1994:45). The concept of corruption which holds the concept of interest is described as abusiveness, too.

Political corruption carries out several functions in the community, too. The first of the principal features of political corruption is the formation stage which emerges in the political exchange process between the political actors in the resolution process. The second feature of political corruption is that corruption extends to every segment of society with the generated exchange. The third is that taken decisions of actors who have the power to take decision are against the present principles of law and moral values. The fourth is that, due to corruption, democratic institutions cannot function anymore. The fifth is that the generated corruption is conducted in secret. Thus, uncovering the secret is possible only with the denunciation of someone who is aware of the incident or one of the actors joined in the exchange. That situation includes the risk factor of political corruption (Şen, 1998).

The most important dimension of political corruption arises in the economic area. The waste of economic resources, poor distribution, and usage of public resources are the results of political corruption. Due to an ineffective usage of public resources, it is a social cost for the community. The activities of interest and pressure groups who want to profit an economic transfer from the state via the political corruption, affect the appropriate distribution of national income negatively (Berkman, 1983: 117).

Political corruption emerges in various kinds and types within the political process. These include behaviors such as bribery, defalcation, debit, favoritism, service favoritism, political favoritism, coaxing, personalization of power, profiteering, seeking, political short-sightedness, etc. the descriptions are as follows:

Bribery is the most common corruption type. Especially people who have the authority to make a decision or make an operation receive or want presents or money in return for providing advantages to the citizens or for quickening or just slowing down an operation (TODAİE, 1998: 214).

Defalcation (extortion), public official asks for the price from the citizen in order to do his job; in other words, public official charges an illegal fee for the job that he has to do already. Unlike bribery, the corruption phenomenon here is one-sided, and it stems from the public official (Kılavuz, 2003: 216).

Debit is a word meaning ‘stealing from the entrusted thing’ or ‘using the entrusted things as if they are his own property’ (Aktan, 1999: 18).

Favoritism, in literature, is the state of using subjective criteria such as kinship, citizenship, friendship, fellowship, partisanship, etc. as a base instead of competence (qualification) principle in appointments to public services. The concepts of ‘backing’ and ‘patronage’ which are used commonly in daily language are synonyms of favoritism (Aktan, 1992: 31).

The concept of political favoritism is described as making privileged operations in various ways for the political parties to the voter groups which supported them and making appointments to the administrative staff after they come into power. In the appointments made in administrative meaning, using proximity to the political party as a base instead of capability and competence and making appointments according to that pushes the administration into party-state identity, in a sense (Yayla, 1995:121).

Service favoritism is described as, for the political party organization in power, allocating the budget resources to the related areas in the election process, plundering the country resources by using them for the name of the organization in order to be elected and to come into power again (Aktan, 1997).

Parties aspirant for the political power get the support of some partisan groups which help them before the election and if they come into power after the election they avail these

groups more of the state's opportunities which are called 'coaxing' (Aktan, 1992: 42). This corruption type which is similar to political favoritism involves a wider area than political favoritism.

Another corruption type emerging as a result of majority principle of the democratic systems is the personalization of power. The concept of personalization of power described as attributing the decisions taken to one person and/or one leader and accepting that all state administration is represented by one single individual by pushing the available institutions into the background is a corruption type seen in democratic governances (Aktan, 1992: 113).
Another corruption type is profiteering. Sometimes, government party and/or parties in political power take administrative and economic decisions in secret in recent political decision mechanism and explain it at unexpected times. The main goal of this secrecy is to prevent causing to derive quite important and big profits. Presenting the data and documents that should be kept in secrecy to pressure groups or some opportunist speculators for benefit by some ministers, high-ranking bureaucrats and some congressmen of the government party is described as leaking the public secrets. This political corruption type is stated as profiteering more by the community (Aktan, 1999: 23-24).

Among the economic and social transfer expenses are types such as monopoly seeking, tariff seeking, license seeking, quota seeking, social aid seeking (altruism seeking), blessing seeking (subvention seeking). Individuals, who grow in environments where corruption is at high levels, consume their energy in rent seeking, and illegal behaviors without contributing to production and they run after benefiting from these economic and social transfers (Aydoğuş, Kutlu and Yıldırım, 2005). These kinds of behaviors are described as seeking in political corruption.

The main goal of political parties is to grab power. For this aim, they may behave to put into action the policies that will guarantee them to be elected in the elections. In other words, by putting into action short-term policies instead of long-term economic policies, expecting positive results is called 'political short-sightedness' or 'short-sightedness effect' (Aktan, 2002: 9).

Political parties and politicians make promises to the voters in order to increase votes before the election and to reach political power. Sometimes they make such promises that realization of them may not be possible in available conditions. Although they know that the budget of the country and/or the region and conjectural situation are not appropriate to realize their promises, they have to hide the truth in their promises (Aktan, 1997: 1074). This is a corruption type which emerges during the political power struggle.
When we look at the corruption types in the political area, it is observed that starting point stems from the desire to grab and maintain power. The desire to grab and maintain power increases political corruption in competitive systems.

3. Politics and Morals Relationship

It is difficult to make a commonly accepted definition of politics. Politics, with a general description, is the state of a struggle and conflict among living people. People have different opinions and interests by their socio-economic status. Tendencies and struggles arising from the differences among them generate the reason for its being. This conflict is the effort of sharing the values in the society in order to have power. People think that they can apply their opinions and ideals in that way. That can be called as grabbing the power and sharing its benefits (Kapani,2007).

Morals is the system formed by the manners and customs, value judgments, norms and rules which aroused in the society, generally. This formation determines and manages correct and false behaviors of both the individual and the society. Moral principles are directed to a

specific individual or group; they are not universal. In other words, they may differ from group to group, from society to society (Aktan, 429-439: 1993.)

Alkan (1993) states that morals are based on three main sources. The first is the deific-divine or transcendent source; the second source is society; the third source is the individual. Generally, moral principles and religious principles are evaluated together. Thus, it is one of the main principles of morals. However, we cannot say that religious principles equal to moral principles. Morals is a broad concept including the society and the individual together with religious principles.

These two concepts together create the concept of political ethics. Political ethics are the norms of political structures, institutions, roles, opinions and activities which are thought that help communal life to maintain possible, compatible, positive and efficient (Şenel, 258-272: 1993).

We can explain the relationship between politics and morals as follows: The society has a wish of politics that is virtuous, and the politics has a promise to realize it (Poyraz,2006). That promise reveals the relationship between the politics and morals clearly. Since the early ages, morals has an important place in the political area, and some political thinkers have constituted their opinions in that direction. However, especially with modern period, opinions suggesting that politics and morals should be independent from one another aroused.

4. Farabi Politics-Morals Relationship

Farabi is known as the thinker who provided philosophy to become systematized and concepts to settle in Islamic intellectual history, and he is remembered with the name of 'second teacher' after Aristotle. He had important effects on the opinions of following philosophers, especially on İbn Sina. His most attention-grabbing side is that he paid special attention to morals and political philosophy and wrote books mainly on these topics (Oktay, 2007:29). Politics is related to both knowledge and practice for Farabi. Even, politics clarifies the issue of what kind of a path will be tracked in order to attain the society's aim (Farabi, 1999:74).

The foundation of Farabi's general philosophy is on happiness. He processed that general philosophy in political philosophy, too. According to him, the highest good is Happiness. Then, how to obtain the happiness which is the highest good? According to Farabi, happiness is possible only with virtues. Reaching happiness which is the highest competence that provides to obtain happiness in this world and in hereafter, occurs with theoretical, intellectual, moral virtues and practical arts (Farabi, 1999:2)

Within this general philosophy, he describes politics as, 'the science which informs and distinguishes how and what is the excellence that the individual should obtain, what are the things that help him to acquire that excellence, what are the things that prevent him to reach that excellence, why and for what reason do each of them exist'. The science of politics is described as the science of the things with which each people in the city can obtain happiness via political community to the extent permitted by their private natural disposition (Fârâbî, 65:1999).

Farabi mentions that politics is a balance science, and he resembles politics to medicine, politician to a doctor in that sense. He gives the declaration duty of the objects and creatures' states in the universe to the science of politics. Thus, the science of politics should take the universe into hand by starting from the creatures in the lowermost step, until reaching to the uppermost and the most competent creature, step by step. Whoever does not tend towards political work or does not have an artisanship that will require him to apply for political work, it is said that that person is joe public. However, whoever has a political work

or has an artisanship that will qualify him to take a political work as a goal, it is stated that that person is among elites (Atay, 1974:49). In that sense, by discriminating between politicians and community, he expresses that the science of politics should be made by competent people.

People in the leadership position may have several projects, and they have the tendency to underestimate those who are inferior to him. That results from being continuously praised and being risen, being affirmed and being applauded by the other people. When a bad event or an unpleasant situation arises in the relationship between the individual and the leader, if the bad thing concerns only the leader and himself, he should undertake that badness or unpleasant situation, seek a way and try to whitewash it (Farabi, 1990:44). Hence, he says that people in the leadership position should have features distinctive from other people.

Farabi sorts these features as the leader features of Madina's leader whom he describes as 'the first president'. However, because it is difficult to gather all of these features on a single person if such a person cannot be found, he sorts the features that he looks for on the succeeding 'the first president', in other words, secondary president. Thus, he makes a more realistic line. The features he looks for are as follows;

- He should be master (philosopher). However, Farabi makes discrimination between a real philosopher and a fake philosopher. A fake philosopher is the one who starts to examine the sciences before having preparation about them. That person gets theoretical knowledge, but he does not have the power to use it in other areas. Real philosopher, on the other hand, is the one who has the power to use the thing included by the theoretical knowledge for the others' benefit. Farabi regards real philosopher as the president.
- He should know the law, system and management styles of the president who managed the state beforehand and should operate on their ways in all these works.
- He should make good laws for the topics that the old did not make laws and should follow the legislation method of the old in these activities.
- He should be at powerful and jurisprudence level in order to make good legislation about the problems that the old did not make legislation, but emerged in his time.
- He should be able to teach the laws of the old and the ones he made by following their ways to others.
- He should have a body to endure the difficulties of war. He should know the main and minor features of martial art (Farabi,1987).

When looked at all these features, he concluded that state president should be experienced and competent. According to Farabi, the duty of the president who has these features is to regulate all parts of the state in relatedness and in accord. He should make cooperation with the community in order to annihilate evils and gain favors. He should protect and increase those who are helpful and beneficial in a way; he should try to change those which are harmful into beneficial, if that is not possible; he should annihilate or reduce them (Fârâbî, 49-50: 1980).

Farabi gives a different and special place than the other ranks of the public to the ideal president that he suggests. In that sense, he loaded the president with big charges in terms of providing public welfare and expressed that the only aim of the president should be that instead of deriving personal benefits.

5. Discussion and Conclusion

The relation between politics and morals which was generated by Farabi are not independent from each other; they are one within the other. Contrary to the Machiavelli's (1984: 111)

opinion ‘only the princes who did not keep his side of the bargain and knew how to hypnotize the people’s brains cunningly achieved big works and surpassed those who used honesty as base.’, Farabi thinks that the nature of politics should be evaluated according to moral criteria. Can that opinion of Farabi be solution suggestion for today’s political corruption disease? Farabi, whose opinions were included in our study, thinks that politics is an important factor in generation and protection of good things by degrading morals into politics.

Today, it is observed that politics lives the reflection of Machiavelli’s opinion. We see that the main reason of political corruption types is to grab the power and to keep it in hand, and many behaviors that cause political corruption emerge for the sake of that aim. It can be considered that Farabi’s understanding of politics which serves moral values may be a solution suggestion in that sense.

Moral values that are otherized in the political area with the desire for power and with the opinion of gaining advantage, may provide short-term gain, but deprive in long-term. Farabi’s integrated approach that he formed in politics-morals relationship worths considering in terms of today for the problems that corruption which is the biggest reason of social disintegration will cause in long-term. However, it should be stated that Farabi’s state system and the presidency lost validity in today’s democratic communities. Election of the president which will come into power by the society in democracies annihilated the state of determining these people according to their distinctive features. However when we look at his opinions from an integrated view, what Farabi aims is a virtuous state composed of virtuous, peaceful and happy individuals. Even if it is not possible to establish a state such as in Farabi’s ideal, the relationship he established between politics and morals should be evaluated in order to form a moral basis in today’s applications of state governments.

As a result, administrators who are in the political understanding of limiting themselves with no rules and principles, changing their principles with the change in time and place, regarding all kinds of ways as legitimate, permissible and reasonable in reaching their goals disregard the society in which they are in. At this point, the model suggested by Farabi will guide to reach the standard of a community which achieved the highest happiness.

6. References

Aktan, C. (1997), “Siyasal Patoloji ve Siyasal Yozlaşma”, *Yeni Türkiye*, Sayı 13, Cilt 12, ss. 1063-1076.

Aktan, C.C. (1994), “Siyasal Yozlaşmaları Önlenmesine Yönelik Çözüm Önerileri”, *Siyasal Yozlaşma ve Şeffaf Yönetim Sempozyumu*, DEÜ İİBF Maliye Bölümü, İzmir: Doğuş Matbaası, 45-46.

Aktan, C.C. (1992), *Siyasal Yozlaşma ve Kleptokrasi*, İstanbul: AFA Yayıncılık.

Aktan, C.C. (1993), *Siyasal Ahlak Sorunu ve Çözüm Önerileri, Siyasal Ahlak ve Siyasal Ahlaksızlık Kitabı*, Ankara: Bilgi Yayınevi.

Aktan, C.C. (1999), *Ahlaki Yeniden Yapılanma ve Toplam Ahlaka Doğru: 3- Siyasal Ahlak,* Arı Grubu:İstanbul.

Aktan, C.C. (2002), *Anayasal İktisat*, Ankara: Siyasal Kitabevi.

Alkan, T. (1993), *Siyasal Ahlak ve Siyasal Ahlaksızlık*, (Birinci Basım). Ankara: Bilgi Yayınevi

Aydın, İ., (2001), *Yönetsel, Mesleki ve Örgütsel Etik*, Pagem Akademi, Ankara.

Çulpan, Refik (1980). “Bürokratik Sistemin Yozlaşması”, http://www.todaie.edu.tr/resimler/ekler/3990de1a8bad297_ek.pdf?dergi=Amme%20Idaresi%20Dergisi, 23.03.2016

Farabi, (1980), *es-Siyâsetü'l-medeniyye*, (Çev. Mehmet Aydın, A. Şener Ve M. R. Ayas), İstanbul, Kültür Bakanlığı Yayınları.

Farabi, (1987), *Fusulu'l Medeni (Siyaset Felsefesine Dair Görüşler,* (Çev. Hanifi Özcan) İzmir

Farabi, (1990), *İhsa'ul – Ulum*, (Çev. Mehmet Ateş) İstanbul: M.E.B. yay.

Farabi, (1999), *Tahsilu's-Sa'ade(Mutluluğun Kazanılması)*, (Çev. Ahmet Arslan) Ankara

Kamu Yönetimi Sözlüğü (1998), Türkiye Ortadoğu Amme İdaresi Enstitüsü (TODAİE).

Kapani, M. (2007), *Siyaset Bilimine Giriş*, (19.Basım). Ankara: Bilgi Yayınevi.

Kılavuz, R. (2003), *Kamu Yönetiminde Etik ve Bir Sorun Alanı Olarak Yozlaşma*, Ankara: Seçkin Yayıncılık.

Kutlu, E. Aydoğuş, İ. ve Yıldırım, S. (2005), "Yolsuzluk ve Dorudan Yabancı Yatırımlar", *Afyon Kocatepe Üniversitesi, İktisadi İdari Bilimler Fakültesi Dergisi*, c.VII ,s.2, ss.1-21.

Machiavelli, N. (1984), *Prens*, İtalyanca'dan Çeviren: Nazım Güvenç, İstanbul: Anahtar Kitaplar Yayınevi.

Poyraz, H. (2006), "Ahlaksız Siyaset, Akılsız Ahlak", *II. Ulusal Uygulamalı Etik Kongresi Bildiriler Kitabı*, Ankara: ODTÜ Felsefe Bölümü

Şen, M.L. (1998), "Kamu Yönetiminde Yozlaşmanın Önlenmesinde Yönetsel Etik Yaklaşımı", *İzmir Dokuz Eylül Üniversitesi SBE,* Doktora Tezi.

Şenel, A., (1993), *Siyasal Ahlak Kapsamı-Açmazları-Tipolojisi, Siyasal Ahlak ve Siyasal Ahlaksızlık Kitabı*, Ankara: Bilgi Yayınevi, 258-272.

Social Security Rights of Foreign Employees in Turkey

Mustafa Cin

1.Introduction

The increase in economic activities across the countries as well as the promotion of mobility has resulted in a tremendous boost in the number of immigrant workers. Migrant workers account for 150.3million of the world's approximately 232 million international migrants (ILO,2015).The increased number of immigrant workers who opted for employment also meant an increased need for the assurance of social security. This situation has resulted in an increase in social security agreements between countries. In this way, both the mobility of the required labour force was encouraged and the rights of employees who sought for employment abroad were safeguarded. Moreover, it also resulted in the recognition of social security as a human right and social security was credited in international documents and agreements.

While Turkey used to be a labour-export country in the past, recently it has become a labour-import one. In Turkey, while the number of immigrant workers who were issued a work permit was 855 in 2003, this number amounted to 52.304 in 2014 (CSGB, 2014). Moreover, Turkey hosts many illegal workers. Just add these the employment and social security of individuals who have temporary protection (refugees) whose number amounts to 2 million, and it is evident that social security for these groups has become a significant concern.

In addition to the first international agreement with England in 1959, Turkey has signed bilateral social security agreements with a total of 29 countries. Moreover, Turkey has signed many multilateral international agreements. In accordance with the Turkish law, the international agreements, duly put into effect, have the force of law. Furthermore, in the case of a conflict between international agreements which are duly put into effect on fundamental rights and freedoms and the provisions of domestic laws, provisions of international agreements shall be the reference point (Constitution of The Republic of Turkey, art. 90).

Social security involves social insurance, social aids and social services (Tuncay&Ekmekçi, 2015; Korkusuz&Uğur,2013). In this study, the social security of the foreigners employed in Turkey will be handled with reference to the social insurance aspect. The issue will be covered with respect to the arrangements in domestic law, bilateral and multilateral agreements. However, to speak of the social security of a foreign worker, it is necessary for the person to either to have work permit or be exempted from the work permit. To put it differently, there are no social security rights of illegal immigrants. The great majority of countries, as a rule assimilate lawfully resident aliens to nationals with regard to enjoyment of certain social assistance benefits (Tiburco,2001).

2. The Concept of Alien and of Foreign Worker

In comparative law, different terms are used for "alien". In some laws, a variety of terms, though sometimes conflicting, are used to denote non-citizens of a particular country. For instance, in the immigrant law of English system, immigrants, minorities, ethnic groups and foreigners are sometimes used interchangeably. In German law system, aliens and guest workers are equated, in the Dutch law system, different perspectives and historical experiences are reflected through terms such as ethnic minorities, foreign workers, second generation immigrants (Çiçekli,2016,).Today, usually, the term "immigrant worker",

"migrant worker", "foreign worker" are used to refer to workers who go abroad to get employment (Cholewinski, 1997).

There are several similar definitions provided in the doctrine. International law doctrine defines an "alien" as a individual who is not a national of the state in which he or she is present (Ekşi,2015; Tiburco,2001). According to this definition, an alien could be a citizen of another State or one without any citizenship or refugee. In the Turkish law, this term describes an individual who stays in Turkey but has no Turkish citizenship. Therefore, in Turkish law the term alien (foreigner) is defined in different codes. In the Turkish Citizenship Law No. 5901 dated 29.05.2009 (art.3/1-d) and Foreigners and International Protection Law no. 6458 dated 04.04.2014 (art. 3/1-ü), the term foreigner (alien) refers to "the person who does not have citizenship bond with the Republic of Turkey".

The term alien does not only involve the individual who has the citizenship of another country. Someone who has no bonds with any country (heimatlos), refugees, individuals deemed immigrants, individuals designated with special status (NATO members, diplomatic representatives, employees of international corporations…) are also involved in the definition. However, individuals who have both Turkish citizenship and one or more different citizenship are not deemed aliens. Apart from these, aliens of Turkish descent who are called "privileged aliens" in the Turkish law, and individuals having experienced loss of Turkish citizenship in accordance with the Turkish Citizenship Law No. 5901 art.28 (blue card holders) have a different status than those of aliens.

3. The Concept of Social Security

The term social security is a new concept, even though the social security needs of human beings are as old as the history of humanity. The word social is derived from te Latin word "socius" and in modern-day understanding it refers to the integration of various classes in a specific field and at a specific period. The term social security was first used in the American Social Security Act dated 1935 than it was adopted throughout the world (Korkusuz&Uğur,2013)

Today, making a global definition of social security that can be accepted by everyone is not possible (Olivier& Govindjee,2013; Korkusuz&Uğur,2013). The main reason for this is rooted to various interpretations of social security across different countries and cultures. But in the doctrine, various definitions of social security were made. In general, social security is a social policy method that aims to provide the security of people against certain economic losses (threats) that may arise out of social and economic risks and safeguard individuals from the harms of dangers they are likely to face (Sen,2014). Social security aims at eradicating poverty in the society. Therefore, redistribution of income in society is defined as another objective (Tuncay&Ekmekçi,2015).

The Constitutional Court of the Republic of Turkey, in its 9.5.2013 dated decision (Registry No: 2011/42, Decision No: 2013/60), stated that "Social security aims at mitigating social risks, which occurred without individuals' claim and will, on themselves and on people who they are obliged to sustain against loss in earnings or earning capacity and securing healthy and minimum living standards. To realise this assurance, protection of individuals' minimum living levels against socials risks such as elderliness, sickness, disability, accident and death, are aimed by establishing social security institutions. This aim is realised with their own rules and performed by social security agencies".

According to the definition that was done by International Labour Organisation in 1944 Philadelphia Conference, "social security is a required measures system concerning the protection of people in case of an increase in number of children and protection of maternity,

and in case of temporary or permanent deprivation of earnings because of sickness, unemployment, agedness and death" (Tuncay&Ekmekçi,2015; Sen,2014). In "Convention concerning Minimum Standards of Social Security" (No. 102), which was prepared by ILO and ratified on 28.06.1952, general principles of social insurances and social welfares were organized and risks to be taken in scope of social security system were determined as medical and financial aid in sickness, unemployment, elderliness, occupational accident and occupational illness, maternity, disability, death and family aid (Sen,2014).

Social security is not only a body of rules that intent to secure the future of people, above all, it is a social program or policy. In this policy, the real aim is to provide social justice and economic security against certain social risks (Akad,1992).

4. Right to Social Security

Throughout the world, social security right is accepted as a human right, a complementary right for the right of living. Social security is also a necessity of social state (Akad,1992; Arıcı,2015; Sen, 2014; Gökceoğlu, 2015). In terms of immigrant workers, social security issue above all is a human right issue (Demir, 2016).

For the first time in international level, social security right was recognized as a fundamental right in the Universal Declaration of Human Rights, which was accepted by the United Nations General Assembly on 10.12.1948. In the Article 22 of the Declaration, it is stated that "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality". When Article 23 of the Declaration is considered, it can be said that social security concept was thought in its broadest dimensions. Therefore, social security does not only serve the purpose of providing an economic security for individual but also undertakes the function of improving individuals' personality. Article 25 of the Declaration entitles individuals both to have an adequate living standard and demand a special protection right against some risks (Güzel&Okur&Canikoğlu, 2015).

The International Labour Organization (ILO) also defines social security as a fundamental right necessary to lead a life in dignity (Demir, 2016).

In the Turkish law, the right to social security was also recognized as a human right for everyone. In Article 2 of the 1982 Constitution, it was said that "Republic of Turkey is a social law state". Social state principle means a state has a duty to provide decent living conditions to help individuals live with dignity (Tuncay&Ekmekçi, 2015). Social security right was regulated in the third section of "Social and Economic Rights and Obligations" titled in "Fundamental Rights and Obligations" part of the Constitution. In Article 60 paragraph 1 of the Constitution titled "Social security right", this right is entitled for every citizen without discrimination by stating: "Everyone has the right to social security". Hence, Turkish Constitutional Court, in the decision above, it was said that ".... according to this article, social security is a right for everyone and realisation of this is a duty for the State. Social security right is administered in the framework of its own rules by social insurance institutions. The chief aim of social security and insurance is to meet social risks".

Apart from the Constitutional recognition of this right as a social and economic right, the provision of "State takes measures to provide this security and establishes relevant organizations" (art. 60/2) was emphasised to point to the results of this qualification. To actualise this constitutional assurance for individuals, the state is obliged to provide social security right for every employee and take required measures for this (Arıcı,2015; Ayhan, 2012).

Social security right is covered in various international conventions in which Turkey stands asa party. In terms of the Turkish law, these international conventions have the force of law. “Convention concerning Minimum Standards of Social Security” (No. 102) which was accepted by the ILO, determines the basic principles of social security and includes social insurances and social benefits (Okur,1996; Olivier& Govindjee,2013). In accordance with “Convention concerning Equality of Treatment of Nationals and Non-Nationals in Social Security” (No. 118), accepted by the ILO on 6.6.1962, contracting states shall benefit from the equality of treatment both as regards to social security coverage of foreign nationals in their country and as regards to the benefits (art.3)

Social security rights are not explicitly mentioned in the European Convention on Human Rights (Heredero,2007). The European Social Charter, accepted by the Council of Europe member states on 18.10.1961, and the Article 12 titled “Social Security Right” of “Reviewed European Charter” that was accepted on 2.4.1996 bring some obligations to states regarding social security. Also with “European Social Security Code”, which came into effect on 17.3.1968 broadening the scope of social security was aimed with respect to the contracting states. “The European Convention on Social Security”, signed on 14.12.1972, addresses the individuals who shall benefit from social security right in detail and adopted principle of equality in terms of social security (Cholewinski, 1997; Olivier& Govindjee, 2013; Heredero,2007).

In the Article 9 titled “Social Security Right” of International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly on 16.12.1966, it was said that “it was said that “The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance”. Moreover, “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families”, adopted by the United Nations in 1990, consists of provisions related to social security of migrant labours and their families (art.27). That Convention covers all regular and irregular migrants. Apart from these, it is seen that some parts are devoted to the social security right in some international conventions and declarations. (Olivier& Govindjee, 2013; Tiburco,2001; Udombana, Nsongurua, 2006). Accordingly, these Conventions clearly recognizes social security right for everyone.

5. The Social Security of Foreign Employees in Turkey

Being an alien does not deprive one of benefitting from the social security right (Çelikel&Öztekin Gelgel,2015). It is clearly stated in the 1982 Constitution of The Republic of Turkey that “Everyone has the right to social security” (art. 60) and this right is entitled to everyone regardless of their citizenship. However, pursuant to the 16th Article of the Constitution, “The fundamental rights and freedoms of aliens may be restricted by law in a manner consistent with international law”.

The social security of the foreigners employed in Turkey is ensured chiefly by the Social Security and General Health Insurance Law no. 5510 dated 31.05.2006, norms of domestic law and bilateral or multilateral agreements in which Turkey stands as a party. When the international multilateral agreements in question are considered, it is seen that party states are bound to treat their citizens and aliens equally. Depending on the equality principle, in the absence of a contrary rule in the bilateral agreements, the person residing in any of the party states and therefore meeting the provisions of the agreement shall be subject to the same privileges as the citizens of the party states.

The main principle of implementation of social securities law is the “principle of territoriality”. According to this principle, laws related to social security apply for everyone who lives and resides in the country where the laws were enacted as rules, whether they are nationals or non-nationals. However, in some exceptional circumstances, the domestic laws of

individuals are followed in the country where they work. It is named “personality principle” (Tuncay/Ekmekçi, 2015)

5.1. Social Security Rights of Dependent Employees

Until 2003, the foreign employees in Turkey were not fully covered by social security network. In this manner, the foreign employees were deemed to be insured against work accidents and occupational diseases, which were covered in short-term insurance branches; however, against disability, old-age and survivor’s insurance, which were classified as long-term insurance branches upon their request. The citizens of foreign states who had agreement were considered in the long-term insurance branch as long as the agreement contained such a provision. This situation was incompatible with both the European Union norms and provisions of the ILO Convention no. 118 (ratified on 29.07.1971) on “Convention concerning Equality of Treatment of Nationals and Non-Nationals in Social Security” (Güzel&Okur&Caniklioğu,2014; Tuncay&Ekmekçi, 2015) Upon this, Social Security Law Art. 506 (art.3/II-A)was repealed through law no. 4958, and from 06.08.2003 on the foreign employees in Turkey were deemed to be included both in long-term and short-term insurance.

In accordance with the Social Security and General Health Insurance Law No. 5510, which regulates the individuals to benefit from social insurance and universal health insurance as well as the conditions for benefitting from such rights, “foreigners who work on service contract, excluding the citizens of countries with which international social security contract is entered based on reciprocity principle” (art. 4/II-c) were deemed to be insurance holders. Therefore, based on the reciprocity principle, the citizens of the states which do not have social security agreements shall be deemed to be insurance holders (art. 4/I-a). Turkey has concluded bilateral social security agreements with England, Germany, Holland, Belgium, Austria, Switzerland, France,Libya, Denmark, Sweden, Norway, TurkishRepublic of NorthernCyprus, Bulgaria,Macedonia, Azerbaijan, Romania, Georgia, Bosnia-Herzegovina, Canada, Quebec, CzechRebuplic, Albania, Luxemburg, Croatia,Italy, Slovakia, Serbia, Korea, Montenegro (SGK,2016).

Law No. 5510 Article 4/II-c should not be interpreted as Turkish social security system shall never apply to citizens of countries on international social security agreements based on the reciprocity principle; however, it should be noted that provisions of bilateral social security agreements shall be of primary focus and in the absence of any provisions or in conditions where Turkish Social Security Act is referred to, provisions of the law no.5510 shall be applied (Güzel&Okur&Caniklioğu,2014; Tuncay&Ekmekçi, 2015).

In the social security agreements with various countries, it is stated that individuals who work in a contracting state shall be subject to the provisions of the contracting state in the event that they reside in the contracting country for Professional purposes. According to the agreements, employees who are contracted by one or more employers shall be subject to the regulations of the contracting country in terms of disability, elderliness, death, maternity, occupational accident and occupational illness benefits. Accordingly, citizens of the contracting party, when they work in Turkey dependently, shall be subject to theTurkish regulations regarding the insurance branches specified in the agreement, and shall receive equal treatment with theTurkish citizens.

5.2 Social Security Rights of Self- Employed Foreigners

Self-employed foreigners who work on their own name and account in Turkey, were not deemed to have insurance coverage until 2000. After 04.10.2010, foreigners involved in

assignments defined in scope of 24th Article of Law of Social Insurance Institution for Tradesmen and Craftsmen and Other Self-employed no.1479 (Social Security Organization For Artisans and the Self-Employed), were considered insurance holders. However, according to the Law no. 5510 individuals who work in Turkey on his/her own name and account, the individuals who reside abroad and are subject to the social security legislation of that country are not deemed to be insurance holders (Art. 6/1-e). Accordingly, foreigners who work in our country as self-employed shall first be subject to the provisions of international social security agreements. In case of an absence of social security agreement, self-employed foreigners shall not be considered as insurance holders if they reside abroad and are subject to the social security legislations of the country of residence. However, if self-employed foreigners reside in Turkey or they are not subject to that country's social security legislation even if they reside in a foreign country, they shall be deemed insurance holders (art.4/1-b) save for the provisions of international social security agreement.

In bilateral social security agreements in which Turkey stands as a party, unless otherwise is provided in agreement, self-employed individuals residing in a contracting country for a particular assignment shall be subject only *to the laws of the contracting state* of which they are residents. Generally in these agreements,in terms of disability, old-ageand death branches of insurance, the Turkish legislation shall be applied. In some agreements (e.g. Italy, Montenegro), work accident, occupational diseases and general health insurance are also covered. According to the agreements, if self-employed individuals practicing their professions in any of the contracting countries go to another contracting country for employment purposes temporarily, they shall be subject to the sending country both for the period prescribed in the agreements (12-60 months) and the extension period.

5.3. Social Security Rights of Foreign Employees on Temporary Assignment in Turkey

5.3.1. Foreign Employees Not Within the Scope of International Social Security Agreements

Individuals who are in Turkey on a temporary assignment of not more than 3 months by or on behalf of an organization established in a foreign country and who document to be subject to social insurance in the foreign country are not deemed to be insurance holders either in short-term or long-term insurance branches (art.6/I-e). In other words, in Turkey, foreign individuals who document to be subject to social insurance in a foreign country shall not be registered in social security systems for 3 months; however, after three months, they shall benefit from both short-term and log-term insurance branches (Tuncay/ Ekmekçi,2015; Olgaç&Bulut, 2011). Accordingly, if employees on a temporary assignment, having completed a three-month period, leave Turkey and are reassigned there afterwards; or if they continue their employment after extending their work permit, they shall report their start of employmentand are deemed as insurance holders in the Turkish social security system. (Olgaç&Bulut, 2011)

This regulation refers to the personality principle, which is an exception to "territorial principle" of the social security laws (Korkusuz/Uğur, 2013; Tuncay/ Ekmekçi,2015).

5.3.2. Individuals Assigned to Turkey by an Institution Established in A Foreign Country Having Social Security Agreement

In bilateral and multilateral social security agreements in which Turkey is a party, repeated insurance was avoided through the adoption of the provision that individuals on a temporary assignment to Turkey shall be subject to the regulations of the sending state in which the institution is located (Olgaç&Bulut, 2011). In accordance with this, the individuals of the countries which have social security agreements with Turkey shall not be deemed insurance holders on condition that they document to be subject to social insurance in the foreign country and work in Turkey for a specified period.

In accordance with the law no.5510 art. 4/1-a, individuals on a temporary assignment in Turkey, including the ones who get their salary based on the social security regulations of the sending country, shall be deemed to be insurance holders after the termination date of their insurance in their own country.

However, in case of any delay in assignment after the end of the appointment date, individuals shall not be deemed insurance holders even if they request an extension to the social security institution (Olgaç&Bulut, 2011).

In accordance with the bilateral social security agreements, if individuals are temporarily sent to Turkey by an institution established in any of the contracting states for an assignment, they shall be subject to the laws of the sending country for the period prescribed in the agreement. Temporary assignment ranges from 12 to 60 months. For instance, the duration of the agreement with Denmank, Norway, Sweden, and Luxamburg is 12 months; 24 months with Albania, Check Republic, Canada, Bosnia-Hertzegovinia, Georgia, Romenia, Azerbaijan, Macedonia, North Cyprus Turkish Republic, Switzerland, Montenegro, Sirbiaand Crotia, 36 months with French and Korea, and 60 months with Quebeck. However, the agreements with England and Germany have no limits. The agreements usually offer an extension option ranging from 12 months to 60 months. As prescribed in the agreements, some extension periods (e.g. with Denmark) terminate upon the completion of a particular assignment where as the prescribed time period in the agreements counts as the termination period in others. However, in some agreements, there is no extension option (e.g. Slovakia, ChechRepublic).

5.4. Diplomatic Missions and Consular Employees

In accordance with international law and Vienna Convention on Consular Relations dated 1963, since foreign employees employed in embassies, consulates, missions and similar places in Turkey are exempt from legal jurisdiction, social insurance regulations do not apply to these individuals, and are therefore not covered by social insurance (Korkusuz/Uğur, 2013). However, of the individuals in the private service of officials in embassies and consulates, the ones who cannot prove their insurance of the sending state or a third state shall be deemed to be insurance holders (Regulations on the Social Insurance Proceedings, art. 9/2-ç).

In some of the bilateral social security agreements in whichTurkey is a party (e.g. Korea art.11; Italy art.10; Crotia art.11), it is stated that "diplomats and other individuals working in diplomatic missions or consulates shall be subject to the legislation of the sending state." However, if the service staff are employed locally, they shall be subject to the regulations of the state of residence. In the event that these individuals are the citizens of the employing country, after a certain time following their employment (a three-month or a six-month period is specified in the contracts) they might request the regulations of the country in which they are employed.

5.5. General Health Insurance for Foreigners

Foreigners can benefit from general health insurance on certain conditions. In accordance with Law no. 5510, provided that principle of reciprocity is also taken into consideration, the individuals of foreign countries who have residence but not covered by an insurance in another country (art. 60/1-d) and individuals who have the status of international protection or heimatlos shall be deemed to have health insurance. In this manner, individuals of foreign countries who have residence permit and are not insurance holders from a foreign country, the refugees, conditional refugees, applicants of subsidiary protection who benefit from international protection pursuant to the Law on Foreigners and International Protection and heimatlos shall benefit from general health insurance.

In addition, individuals deemed to be insurance holders pursuant to the law no. 5510 Article 4 Item (a) and (b) and voluntary insurance holders having residence in Turkey shall benefit from general health insurance (Olgaç&Bulut,2011). However, individuals who are sent to Turkey for a job by or on behalf of an organization established in a foreign country and who document to be subject to social insurance in the foreign country, and of the ones who work in Turkey on his/her own name and account, the individuals who reside abroad and are subject to the social security legislation of that country (art. 60/III, art.6/d-e) and voluntary insurance holders who have less than one year residence shall not benefit from general health insurance.

Individuals of foreign countries who have residence permit and are not insurance holders under legislation of a foreign country shall be deemed to be general health insurance holders once they complete a one-year residence period in Turkey and request general health insurance coverage (art.60/1-c). Applicants of international protection, people with international protection status and heimatlos shall be deemed health insurance holders from the date when they start benefitting from protection, care and rehabilitation services free of charge (art.60/1-b)

5.6. Unemployment Insurance for Foreign Employees

Before the amendment dated 15.05.2008, Unemployment Insurance Law no. 4447, which was adopted on 25.08.1999,covered foreign workers based on the reciprocity principle on account of the international agreements. After this amendment, foreign employees who work on a service contract, excluding the citizens of countries which international social security contract is intered based on reciprocity principle, benefit from unemployment insurance (Art.46/2).Thus, foreign epmloyees can benefit from unemployment insurance without bilateral social security agreement requirement (Güzel&Okur&Caniklioğlu,2014; Tuncay&Ekmekçi,2015).

Unemployment insurancewas not covered in most of the bilateral social security agreements in which Turkey stands as a party. However, in some agreements, it is stated that an employed person shall benefit from unemployment insurance (e.g. the agreement with Italy, Korea,Montenegro).

5.6. Privileged Foreigners

Some of the foreigners employed in Turkey are subject to a different status regarding the labour and social security rights.

5.6.1. Foreigners of Turkish ancestry

In accordance with the Facilitating Foreigners of Turkish Ancestry to Perform their Occupations and Crafts Freely in Turkey and Their Employment in Public and Private Establishments or Businesses Law no: 2547, foreigners of Turkish ancestry are subject to Turkish regulations regarding their social security rights (art. 5)

These individuals shall have foreigner status; however, except for two conditions, they shall be able to perform occupations, crafts and jobs or be employed in such, which are permitted for Turkish citizens by laws. Regarding social security, they shall be treated as if they were Turkish citizens (Çelikel&Öztekin Gelgel,2015).

5.6.2. Rights Accorded to the Persons Who Lost Turkish Citizenship by Obtaining a Renunciation Permit:

In accordance with the Turkish Citizenship Law No.5901, the social security rights of those who had been Turkish citizens by birth but lost it by obtaining a renunciation permit are secured, and they shall continue to enjoy the social security rights accorded to the Turkish citizens (art.28).

5.6.3. Refugees

The legal status of the refugees is specified in the Convention Relating to the Status of Refugees. Turkey is one of the signatories of the 1951 Convention, but did not remove its reservation and excluded non-Europeans from recognition as refugees. In the Law of Foreigners and International Protection Law No. 6458, the refugees coming from Europe are defined “refugees” (art. 61) while non-European refugees were defined as “conditional refugees” (art.62). Moreover, those who are granted “subsidiary protection” (art. 63) can also benefit from international protection.

In the Article 24 of the 1951 Convention, the Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of the social security and social insurance. The ILO Equality of Treatment (Social Security) Convention of 1962 also accords explicitly to the fefugees the right to social security without any condition of reciprocity (Weis)

According to the Turkish laws, similar to the foreigners, the refugees employed in Turkey shall be covered by compulsory insurance and shall benefit from social insurance like Turkish citizens (Güzel&Okur& Caniklioğlu,2014)

The refugees, conditional refugees and applicants of subsidiary protection who are benefit from international protection can benefit from general health insurance. Also, individuals who are granted conditional refugees or temporary protection status take advantage of health care and social security benefits (Ermumcu, 2013).

6. Conclusion

The right to social security is accepted as a human right. Increase the numbers of workers working in foreign countries, and social securities of these people has become a major issue for both national and international arena. International declarations and agreements regarding to human rights and many constitutions explicitly acknowledged the right to social security.

Under Turkish laws, being an alien is not accepted as a barrier to benefit from social insurances. Article 60 of Constitution of Republic of Turkey, clearly states that 'Everyone has the right to social security'.

Social securities of foreigners working in Turkey is regulated by both national laws of Turkey and bilateral and multilateral agreements that Turkey is a party to. According to the Law numbered 5510 Turkish Social Security and General Health Insurance Law, with some exceptions foreign individuals deemed to be insurance holders who are employed an employer through a service contracts. However, foreigners who are the citizens of countries with which international social security agreement is entered based on reciprocity principle and individuals who are sent to Turkey on behalf of an organization established in a foreign country to for working less than three months are not deemed to be insurance holders. In addition, individuals residing in abroad but working in Turkey whom are working on their own behalf and their own account are subject to social security legislation of their residing country and they are not deemed to be insurance holders. According to this, the relevant provisions of the social security agreement will be applied to the nationalities of the foreign employees of the signature country.

Some bilaterel social security agreements cover only long term insurance branches, some agreements include provisions of both long and short term insurance branches. Bilateral social security agreements, unless otherwise provided in agreements, provide equal treatment of citizens of both parties in term of social security right.

7. References

Akad, M. (1992). *Teori ve Uygulamada Sosyal Güvenlik Hakkı*, İstanbul, Kazacı Yayınları.

Arıcı, K. (2015). *Anayasa Mahkemesi Kararları Işığında Sosyal Güvenlik Hakkı*. Paper presented at the *Sosyal İnsan Hakları Uluslararası Sempozyumu VII, Bildiriler*, Denizli.

Ayhan, A. (2012). Sosyal Güvenlik Kavramı ve Sosyal Güvenlik İlkeleri, *Sosyal Güvenlik Dergisi,* (Journal of Social Security) (1), 41-54.

Cholewinski, R. (1997). *Migrant Workers in International Human Rights Law, Their Protection in Countries of Employmnet,* Oxford, Clarendon Press.

CSGB,(Ministry of Labour and Social Security). (2014), *Yabancıların Çalışma İzinleri* (Work Permits of Foreigners), Retrieved at May 15, 2016 from https://www.csgb.gov.tr/media/1765/yabanciizin2014.pdf

Çelikel, A. &Öztekin Gelgel, G. (2015). Yabancılar Hukuku, İstanbul, Beta yayınevi

Çiçekli, B. (2016). *Yabancılar Hukuku;* Ankara, Seçkin Yayınevi.

Demir, M., (2016), Türkiye'de Yabancıların Sosyal Güvenliği, *Sosyal Güvenlik Dergisi,* (Journal of Social Security) 6 (1), 70-93.

Ekşi, N. (2015).*Yabancılar ve Uluslararası Koruma Hukuku*, İstanbul, Beta Yayınevi.

Ermumcu, S. (2013). Sığınmacıların ve Mültecilerin Sosyal Güvenlik Hakkı, *Çalışma İlişkileri Dergisi*, (Journal of Labour Relations, 4 (2), 58-76

Gökçeoğlu, Ş., (2015), *İnsan Hakları Perspektifinden Sosyal Güvenlik Hakkının Anlamı ve Kapsamı*, *Sosyal İnsan Hakları Uluslararası Sempozyumu, VII, Bildiriler,* (VII. International Social Human Rights Symposium), Denizli.

Güzel, A.& Okur, A.R.& Caniklioğlu, N. (2014). *Sosyal Güvenlik Hukuku*, İstanbul, Beta Yayınevi.

Heredero, A.G.(2007). Social security as a human right: The protection afforded by the European Convention on Human Rights, Council of Europe Publishing.

ILO (International Labor Organization). (2015). *Global Estimates on Migrant Workers, Results and Methodology*, International Labour Office Geneva.

Korkusuz, M.R.& Uğur, S., (2013). *Sosyal Güvenlik Hukuku*, Ekin Yayınevi.

Okur, Z. (1996). Türkiye'de Yabancıların Sosyal Güvenlik Hakları, Halid Kemal Elbir'e Armağan, İstanbul, 365-385.

Olgaç, C.& Bulut, M. (2011), *Türkiye'de Çalışan Yabancıların Çalışma İzinleri ve Sosyal Güvenliği,* Ankara, Maliye ve Hukuk Yayınları.

Oliver, M. & Govindjee, (2013). *Labour rights and social protection of migrant workers: In search of a coordinated legal response,* Paper presented at the Inaugural conference of the Labour Law Research Network (LLRN), Barcelona, Spain, 13-15 June 2013, Retrieved at April 05, 2016 from https://www.upf.edu/gredtiss/_pdf/2013-LLRNConf_OlivierxGovind.pdf
SGK, (The Rebuplic of Turkey Social Security Institution) (2016). Sosyal *Güvenlik Sözleşmeleri,* Retrieved at May 15, 2016 from http://www.sgk.gov.tr/wps/portal/tr/mevzua/yururlukteki_mevzuat/uluslararasi_sozlesmeler

Şen, M. (2014). Hukuk Devleti Bağlamında Sosyal Güvenlik Hakkı, *Melikşah Üniversitesi Hukuk Fakültesi Dergisi*, (Melikşah Law Journal), 3 (2), 183-200.

Tiburco, C. (2001). *The Human Rights of Aliens under International and Comparative Law,* TheHague/Boston/London.

Tuncay, C.& Ekmekçi, Ö. (2015) *Sosyal Güvenlik Hukuku Dersleri,* İstanbul, Beta Yayınevi.

Udombana, N.J., (2006), Social RightsAre Human Rights: Actualizing the Rights to Work and Social Security in Africa, *Cornell International LawJournal*, 39, (2), 181-240.

Weis, P., *The Refugee Convention, 1951,* The Travaux Preparatories Analysed With A Commentary, Retrieved at May 05, 2016 from http://www.unhcr.org/4ca34be29.html

Turkey and the Shanghai Cooperation Organization: Prospects and Reality

Gürol Baba

1. Introduction

Turkey's seek for Shanghai Cooperation Organization (SCO) membership was a consequence of Ankara's multifaceted foreign policy paradigm, heightened particularly after 2007. This new paradigm falls into the theoretical category of emerging middle powers diplomacy. As a foreign policy behavioral aspect, these powers seek for amplifying their voice in various relevant regions, via multilateral platforms. One of the regions that Turkey, in the post-2007 era, aspired to be more relevant was Asia, especially Central and Southeastern parts. SCO, as a multilateral platform, has a peculiar significance, not only in terms of its potential to support Turkey's economic and commercial investments in Central Asia but also helping Ankara in fostering energy contracts for future pipelines to transfer Central Asian energy to Europe via Turkey.

This article aims to explore Ankara's efforts to be a SCO member. In this framework, the article elaborates possible implications of Turkey's, which is currently a dialogue partner, SCO membership regarding its pros and cons for the Organization. For this elaboration the article aims to answer three main questions: what are the reasons (prospects) behind Turkey's efforts to be a member and what are the advantages and disadvantages of its membership in real terms and what could be the effect of Chinese and Russian non-commitment for Turkey's membership efforts?

2. Methodology

Due to the historical background and the continuity of the issue at stake, this article used exploratory and explanatory case study analysis. The reason for choosing this method is that it helps to investigate contemporary real-life phenomenon through a contextual interpretation of a limited number of events, developments, conditions and their interactions. Turkey's SCO membership quest in this sense covers a specific area and relatively a small number of actors, due to the membership structure of the Organization. The exploratory side aimed to answer the question why China and Russia, together with the other Central Asian powers decided to form a security grouping and how -and towards what trajectory- this grouping has been transforming. The explanatory side focuses on the reasons behind Turkey's attempts to become a member and whether they fit into the *Realpolitik* of the SCO. In other words, do Turkey's expectations suit the reality?

Regarding the recent nature of Turkey's SCO engagement, not much of archival sources are available. Therefore, secondary and published primary data, including published interviews of the relevant actors, public opinion polls and official statements, were used. These secondary sources were examined via qualitative content analysis. The underlying themes in the materials are being analyzed in order to assess the changes occurred over time in both SCO's and Turkey's regional and international approaches and their repercussions.

According to this methodology the article has three segments. Firstly, it elaborates SCO's foundational aims and transformation, secondly it examines Turkey's interactions with the SCO within the framework the former's foreign policy expectations and their achievability in real terms and finally the conclusion aims to wrap up the interpretations about Turkey-SCO relations.

3. SCO's Foundation, Major aims and Transformation

One of the main features of Asia is its extensive diversity, which is not only in terms of ethnicity, religion and language but also in political, economic, and security realms. This diversity inevitably creates asymmetry among Asian actors. These two major characteristics seem to be a hindrance for forging cohesive regional schemes in Asia.

SCO was founded despite such background. Although the initial motivation was not forming a comprehensive and dominant regional organization, in time it became a key regional security grouping in Asia. In today's numeric terms SCO covers almost half of humanity, regarding its members and observers' population. In addition to the number of people SCO canvases, its members' economic development level and pace together with the energy basins it covers; keep the organization in the strategic calculations of global politics.

SCO's initial aim was to endorse and consolidate the borders between China, Russia, Kazakhstan, Kyrgyzstan, and Tajikistan. The idea was planted at the April 1996 Summit between these countries, which resulted in the Shanghai Treaty of 26 April 1996. In 1999, the initiative became Shanghai Five, in July 2000 with Uzbekistan's observer status it transformed into Shanghai Forum, and with Uzbekistan's membership in June 2001 it became the Shanghai Cooperation Organization (Trofimov, 2002).

SCO's main focus is security, particularly separatism and Islamic extremism (Blank, 2002). These two issues are SCO's two greater members'- Russia and China- concerns. In addition to this commonality, the SCO underlines a political-economic dependency between these two great powers. For Russia, having deepened and developed relations with China is certainly an advantage. China has a serious energy demand for Russian gas. Moreover it has a massive diplomatic leverage for Central and East Asia. For China, on the other hand, having Russia on board for its energy imports is almost inevitable. Russia provided approximately 40 % of China's consumption of the cleaner-burning fuel in 2014 (Weitz, 2014). Moreover, having good relations with Russia could facilitate the construction of a railway network in Central Asia, for keeping energy and consumer products supply route open to China (Burles, 1999, 23-29). In other words, two main linchpins of the SCO, Russia and China are enjoying a certain level of interdependency.

The question here is that whether this mutual dependency between China and Russia could gloss over their historical suspicions and these two great powers could collectively maintain security in Central Asia (Smith, 2003, 3). The answer is hidden in the diversification of their bilateral - and multilateral - relations. China and Russia's mutual dependence on their energy in and outflow is bolstered by joint military exercises, i.e. Peace Mission-2007, Peace Mission-2009. In other words, China and Russia are conscious of the need for such a diversification and they are also aware of the fact that they need to show off the 'extent' of their bilateral relationship. Military exercises seem to be very useful platforms to carry this out. This shows neither Russia nor China is interested in an imbalance or instability within Central Asia. There is more potential of cooperation than conflict between these two. Sino-Russian common outlook found its way in SCO's main paradigm to concentrate on stability in its security environment.

On the cultural side of things, it is not easy to talk about common values or a common identity as a cementing element in SCO, unlike in the European Union (EU). The SCO has an 'Asian' element instead, as in the ASEAN way (Acharya & Buzan, 2010, 14; Shambaugh & Yahuda, 2008, 70-71). It is labelled as the Shanghai Spirit or the Spirit of the Silk Road. This element has a non-western understanding of governance, which challenges "the ideas of universal democracy and human rights through its de facto legitimization of authoritarianism and by establishing itself as a counterweight to external democratic norms" (Ambrosio, 2008, 1322). In other words, SCO members' commonality is a non-Western understanding of

domestic and regional governance, even if they have vast differences in their values and goals. Silk Road in rhetoric also represents a cross-civilizational communication and understanding for the sake of strengthening ties among member states' people. Therefore the SCO is not only a foreign policy but also a foreign relations instrument, as a specimen of two-level game in diplomacy (Putnam, 1988). That is the SCO aims to ensure that the relations between societies of its members' function as smoothly and cooperatively as between its governments.

Regardless of the lack of a common identity, the SCO has a practical value in security sphere and becoming more significant in economic realm. It provides a platform for cooperation in conventional and non-conventional threats, particularly in insurgency and terrorism (Tashkent Declaration, 2010; Astana Declaration, 2011). It also aimed to develop economic cooperation among members for a sustained economic growth in Central Asia and in its periphery (Tashkent Declaration, 2004). In that vein the SCO passed an Action Plan on Fulfilment of the Program of Multilateral Trade and Economic Cooperation (Astana Declaration, 2005; Shanghai Joint Communiqué, 2006), which focuses on energy, information technology, and transportation. Interbank Cooperation within the SCO will be aimed at supporting these economic efforts. China has a formidable role in this added focus on economy, with a particular emphasis on a SCO Free Trade Zone. Since not every member is interested in forming such a comprehensive free trade structure, China changed the track and began signing bilateral free trade agreements with the other members individually (Huasheng, 2013, 446; Fredholm, 2013). These changes in SCO highlight China's significance in the organization's commercial future.

The Yekaterinburg Summit marked another shift in SCO's focus towards more recent issues of International relations. The Summit's joint Communiqué stated the Organization's aim to increase cooperation on energy, food security, climate change and financial crisis (Yekaterinburg Summit, 2009). This shows SCO's aim to increase its relevance in more 'popular' discussions and issues of global politics.

Another transformation has been in the membership and affiliation structure. The SCO was aware of the fact that security and economy related aspects/issues of Asia cannot be restrained only within Central Asia. Therefore, in 2005 at the Summit in Astana, SCO decided to give observer status to Iran, India and Pakistan. In 2004 Mongolia obtained the same status. In addition to their geographical linkages to Central Asia, India, Pakistan and Iran have been quite active members of regional and global counter terrorism efforts. Therefore, they are more relevant in security realm. India and Pakistan's relevance is boosted regarding their geographical location. These two are on the transit routes to Indian Ocean from Central Asia, which paved the way to their accession to the SCO in 2015. Iran is also on the accession route to Europe, but geo-strategically this path is blocked by Turkey.

4. Turkey's Initiatives to be a member: Prospects and Reality

Turkey's proactive foreign policy, which was bolstered with several new attempts and initiatives since particularly 2007, has been seeking to diversify its partners. Therefore, Ankara did not want to miss the opportunities posed by the SCO. However, Turkey's SCO membership initiative is a complex amalgamation of mutual advantages and predicaments.

The first point in Turkey's membership efforts is about the rigidity of SCO's regional understanding. From its transformation and expansion, briefly stated above, the organization does not have an uncompromising conceptualization of Central Asia. India and Pakistan's accession, Mongolia and Afghanistan's observer status together with Belarus, Sri Lanka and Turkey as dialogue partners indicate this. In other words, SCO is happy to expand the

numbers of affiliated countries depending on its future aims and needs. Related to geographical understanding and requirements, Turkey's geostrategic positioning is similar to India and Pakistan's. The latter two open the Organization's doors to South Asia and the Indian Ocean and the former to Europe and even further. Turkey's geographical meaning and value has been increased particularly with the Baku-Tbilisi-Ceyhan pipeline.

Turkey's politico-cultural interactions with the region also increase its relevance. Turkey in the early post-Cold War period attempted to increase its clout in the eyes of Central Asian Turkic people by emphasizing a common cultural heritage. These attempts in Central Asia were enthusiastically welcomed in the political and academic elites in Turkey (Aras & Fidan, 2009) and became an intrinsic element of Turkish foreign policy in the last two decades.

Yet, Ankara's attempts towards the region did not have a unified, or more importantly an effective, paradigm. Pan-Turkism was one of them. It emphasized Turkic origin people's cultural affinities and aimed to carve out a sphere of influence for Turkey in Central Asia. However, because of its racist and revisionist psychological ingredient, i.e. creating an 'elder brother', it did not achieve its ultimate aim (Landau, 1995; Kramer, 1996). It also showed that Turkey's politico-economic power did not have enough leverage for such an aim at the beginning of the 1990s.

Rather than having a central role in Central Asia, Turkey throughout the 1990s moved towards a peripheral task: being an energy corridor/bridge from Transcaucasia towards Europe. This prospect was more attainable due to its convergence with SCO's Energy Club objectives. This new role of Turkey was not free of tensions due to Russia's similar aim to be the energy bridge between Caucasia and Europe (Chengxu, 2005, 294). Unlike pan-Turkist tendencies, this time Turkey played a non-irritating and more pragmatic diplomacy and managed to conclude Baku-Tbilisi-Ceyhan oil pipeline and the Blue Stream agreements.

In addition to energy bridging, 9/11 attacks also boosted Turkey's significance. Turkey's potential role in fighting against international terrorism, especially in Central Asia, was advanced by its rapprochement with Russia. The Action Plan for Cooperation in Eurasia in 2001 was the first official announcement of Turkey-Russia multidimensional partnership (Oktav, 2011, 99). It showed that, as a NATO member, Turkey could have a significant value in SCO's security realm (Weitz, 2006).

With Ahmet Davutoğlu's proactive foreign policy kick-start, Central Asia confirmed its key position in Ankara's outlook. Following the previous era, Davutoğlu upgraded Turkey-Russia relations even further, which triggered some comments that Turkey and Russia are forming an "axis" (Hill & Taşpınar, 2006). Although the relations were not completely smooth due to Turkey's role in the Nabucco pipeline project, both countries became aware of their foreign policy commonalities more than ever before.

Turkey, in the same era, improved its relations with China as well. In 2009 at President Abdullah Gül's visit seven cooperation agreements signed on energy, banking and finance. These were followed by another eight agreements the year after on maritime trade, commerce and technical exchanges (www.sde.org.tr). These efforts were crowned by the Chinese Prime Minister Wen Jiabao's rhetorical statement that the Sino-Turkish relations are at "strategic partnership" level (Byrne, 2012). The relationship deepened with the continued bilateral visits and statements in the following years.

Turkey's relations with the other Central Asian states were also developed, especially in construction sector. Turkish companies' 44% of world projects totaling US $ 23.7 billion in 2013 were in Turkmenistan. Turkey has also been selling arms to Central Asian governments (Blank, 2014).

Turkey's 'theoretical' international position should not be dismissed in this respect. Turkey is an emerging middle power (Jordaan, 2003), and within the hegemonic intercourse

of Russia, China, the US, the EU, Japan, India in Central Asia, its significance cannot be overwhelming. Its significance can be boosted, with a 'smart' middle power move, i.e. 'amplifying its voice' via regional alliances/groupings. Within this framework Turkey applied for full membership to the SCO in 2005 and then again in 2011. In 2012 it achieved a dialogue partner status.

Turkey's increased attempts to be a member have also a politico-historical reason. From the very beginning, Turkey's relations with the EU follow a cycle of ups and downs. With the 2010s, Turkey did not only begin to pursue a more assertive and independent foreign policy but also distanced itself from the EU and began looking for alternatives. For Ankara, the SCO was one of them.

Turkey re-ignited its enthusiasm for SCO membership in 2013 with Prime Minister Recep Tayyip Erdoğan's words. In a press conference on 22 November, Mr. Erdoğan in a conversation with President Vladimir Putin labelled the EU as a "trouble". Mr. Erdoğan stated that "Allow us into the Shanghai Cooperation Organization and save us from this trouble" and if the SCO accepts Turkey as a member, Ankara would abandon its quest to join the EU (Erdoğan 2013). Mr. Erdoğan's views were shared by a meaningful percentage of Turkish public opinion. In a public poll at the beginning of the same year only 33% in Turkish people believed that Turkey should continue its efforts to be an EU member (edam.org.tr). In 2015 this ratio moved up to 38% (www.ikv.org.tr). In other words, over 60% of Turkish population support Turkey's seek for an alternative multilateral scheme.

There is not much of a cultural/psychological hindrance against Turkey's membership. Unlike the EU, the SCO has a loose, cross-cultural identity. Non-Central Asian countries, i.e. India and Pakistan, are now members. Also, regarding political culture both Turkey and the SCO members "are sovereignty sensitive countries who despise the idea that the international community has the right to get involved in the internal affairs of states who fail to [fulfil] their responsibilities to protect their own people" (Oğuzlu, 2013, 785).

The other aspect is the SCO's expanding focus on non-conventional threats. Turkey's bitter experiences of terrorism and cross-border insurgencies will certainly contribute to the Organization's future efforts on eliminating its threat perceptions.

Turkish economy's energy and motivation, particularly in construction sector, could contribute to the developing economies of SCO's Central Asian members. In this sense, as 'the most popular' argument of Turkish political elites, the SCO could be an alternative to the EU.

From the rules side of things Turkey's position is not discordant either. The SCO summit in Tashkent in June 2010 laid down the procedures for the admission of new members. There are geographical, diplomatic and institutional requirements. New members should belong to Eurasia, have diplomatic relations with the current members, have observer or dialogue partner status, sustain active commercial and economic relations with the current members, not to be under the United Nations sanctions, not to be in an armed conflict with another country or group of countries (Zaum, 2013, 172-173). Turkey fits into each of these criteria.

However, the flip side of the coin makes the situation for Turkey's membership a bit complicated. Although there are clear mutual gains from Turkey's membership to the SCO, the two big members' support for Turkey is ambiguous. Firstly, Turkey has not got a clear backing from Russia yet. Regardless of today's strain, even during the heightened times of the bilateral relations, Russia did not put a clear approval for Turkey's membership. President Putin's foreign policy advisor Sergey Markov stated that Turkey cannot be a member of the EU therefore it aims to strengthen its hand by becoming a SCO member. Yet, Turkey, unlike any other member, is a US ally, which is a significant hindrance for its membership. Aleksandr Dugin, Russian Duma's Foreign Policy Advisor, echoed Markov's foresight that

Turkey's Western posture would not fit into the SCO's outlook and therefore needs to be changed (t24.com.tr). Moreover, Russia might develop some 'speculative' concerns. One example could be Turkey's potential to develop more symmetrical and cooperative relations with the Central Asian members, and construct a power bloc within the SCO. This might imbalance Russia's dominance in the region. China, on the other hand, does not completely acknowledge Turkey's bridging role between NATO/EU and the SCO. Chinese Trade Minister Bo Xilai's highlighted this situation to Mr. Abdullah Gül during his Foreign Ministerial term (Yıldırım, 2005). Turkey's sensitivity towards Eastern Turkistan is also a question mark for Sino-Turkish relations within the SCO framework. China aims to divert Turkey's attention from Central Asia by supporting Turkey's EU membership. (Ekrem, 2012). Similarly, SCO members should have the same definition/outlook on terrorism. The refugees in Turkey from Northern Caucasia and Uyghur region could also be problematic in this sense. Another important issue in this framework is Turkey's stance during the Arab Spring, particularly in terms of Syria. Turkey's independent and 'rule maker' stance made Russia and China uneasy. In short Turkey's historical, strategic, and institutional relations with the West make Russia and China apprehensive.

In this respect, an important inconsistency in between Turkey's expectations and SCO's perception is the meaning and the value of the West. Since mid-1940s Turkey has been in a staunch partnership with the US. Ankara did not 'really' look or asked for an alternative alliance. On the other hand, SCO's official declarations in 2006 and 2007 excluded Western pro-democracy discourse (Aris, 2009; Germanovich, 2008). Therefore, it would not be that easy for Turkey to maintain a bridge between SCO and NATO, and/or presumably the EU. The New Silk Road project (Stuttard, 2000) might be helpful for Turkey's bridging course but it is still early to be certain about the project's positive repercussions.

Another complicated issue is Turkey's Western allies' considerations, or even reactions, to Ankara's tilting towards the East, particularly towards the SCO. One proof was the Sino-Turkish deal on defense systems. Turkey decided to get a new missile defense system from China for 4 billion $ (Aliriza, Brannen, 2013). Yet, just before the G20 Summit in Antalya, Turkey; Ankara let the Chinese know that the deal was cancelled. The message was conveyed during President Erdoğan and President Barack Obama talk (Onuş, 2015). This shows that Turkey is still bonded with NATO's sensitivities, particularly when it comes to a conflict in *Realpolitik* interests.

Domestic public opinion inside Turkey does not have a unified outlook towards the SCO, especially in a comparative framework with the EU or NATO. One group in political and military elites claim that Turkey's possible membership or even deepened cooperation with the SCO members should overshadow the relations with the Western institutions, the other group does not see the SCO as a real alternative to the EU or NATO (Oğuzlu & Kibaroğlu, 2009, 589; Oğuzlu, 2013, 785).

5. Conclusion

From its actions and decisions, it could be inferred that SCO does not aim to form a cohesive unity but a consolidated cooperation scheme. This aim confirms with the diversities in Asia. The SCO is, still not, a full-fledged international organization with a strict *acquis communautaire*. More importantly it does not need to be. It is managing the divergences between its members successfully by identifying issues/areas of common interest and also by building consensus around shared aims and initiatives. This makes the SCO flexible in terms of its affiliated members and also regarding the issues under its spotlight. India and Pakistan's accession in 2015 indicates this.

Due to the economic and commercial potential of the region that SCO covers, Turkey aimed to become a member. Turkey's aim is an extension of its becoming an energy transfer-hub policy, which has constantly been considered in Turkish foreign policy's background, i.e. Trans-Anatolian Pipeline Project -from the Caspian Sea through Turkey to Europe-.

Although there are several mutual economic, political and military advantages/prospects that Turkey's membership to the SCO could provide, these advantages do not all walk hand in hand with *Realpolitik*. Russia and China's support, which is almost vital, are still not very clear. Turkey's western posture is lingering as a predicament as well.

Due to prospects and reality imbalance Turkey's potential benefits from the SCO membership is still uncertain. Turkey's drift towards SCO should not completely overshadow its Western allegiance. These two trends should counterbalance each other but not imbalance. In other words, as the Turkey's EU Minister Mr. Volkan Bozkır stated in a private interview to Deutsche Berlin, the SCO could be "complementary" to Turkey's engagements with other international bodies (Kucera, 2014). Turkey as an EU (and a NATO member) would have a stronger influence in the SCO. Therefore, the EU membership could be more rewarding for Ankara, even in Asia.

6. References

Acharya, A., & Buzan, B. (Eds.). (2010,). *Non-Western International Relations Theory*. London: Routledge.

Aliriza, B., & Brannen, S. J. (8 October 2013). *Turkey Looks to China on Air and Missile Defense?* Retrieved 16.05.2016, from http://csis.org/publication/turkey-looks-china-missile-defense

Ambrosio, T. (2008). Catching the 'Shanghai Spirit': How the Shanghai Cooperation Organization Promotes Authoritarian Norms in Central Asia. *Europe-Asia Studies, 60*(8), 1321-1344. doi:10.1080/09668130802292143

Aras, B., & Fidan, H. (Spring 2009). Turkey and Eurasia: Frontiers of a New Geographic Imagination. *New Perspectives on Turkey, 40*, 193-215. doi:10.1017/S0896634600005276

Aris, S. (2009). The Shanghai Cooperation Organisation: 'Tackling the Three Evils'. A Regional Response to Non-traditional Security Challenges or an Anti-Western Bloc? *Europe-Asia Studies, 61*(3), 457-482. doi:10.1080/09668130902753309

Astana Declaration of the 10th Anniversary of the Shanghai Cooperation Organization. (15 June 2011). [Press release]

Blank, S. (04.23.2014). Turkey and the Shanghai Cooperation Organization: Motives and Consequences. *CACI Analyst.* Retrieved 15.05.2016, from http://www.cacianalyst.org/publications/analytical-articles/item/12958-turkey-and-the-shanghai-cooperation-organization-motives-and-consequences.html

Blank, S. (September 2002). The Shanghai Cooperative Organization: A Post-Mortem. *Nordic Institute of Asian Studies Newsletter* (3).

Burles, M. (1999). *Chinese Policy Toward Russia and the Central Asian Republics*. Santa Monica, California: RAND.

Byrne, P. China and Turkey - building a new Silk Road together. Retrieved 15.05.2016, from http://www.china.org.cn/opinion/2012-01/04/content_24322020.htm

Chengxu, Y. (2005). Great power relations and Asia–Pacific security. *Global Change, Peace & Security, 17*(3), 291-298. doi:10.1080/14781150500275473

Dadabaev, T. (2014). Shanghai Cooperation Organization (SCO) Regional Identity Formation from the Perspective of the Central Asia States. *Journal of Contemporary China,*

23(85), 102-118. doi:10.1080/10670564.2013.809982
Declaration of Heads of Member States of Shanghai Cooperation Organization. (6 July 2005). [Press release]
Ekonomi ve Dış Politika Araştırmalar Merkezi (EDAM) (The Centre for Economics and Foreign Policy Studies). Retrieved 15.05.2016, from http://edam.org.tr/document/EDAMAnketOcak2013.pdf
Ekrem, E. (06.06.2012). Türkiye'nin Şanghay işbirliği Örgütü Üyeliği [The membership of Turkey to Shanghai Cooperation Organization]. Retrieved 15.05.2016, from http://www.sde.org.tr/tr/authordetail/-turkiyenin-sanghay-isbirligi-orgutu-uyeligi/1107
Erdoğan, R. T. (2013). News conference following a meeting of the High-Level Russian-Turkish Cooperation Council. Retrieved 15.05.2016, from http://en.kremlin.ru/events/president/transcripts/19677
Germanovich, G. (2008). The Shanghai Cooperation Organization: A Threat to American Interests in Central Asia? *China and Eurasia Forum Quarterly, 6*(1), 19-38.
Hill, F., & Taşpınar, Ö. (Spring 2006). Turkey and Russia: Axis of the Excluded. *Survival, 48*(1). doi:10.1080/00396330600594256
Huasheng, Z. (2013). China's View of and Expectations from the Shanghai Cooperation Organization. *53*(3), 436-460.
Huasheng, Z. (May/June 2013). China's View of and Expectations from the Shanghai Cooperation Organization. *Asian Survey, 53*(3), 436-460. doi:10.1525/as.2013.53.3.436
İktisadi Kalkınma Vakfı (IKV) (Economic Development Foundation). Retrieved 15.05.2016, from http://www.ikv.org.tr/ikv.asp?id=875
Joint Communiqué of the Meeting of the Council of Heads of Member States of the Shanghai Cooperation Organization. (15 June 2006). [Press release]
Jordaan, E. (2003). The concept of a middle power in international relations: distinguishing between emerging and traditional middle powers. *Politikon, 30*(1), 165-181. doi:10.1080/0258934032000147282
Kramer, H. (1996). Will Central Asia Become Turkey's Sphere of Influence? *Perceptions, III*(4).
Kucera, J. (16 October 2014). Turkey: Is The Bloom Off The SCO Rose? Retrieved 16.05.2016, from http://www.eurasianet.org/node/70496
Landau, J. M. (1995). *Pan-Turkism: From Irredentism to Cooperation*. Bloomington: Indiana University Press.
Matusov, A. (2007). Energy Cooperation in the SCO: Club or Gathering? *China and Eurasia Forum Quarterly, 5*(3), 83-99.
Oğuzlu, T. (2013). Making Sense of Turkey's Rising Power Status: What Does Turkey's Approach Within NATO Tell Us? *Turkish Studies, 14*(4), 774-796. doi:10.1080/14683849.2013.863420
Oğuzlu, T., & Kibaroğlu, M. (2009). Is the Westernization Process Losing Pace in Turkey: Who's to Blame? *Turkish Studies, 10*(4), 577-593. doi:10.1080/14683840903384836
Oktav, Ö. Z. (Ed.). (2011). *Turkey in the 21st Century: Quest for a New Foreign Policy*. New York: Routledge.
Putnam, R. D. (Summer 1988). Diplomacy and domestic politics: the logic of two-level games. *International Organization, 42*(03), 427-460.
Rusya, Türkiye'nin Şangay 5'lisine girme isteğine nasıl yaklaşıyor? Retrieved 15.05.2016, from http://t24.com.tr/haber/rusya-turkiyenin-sangay-5lisine-girme-istegine-nasil-yaklasiyor,224420
Schleifer, Y. Turkey: With EU Talks Stalled, Erdogan Suggests Ankara May Join SCO. Retrieved 15.05.2016, from http://www.eurasianet.org/node/66460

Shambaugh, D., & Yahuda, M. (2008). *International Relations of Asia*. New York: Rowman & Littlefield Publishers.

Smith, M. A. (2003). *Current Russo-Chinese Relations*. Camberley, Surrey: Defence Academy of the United Kingdom Conflict Studies Research Centre.

Stuttard, J. B. (2000). *The New Silk Road: Secrets of Business Success in China Today*. New York: John Wiley & Sons.

Tashkent Declaration. (17 June 2004). [Press release]

Tashkent Declaration of SCO Heads of State Council Meeting. (11 June 2010). [Press release]

The Shanghai Cooperation Organization Yekaterinburg Summit. (15-16 June 2009). Retrieved 14.05.2016, from http://www.idsa.in/strategiccomments/The9thShanghaiCooperationOrganisationSummit_MSRoy_240609

Türkiye-Çin İlişkilerinin 40 Yılı (1971-2011). Retrieved 15.05.2016, from http://www.sde.org.tr/userfiles/file/Rapor-_TUrkiye-Cin_iliskilerinin_40_Yili_(1971-2011)___042012-son.pdf

Trofimov, D. (2002). Shanghai Process: From the 'Five' to the Cooperation Organization – Summing Up the 1990s and Looking Ahead. *Central Asia and the Caucasus, 14*, 86-92.

Weitz, R. (Summer 2006). Towards a new Turkey-NATO Partnership in Central Asia. *Turkish Policy Quarterly, 5*(2).

Weitz, R. (2014). The Russia-China gas deal: Implications and ramifications. *World Affairs,* 177(3), 80-86.

Yıldırım, B. (20.07.2005). Şangay İşbirliği Örgütü ve Türkiye. Retrieved 15.05.2016, from http://tasam.org/tr-TR/Icerik/283/sangay_isbirligi_orgutu_ve_turkiye

Zaum, D. (Ed.). (2013). *Legitimating International Organizations*. New York: Oxford University Press.

Measurement of Strategic Voting: A Systematic Review

Betul Aydogan Unal

1. Introduction

Voting is the principal way of political participation for every citizen in representative democracies in order to determine the form of next government. It is also the substantial mechanism for building a relationship between people who are governed and governing, especially in young democracies. The literature of electoral behavior is marked by three major research models: the sociological model (aka the Columbia School) that works on the influences of social factors; the psychosocial model (aka the Michigan School) that assumes that party identification is the main determinant of voting behavior; and rational choice theory (aka economic voting) that highlights on variables such as rationality, choice, uncertainty and information. The sociological and the psychosocial models can elucidate sufficiently the long-term stability of voting behavior. However, these models have limitations in explaining the variations that occur in vote choices in consecutive elections, just as they do not explain why voters who belong to certain social groups and have high level of political sophistication vote differently in different elections. Within this context, rational choice theory can present important clues to understand vote volatility. It establishes a direct analogy between consumers and voters and between enterprises and political parties (Antunes, 2010). Parties formulate policies that will maximize their gain and then, rational voters pick the ones that suit their needs and benefit themselves most and vote for a candidate or party that maximizes their profits (Downs 1957:55). But still, this theory, as well, has limitations in explaining not to vote for the most preferred party or candidate.

Strategic voting theory has made an important contribution to the field of electoral behavior with presenting meaningful explanations for "why some behaviors deviate from classical models". It asserts that if a voter believes that voting for a party that is not the most preferred can make her attain the most favorable outcome, she can cast a "strategic" vote (Gschwend, 2004:11). In the literature, this type of voting behavior is called strategic, sophisticated or tactical voting. A sincere voter is the one who votes for the most preferred candidate or party without considering other voters' preferences. On the other hand, strategic voter is the one who likes to check other people's choices before deciding which party to vote for (McCrone, 1977). *"Each citizen uses his forecast to determine whether the party he most prefers is really a part of the relevant range of choice. If he believes it is not, then rationality commands him to vote for some other party"* (Downs, 1957: 48). A strategic voter estimates not only the probability of winning of the most preferred party, but also the risk of winning of the undesirable one (Antunes, 2010).

A vote is considered strategic if these two requirements are satisfied: (1) a voter should vote not for the most preferred party by comparing its chance of winning with other parties; (2) this action should be enforced in accordance with the principle of maximization of expected utility (Blais & Nadeau, 1996). Strategic voters wish to avoid "wasting" their votes on a candidate or a party who will not be able to represent them (Lanoue and Bowler, 1992). This premise is based on two assumptions about strategic voters. First, they have accurate and full information about vote choices of others. Polls before elections and political campaigns can be source of information for voters about others' choices in local and national elections. And second, they have some political sophistication and analytical skills necessary to conduct a strategy. (Blydenburgh, 1988; Felsenthal and Brichta, 1985).

Strategic voting studies look closely at electoral institutions and perceptions of people to determine the range of factors affecting decision calculus of voters. It can be claimed that Henry Droop (1871) has submitted the pioneering work on strategic voting by stating the waste-vote hypothesis; *"an election is usually reduced to a contest between the two most popular candidates ... votes will be thrown away, unless given in favour of one or other of the parties between whom the election really lies"* (Myatt, 2007). Maurice Duverger (1954) has made a valuable contribution by stating that the psychological effect leading voters to abandon a trailing candidate favors the two-party system in simple-majority single-ballot systems.

Until the end of the 1980s, strategic voting behavior had been disregarded by most electoral behavior scholars. The rise of rational choice theory at the theoretical level has provoked them to investigate the incentives for strategic voting that voters face with under certain institutional structures (Gschwend, 2004:11). Methodological developments in recent years have offered new tools to measure strategic voting. Related programs have been designed with new computer technologies developed since the 1990s. By this way, it has become possible to calculate the winning probability of many candidates and parties simultaneously from a comparative perspective. Studies dealing with single member plurality systems in the US and Britain are the most commonly mentioned in the strategic voting literature. Nonetheless, it should be considered that strategic voting can occur under any electoral systems. In what ways other electoral systems affect strategic voting is still an under-researched area that needs to be shed light on.

Duverger (1954) states that contrary to single-majority systems, under proportional representation systems (PR) there is no incentive for voters to defect from first preference. Owing to removal or significantly reduction of obstacles to gain representation, PR systems can eliminate the wasted vote problem. Since the total number of seats are allocated in proportion to votes obtained, there is no definite reason for strategic voting (Cox and Shugart, 1996). If there is no or some threshold in PR systems, small parties have a chance to win representation in the parliament that a priori decreases the motivations for casting a strategic vote. This means that people can vote sincerely without a fear of wasting (Karp et al, 2002:3). Other than that, Cox (1997) argued that it becomes too complex for voters to conduct a strategy in multimember districts where more than 5 candidates are selected. In addition to Duverger's work on the absence of non-sincere voting in PR systems, this may be the other reason why there is a lack of attention in the literature on strategic voting in those systems.

It is the predominant argument in the literature that strategic voting should occur weakly under PR systems because small parties even can get representation. But, empirical studies done recently made us to revise this statement (Blais et al 2006; 2010, Gschwend 2007a, Abramson et al., 2008). Recent studies demonstrate that PR systems can create some similar motivations for voting strategically (e.g. Adams et al., 2005; Blais et al., 2006; Bargsted and Kedar, 2007; Cox, 1997). Although determining whether each candidate is strong or weak is not as clear as in the first-past-the-post systems, there are other incentives in PR systems.

There are different considerations on incentives that exist in proportional systems to vote strategically. For instance, Downs (1957) presumably makes the most important contribution by emphasizing the willingness of voters to determine the form of future coalition governments. Multiparty coalition governments can create a motive for strategic voting. This trend is called 'coalition preference vote' (Irwin and van Holsteyn, 2012). If a voter believes that she knows which parties will succeed in the elections and consequently assemble the coalition, she may vote for a second-favored party in order to make it a more attractive coalition partner (Benoit et al., 2002).

Leys (1959) and Sartori (1968) criticize the Duvergerian theories by claiming the absolute existence of wasting vote rationality in some PR systems. According to them, strategic voting is politically vital in where less number of seats are allocated. Not being too different from the logic of single member district system, voters of small parties may feel in the same way with wasting their votes if their most preferred party has no or very low chance of winning representation. As the district magnitude increases, this feeling becomes less influential (Cox and Shugart, 1996).

According to Bowler and Lanoue (1992), sincere voting is the dominant strategy in the proportional representation systems unless there is a threshold to gain representation. The existence of threshold to gain representation can be an institutional incentive for strategic voting. Major parties are benefited and small parties are hurt as a result of this. If voters are capable of estimating how their voting power will affect on the composition of parliament after elections, in any PR systems there exists a motivation to vote strategically. For instance, the 5 per cent threshold induces more strategic voting than the 3 per cent threshold in New Zealand (Slinko & White, 2010). Gschwend (2007b) shows evidences for strategic voting from large districts in PR systems such as Finland and Portugal. The share of strategic voting may be small in absolute value but fairly vital in effect (Gschwend & Stoiber, 2012). Pre-election surveys, political campaigns and polls have an immense impact on voting volatility, especially on short-term behavioral changes, in proportional representation systems (Shikano et al., 2009).

Gschwend (2004, 2007) claimed that rather than considering district magnitude, voters tend to consider whether their votes will be wasted or not while making their decisions if there is a high threshold. Even though voters cannot remember the results of previous elections precisely, they can recall generally and use this information during decision-making process. If their most preferred party failed to gain seats in the former elections, the motivation for strategic voting becomes stronger. In large multi-member districts, strategic voting is based on rational expectations and heuristics while voters are forming their expectations for coming elections (Lago, 2008). In addition, strategic voters are willing to verify the accuracy of their strategies by keeping an eye on the others during decision making process. By considering others' vote preferences, she can either vote for the most preferred or another party (except the least preferred, the evil) to attain the preferred outcome.

Given the extent of strategic voting in elections, it plays a critical role on election results. Regarding the scarcity of an up to date review on the methods to determine strategic voting behavior, this study aims to fill this gap through systematic literature review. By examining pioneering studies in the field, this study specifically attempts to systematize the existing literature by comparatively exploring the efficiency of the methods used to determine the size and direction of strategic voting. This study shows that survey research and inferences from aggregate-level electoral data are the two major methods used in the literature. Systematic analyses of strategic voting frequently devise survey research that are highly costly to implement and low in representation. The less common approach in the literature is making inferences from the electoral data. However, current implementations within the literature disregard the problem of ecological fallacy, thereby produce misleading findings. The use of latest advances in ecological inference with the ballot box level data offers better ways to narrow down the margin of error stemming from secret voting despite its requisite for an enormous data collection.

2. Methods to Measure Strategic Voting

The focus of voting behavior literature had been on the US and the UK till the end of the 1970s. The empirical tests of newly developed theories on voting behavior were mostly based on these countries. As a consequence of this trend, many theories were generated to explain the determinants of voting under plurality voting. For a long time, the unchallenged assumption of voting behavior literature was that voters make no attempt to try to manipulate the outcome of the election. It is assumed that voters simply choose the party that best fits their actual preferences. Yet, it has been known that a voter may attempt to manipulate the election outcome which is explained by strategic voting theory. Despite its strong relation with rational choice theory, the measurement of strategic voting behavior is methodologically compelling. With the help of long history of research, the size and dimension of strategic voting can be easily detectable in plurality voting systems. However, strategic voting in PR systems are less studied and difficult to be disentangled from sincere ones. As the focus of voting behavior studies has moved towards strategic behavior, some methodological solutions have been proposed to overcome those difficulties. New developments in computer technologies have accelerated the ability of scholars to create programs necessary for their own work.

There are basically two different approaches to measuring strategic voting. In this study, these methods will be introduced and compared with each other regarding their contributions to strategic voting literature. The first approach is based on directly measuring strategic behavior from individual level data. It uses self-reporting intentions methodology, such as surveys, to investigate the factors that determine strategic voting (e.g., Heath et al., 1991; Niemi et al., 1992; Blais & Carty, 1991). This direct approach entreats the number of voters casting their votes for a more viable party but not the most preferred one (Lago, 2011). The second approach uses aggregated electoral results particularly at district level to deduce voting patterns and how votes shift from one election to the other (e.g. Blais & Carty, 1991; Curtice and Steed, 1988; Fisher, 1973). However, this method poses an ecological fallacy due to the inference of the individual-level behavior from aggregate-level data.

2.1. Survey Research

Survey research in the voting behavior literature date back to the end of World War II. First instances have been carried out in the US and some of the European countries. The extension of this method to the other places is a recent development. While survey research serves some advantages to determine the factors affecting individual behavior, it also comes with some limitations that will be discussed in this study.

Survey research in this area of study basically depends of openly speaking individuals about their voting decisions. During those studies, respondents are asked the way they make their decisions to assess the factors influencing. Especially if they are strategic voters, they express what make them move from their most preferred ballots. Consequently, studies using survey can determine individual and institutional factors that are affecting strategic voting behavior (Blais et al., 2001).

An example of survey question can be like this: " *'Actually I was preferring another party which had no chance of winning. That's why I am choosing another party' To what extent this phrase reflects your behavior in the next elections?".* Respondents are asked to indicate their own stands in terms of this proposition. Another method used in the survey intends to measure strategic voting from the gap between their most preferred party rankings and their actual votes. This gap is related to subjective judgments of respondents on the chances of winning for each party (Mayer, 2003; Blais et al., 2001).

This method is an approach close to the theoretical models of strategic behavior in a multi-party democracy that creates a model of strategic voting by looking at the objective difference between individuals subjective preference ranking and vote choices. Pre-election vote expectations are compared with actual electoral rate for each candidate and party (Blais & Bodet, 2006). With this method, its limitations on reflecting reality is substantially accomplished. The survey results are compared with the election results and the difference between the two is actually used to determine the size of strategic votes. Although this method allows us to obtain data at the individual level, it also brings about a number of methodological problems. To measure the presence of strategic behavior at the individual level by using the survey data contains a number of difficulties.

Inaccurent Statements

To measure the strategic behavior requires the measurement of the impact of the different vote choices on the election results. A critical point here is that to what extent the responses reflect the actual vote choices of the respondents. In American political behavior literature, the capacity of the post-election surveys for reflecting the actual votes reflect have been widely discussed. A study conducted by Alvarez and Nagler (2000) showed that respondents of post-election surveys are more inclined to report the winning party instead of their actual choice when they are asked which party they voted for. People having trouble to admit that their candidates have lost the elections tend to give misleading answers in favor of a party ideologically close to their political stance. This situation results in overcalculation of strategic votes than its actual size. Therefore, the reliability of reported political behavior at post-election interviews should be questioned because of the strong bias in favor of winning candidates.

Untimely Survey Delivery

The other method to determine strategic voting from electoral polls is that asking respondents about electoral results for each party in pre-election term. Those expected results are used as an indication of actual vote preferences and also as a clue how they think about the elections will result (Blais & Bodet, 2006). The main objective is to determine whether the expectation of a party winning has any affect on vote decision or not. This approach is generally considered close to the essence of rational choice theory (Van der Straeten et al., 2010). Developing a strategy with considering possible electoral outcomes is very difficult months before elections (Abramowitz, McGlennon, & Rapoport, 1981). In this respect, it is hard to claim that the results of the surveys conducted months before the elections can reflect the actual strategic voting.

Limited Generalizability

Surveys can only catch the moment they are conducted. But if the aim is to observe the change in time, a need for surveys that are regularly conducted emerges. Data for previous elections either no exist or insufficient that is another limitation of this method. This is a problem of survey method that cannot reflect dynamic setting of elections as Achen and Shively (1995: 8) pointed out. For instance, voter realignments for each election is hard to study by using surveys due to this limitation. Respondents cannot always clearly remember which party they voted for after a while. If the survey questions are covering the period of two or three elections, reaching accurate information seems impossible (Flaxman, Wang, & Smola, 2015). Although there might be some survey data of previous elections, it is still a very low chance to answer the same questions that study aims to reach.

In addition, the ability to construct a sample that can represent whole population is limited under constraints of time and budget. That ability to represent population directly

affects the quality of the study. Since strategic voting does not occur frequently, it is hard to draw a representative sample. A solution to this limitation can be enlarging sample which results in increased research budget. The main aim of survey studies is to attain generalizable results from a sample that can represent whole population. However, it is very difficult to achieve this aim. In recent years the main obstacle that field researchers confronted was financial. Today, with the increase in the number of financially supporting institutions, problems in data collection processes have been alleviated.

Low Quality of Data

Another difficulty posed by survey research to study strategic voting behavior is that the quality of data is usually low. Especially in authoritarian or semi-democratic regimes, people are not used to express their feelings, beliefs and thoughts freely. They are more likely to self-censor while responding the survey questions.

Aside from that, one who conducts surveys should be competent and try to abstain from any action that manipulate respondent's thinking. The quality of field surveyers has direct influences on the reliability of the studies. In those countries, it is hard to find enough number of professionals for fieldwork. As a result, to what extent data collection process is reliable or valid is questionable. Since this kind of studies are temporal and change locations for almost every time, it becomes harder to equally train each surveyer (Çarkoğlu, 2012).

2.2. Ecological Inference

The mentioned disadvantages of survey studies have encouraged scholars to devise new methods and improve the existing ones such as ecological inference. Ecological inference makes deducing individual behavior from aggregate level data possible. Censuses, previous electoral data and any kind of aggregate statistics can turn into a treasure if this method can be applied sufficiently. Keeping clear and reliable records for each election is a general trend in most of the countries. Compared to survey data, electoral data is much easily accessible and mostly free of charge. With respect to all these pearls, ecological inference methods have become more preferable for strategic voting scholars in recent years with the advancements in computational social science.

Ecological inference is a method that individual level data inferred from aggregate level data. In voting behavior literature, election results are main sources of aggregate level data. It is not possible to know the results for each voter due to the secret ballot. Individual level results can be aggregated at the lowest level that is ballot box or at the highest level that is global. As much as data get more detailed, the error size narrows down drastically. Therefore, data at ballotbox level is preferred to data aggregated at state or province level for this reason (King et al., 2008).

In strategic voting behavior literature, those studies using ecological inference mainly use data at precinct level. To determine the size and direction of strategic voting is the common aim of those. For the others, the main aim is to determine whether strategic voting for small parties exists in different electoral systems or not (Blais et al., 2001). As mentioned above, it is impossible to implement ecological inference without committing ecological fallacy. Since the results of inference produce a new probabilistic data set, it is understandable not to attain exact size and direction of strategic voting (King, Tanner, & Rosen, 2004). The first problematic of this method is that aggregate level data is used to infer individual level behavior that results in ecological fallacy (Black, 1978). The other drawback of this method is that if the number of observation is not high enough, the results can be misleading or incomplete.

Ecological fallacy

Ecological fallacy occurs when individual level behavior is inferred from higher level data. For instance, in the nineteenth century Durkheim claimed that suicide rates in Protestant populated states are higher compared to the Catholic ones and that could be attributed to social conditions of this religion. However, the suicide rates at the state level is not detailed enough to conclude that those committing suicide were Protestants (Freedman, 1999). Protestant states are different from Catholic ones in many respects. There could be many different causes of this relationship besides religion. To have a more sound causal inference, information at individual level is needed.

The problem of generalization that occurs in survey studies can be overcome to some extent if the electoral data at hand can be analyzed sufficiently. Robinson's pioneering work on ecological fallacy claims that it is impossible to make ecological inferences from aggregate level data without the risk of committing the fallacy. Despite its advantages on generalization, he concluded that inferences from aggregate data should be banned from scientific investigations (Freedman, 1999). Upcoming years have been fruitful regarding overcoming this fallacy. Liu (2007) compares the efficiency of studies using survey method with the ones using ecological inference and concludes that the results of ecological inference analyses are more valid and accurate.

3. Conclusion

Two approaches to measure strategic voting both consist of different flaws and biases related to obtaining the true rank-ordering of parties for each voter. Alvarez and Nagler (2000) provide an extensive evaluation of the biases in the two methodologies. They point out that due to using different methodologies in studies examining the same election in the same country researchers come up with very different estimates of the extent of strategic voting. This study aims to introduce and reassess the strengths and weaknesses of the two most common approaches in the literature.

4. References

Abramowitz, A., McGlennon, J., & Rapoport, R. (1981). A note on strategic voting in a primary election. *The Journal of Politics*, *43*(3), 899–904.

Abramson, P. R., Aldrich, J. H., Blais, A., Lee, D., and Levine, R. (2008) Coalition considerations and the vote, in *Elections in Israel*, eds. Arian Usher and Michal Shamir, 45-66, New Brunswick, NJ: Transaction Publishing.

Achen, C. H., & Shively, W. P. (1995). *Cross-level inference*. Chicago: University of Chicago Press.

Adams, J. F., Merrill, S. and Grofman, B. (2005) *A unified theory of party competition*. Cambridge, UK: Cambridge University Press.

Alvarez, R. M., & Nagler, J. (2000). A new approach for modelling strategic voting in multiparty elections. *British Journal of Political Science*, *30*(1), 57–75.

Antunes, R. (2010). Theoretical Models Of Voting Behaviour. *Comunicação e Ciências Empresariais*, 4: 145-170.

Bargsted, M. A., Kedar, O. (2007) *Voting for Coalitions: Strategic Voting under Proportional*

Representation. Paper presented at the annual meeting of the Midwest Political Science Association, Chicago, April 12-15.

Benoit, K., Giannetti, D., and Laver, M. (2002). *Strategic voting in mixed-member electoral systems*. The Italian case paper prepared for delivery at the annual meeting of the European Public Choice Society, Belgirate, Italy, April.

Blais, A., Aldrich, J. H., Indridason I., and Levine R. (2006) Do voters vote for government coalitions? Testing Downs' pessimistic conclusion, *Party Politics,*12: 691–705.

Blais, A., Carty, K., (1991) The psychological impact of electoral laws: measuring Duverger's elusive factor, *British Journal of Political Science*, 21: 79-93.

Black, J. H. (1978). The multicandidate calculus of voting: Application to Canadian federal elections. *American Journal of Political Science*, 609–638.

Blais, A., & Bodet, M. A. (2006). How Do Voters Form Expectations about the Parties' Chances of Winning the Election?. *Social Science Quarterly*, *87*(3), 477–493.

Blais, A., Labbe-St-Vincent, S., Jean-Francois, L., Sauger, N., and Van der Straeten, K. (2010). Strategic Vote Choice in One-round and Two-round Elections: An Experimental Study. *Political Research Quarterly*, 64(3), 637–645.

Blais, A., & Nadeau, R. (1996). Measuring strategic voting: A two-step procedure. *Electoral Studies*, *15*(1), 39–52.

Blais, A., Nadeau, R., Gidengil, E., & Nevitte, N. (2001). Measuring strategic voting in multiparty plurality elections. *Electoral Studies*, *20*(3), 343–352.

Blydenburgh, J. C. (1988). Sophisticated voting in the 1980 presidential election. *Political Behavior*, *10*(2), 103–116.

Bowler, S., & Lanoue, D. J. (1992). Strategic and Protest Voting for Third Parties: The Case of the Canadian NDP. *The Western Political Quarterly*, *45*(2), 485.

Cox, G. W. (1997) *Making Votes Count. Strategic Coordination in the World's Electoral Systems.* Cambridge: Cambridge University Press.

Cox, G. W., Shugart, M. S. (1996) Strategic Voting Under Proportional Representation. *Journal of Law, Economics, & Organization*, 12: 299-324.

Çarkoğlu, A. (2012). Voting behavior. *The Routledge Handbook of Modern Turkey, London and New York, Routledge*, 160–170.

de Mesquita, E. B. (2000). Strategic and Nonpolicy Voting: A Coalitional Analysis of Israeli Electoral Reform. *Comparative Politics*, *33*(1), 63.

Downs, A. (1957). *An Economic Theory Of Democracy.* New York: Harper Collins Publishers.

Droop, H . R. (1871) On the Political and Social Effects of Different Method of Electing Representatives, *Papers*, 1863-70, ch. 3 (London: Juridical Society) 469-507.

Duverger, M. (1954) *Political Parties*. New York: Wiley.

Felsenthal, S. D., Brichta, A. (1985) Sincere and Strategic Voters: An Israeli Study, *Political*

Behavior, 7(4): 311-324.

Flaxman, S. R., Wang, Y.-X., & Smola, A. J. (2015). Who Supported Obama in 2012?: Ecological Inference through Distribution Regression (ss. 289–298). Sunulan Proceedings of the 21th ACM SIGKDD International Conference on Knowledge Discovery and Data Mining, ACM.

Freedman, D. A. (1999). Ecological inference and the ecological fallacy. *International Encyclopedia of the social & Behavioral sciences*, *6*, 4027–4030.

Gschwend, T. (2004) *Strategic Voting in Mixed-Electoral Systems.* Reutlingen: SFG-Elsevier.

Gschwend, T. (2007a) Ticket-Splitting and Strategic Voting under Mixed Electoral Rules: Evidence from Germany. *European Journal of Political Research*, 46(1), 1–23.

Gschwend, T. (2007b). Institutional incentives for strategic voting and party system change in Portugal. *Portuguese Journal of Social Science*, *6*(1), 15–31.

Gschwend, T., Stoiber, M. (2012), Strategic Voting in Proportional Systems: The Case of Finland. Paper presented at the conference on "The Effects of District Magnitude", Lisbon, May 29-30.

Heath, A., Curtice, J., Jowell, R. (1991) *Understanding Political Change: The British Voter 1964-1987*, Pergamon Press, Oxford.

Hsieh, J. F. (1997). Electoral politics in new democracies in the Asia-pacific region. *Representation*, *34*(3–4), 157–165.

Irwin, G. A., Van Holsteyn, J. J. M. (2012). Strategic electoral considerations under proportional representation. *Electoral Studies*, 31(1), 184–191.

Karp, J.A., Vowles, J., Banducci, S.A., and Donovan, T. (2002) Strategic voting, party activity, and candidate effects: testing explanations for split voting in New Zealand's new mixed system, *Electoral Studies*, 21(1): 1–22.

King, G., Rosen, O., Tanner, M., & Wagner, A. F. (2008). Ordinary economic voting behavior in the extraordinary election of Adolf Hitler. *Journal of Economic History*, *68*(4), 951–996.

King, G., Tanner, M. A., & Rosen, O. (2004). *Ecological inference: New methodological strategies*. Cambridge University Press.

Kriesi, H. (1998). The transformation of cleavage politics The 1997 Stein Rokkan lecture. *European journal of political research*, *33*(2), 165–185.

Lago, I. (2008) Rational Expectations or Heuristics?: Strategic Voting in Proportional Representation Systems. *Party Politics*, 14(1): 31–49.

Lago, I. (2011) Strategic voting in proportional representation systems: Evidence from a natural experiment. *Party Politics*, 18(5): 653–665.

Lanoue, D.J., Bowler, S. (1992) The sources of tactical voting in British Parliamentary Elections, 1983-1987. *Political Behavior*, 14: 141-157.

Leys, C. (1959) Models, Theories and the Theory of Political Parties, *Political Studies*, 7(1):

127–46.

Liu, B. (2007). EI extended model and the fear of ecological fallacy. *Sociological methods & research*, *36*(1), 3–25.

Mayer, W. G. (2003). Forecasting presidential nominations or, my model worked just fine, thank you. *Political Science and Politics*, *36*(2), 153–157.

McCrone, D. J. (1977) Identifying Voting Strategies from Roll Call Votes: A Method and an Application, *Legislative Studies Quarterly*, 2 (2): 177-191.

McKelvey, R. D., & aOrdeshook, P. C. (1972). A general theory of the calculus of voting. *Mathematical applications in political science*, *6*, 32–78.

Merolla, J. L., & Stephenson, L. B. (2007). Strategic voting in Canada: A Cross Time Analysis. *Electoral Studies*, *26*(2), 235–246.

Myatt, D. P. (2007) On the Theory of Strategic Voting, *The Review of Economic Studies*, 74(1), 255-281.

Niemi, R.G., Whitten, G., Franklin, M.N. (1992) Constituency characteristics, individual characteristics and tactical voting in the 1987 British general election, *British Journal of Political Science*, 22: 229-254.

Sartori, G. (1968) Political Development and Political Engineering, in J. D. Montgomery and A. O. Hirschman (eds), *Public Policy*, 17(3): 261–98.

Shikano, S., Herrman, M, Paul W. (2009) Strategic Voting under Proportional Representation: Threshold Insurance in German Elections, *West European Politics*, 32(3): 634–656.

Slinko, A., White, S. (2010) Proportional Representation and Strategic Voters. *Journal of Theoretical Politics*, 22(3): 301–332.

Reed, S. R. (1999). Strategic voting in the 1996 Japanese general election. *Comparative Political Studies*, *32*(2), 257–270.

Van der Straeten, K., Laslier, J.-F., Sauger, N., & Blais, A. (2010). Strategic, sincere, and heuristic voting under four election rules: an experimental study. *Social Choice and Welfare*, *35*(3), 435–472.

Alternative Dispute Resolution in Administrative Disputes

N. Şebnem Sayhan

1. Introduction

The judicial review of the administration has started with Conseil d'Ètat after the French Revolution, entered upon our country in 1868 with the establishment of "Şurâ-yi Devlet" and reached us today by undergoing many changes. Besides being the one and only way in order to provide "Judicial Administration", which is one of the most crucial factors of a law state, the Administrative Law is also – undoubtedly – the most effective method to protect the weak individual from the powerful Administration. Due to these attributions of the Administrative procedure, causing it to heavily increase in work load and with the new regulations not aiding in lightening such work load, it may take a long period of time to achieve justice. As a solution to this problem, the need has started to search for settlement outside of court and alternative methods (**Alternative Dispute Resolution ADR**), which are based on Common Law, came into question. ADR represents all dispute settlements which are kept out of court, which are not legally forbidden, and it is generally described as a set of procedures, an alternative to trial which includes a neutral third party's participation and help (Arat, p. 3). In a system where there is not an Administrative law regime, where the same rules of law is applied by the same court to both administrative and private laws, it is not as hard to apply for alternative settlement methods, compared to a Civil Law system where an Administrative law regime exists and where a different set of rules and place of jurisdiction (separating it from the private law) are carried out for the Administration.

However, at the present time modern law systems, especially Civil Law systems and European Union directives, it is advised to use the alternative settlement methods and conflicted parties are motivated into this direction.

2. International Regulations Regarding the Alternative Dispute Resolution Methods

Committee of Ministers of the Council of Europe's 1981(7) numbered "*Advisory Jurisdiction Regarding the Ways Which Ease Applying to the Court*", which is within the regulations of European Union, advises for precautions to be taken in order to make the conflicted parties settle with ease.

Committee of Ministers of the Council of Europe's 1986(12) numbered "*Advisory Jurisdiction of Preventing the Courts' Heavy Workload and Some Precautions to Relieve It*" provides decisions which advises member countries to encourage the settlement of conflicts, if appropriate, outside of the judicial system or before or during the trial (Yet, p. 253-254).

Committee of Ministers of the Council of Europe's 2001(9) numbered "*Improved Draft Advisory Jurisdiction Concerning Alternatives for Cases between Administrative Authorities and Private Person*" specifies internal auditing, settlement, mediation, negotiation discussion and arbitration as ADR for the settlement of disputes, but, ombudsman (government auditor) was not included to this, due to the fact that it was addressed before (Arat, p. 69).

The draft advisory jurisdiction draws attention to the importance of solving the disputes before it was taken to the Court as it relieves the workload and states that these methods must be impartial and neutral (Yılmaz, p. 92). None the less, it is also specified that, even though it may not always be the most appropriate way, the judiciary system is a necessity since ADR's are not replacing the Courts but simply being a complement (Özbek, p. 93-94). To add more, it is stated that ADR's were not to be intended for all administrative actions; but only to be

applied to some administrative disputes convenient for administrative activities, especially for disputes concerning personal administrative actions, contracts, civil liabilities, generally disputes which are subject to a sum of money (Yet, p. 256).

In the year 2002, United Nations Commission on International Trade Law (UNCITRAL) has prepared "*Model Ordinance Concerning International Commercial Mediation*". The purpose of this regulation was to provide consistency between the laws of mediation, which are prepared by the member countries of the UN (Ordinance General Preamble).

The "Green Paper", which was published by the Council of Europe in 19.04.2002, foresees preparing directives to popularize ADR for civil and commercial affairs and making regulations regarding mediation. The Council has submitted "*Draft Directive for Mediation Concerning Civil and Commercial Affairs*" in 22.10.2004.

While the "*Directive for Mediation Concerning Civil and Commercial Affairs"*, which was agreed upon by the European Parliament in 21.05.2008, accepts mediation in both of these fields, the 2nd Article states that "Administrative conflicts or acts by right of dominion, were not to be included" (Yılmaz,E , p. 6).

2013/11 (AB) numbered directive is constructed in order to get the consumers – on a voluntary basis – to apply to establishments which provides impartial, neutral, transparent, effective and fast ADR procedures concerning their complaints about merchants (article 1, Yılmaz,E p. 9).

3. Dispute and Administrative Dispute Consepts

In legal terms, dispute and court case means an allegation of violation of a subjective right and the claim for its compensation. The Government's judicial function acts upon such dispute, in order to determine who is right and to determine the scope of the right, the content and the appropriate applicable law for the dispute. Nevertheless, the evolution of legal science has put a wider meaning to dispute and court case concepts, stating that the judicial function may act even if there is not any violation of rights (Onar, p.1761-1762).

Administrative disputes have a different position within the general disputes. This is because an Administrative dispute is not just a court case which was filed because a public corporation allegedly violated a right or did not carry out this right, it is more than that. In the period of police states (during the process in which the government was evolving from a "property state" to a police state, then eventually to a law state), the damages could only be compensated when a case was lodged against the authority's patrimony (Treasury). When examined, it may be seen that these cases are no different than the claims for damages in private law. The term of "Administrative law-based claim" has arisen from the birth of administrative law and the term of law-bound administration, thus making it an output of the law state. Due to the fact that administrative law is an independent branch of law from private law, administrative proceedings are differently structured from private law cases. Therefore, a different type of adjudication is required for both substantive and procedural law (Onar, p. 1762-1764).

Due to the reasons specified, when we examine actions for nullity and full remedy in administrative procedures, we see that the full remedy action filed due to a violation of right has the same attributions with the compensation claim in private law. Action for nullity is completely exclusive to administrative law and the administrative place of jurisdiction inspects whether the legal action is justifiable or not, whether the action has invalid components or not and if such deficiency is found, it just nullifies the administrative decision. The action for nullity, may also have a binding affect for everyone (erga omnes), depending on the subject matter of the dispute. The purpose of the action of nullity is not just to remove

the violation which affects the person whose right is being violated, but also to ensure that the administration acts in a justifiable manner.

ADRs were firstly foreseen to be applied to private law, and thus, it is a requirement to study the regulations which allows the ADR methods in administrative law in order to apply them to administrative disputes (especially branches with different attributions, such as mediation and arbitration).

4. Alternative Dispute Resolution Methods

4.1. Mediation

Mediation is a procedure where a third impartial and neutral party assists the conflicted parties in order to solve the issue and come to a mutual decision. Even though the third, impartial party does not have the authority to rule upon a binding verdict, this method has an effect to bring the parties to a mutual understanding, using different techniques (Arat, p. 28).

4.2. Arbitration

When two parties conflict with each other over a right and they apply to private persons in order to solve the dispute and said private persons examine the dispute and rule upon a verdict, it is called arbitration (Kuru, p. 722). Arbitration is accepted to be the most ancient dispute solving method. It has started around 1800 B.C. between kingdoms and was used among trade relations during years around 1000 (Arat, p. 4). In Roman procedural law, the disputes of private court system (ordo iudiciorum privatorum) were solved by a person, who can be counted as an arbitrator, who was determined by the parties and approved by the magistra (Çelebican, p. 309-323). It is still used both in international law and commercial law today.

Arbitration has benefits such as being quicker, shorter and cheaper than a court investigation and parties can choose arbitrators of their own will and the ruling is binding to the parties. It is different from other ADR's as it is a "verdictive ADR". While with other ADRs, the parties solve their disputes by themselves, but in arbitration, the matter is solved by an arbitrator or a tribunal and the rulings are foreseen by the parties as final (Arat, p. 31-32).

4.3. Reconciliation

Involves, similar to mediation, the solving of the dispute by a trusted third party (Şen, p. 1). However in this method, the conciliator may state their advisory opinion or decision, but the opinion or decision will not be binding (Yet, p. 254).

5 Alternative Dispute Resolution Methods for Different Countries

5.1. Alternative Dispute Resolution Methods in USA and UK

These methods were first used in the United States of America in the field of commercial law in 1768, starting with arbitration, and later on mediation was used for the disputes concerning the Railway workers. And regulations were made regarding these methods.

Federal Arbitration Act (entered in force in 1925), Federal Civil Procedure Act (entered in force in 1937), Administrative Procedure Act (entered in force in 1946) have all ensured that the disputes were solved before a court case was filed. The regulations made until today has improved the out-of-court dispute settlement methods. These methods (which has started when the USA was found and evolved until today) are also improved by the establishments which were founded concordantly with the legislation (Arat, p. 4-8)

In the United Kingdom, even though the history of ADR is not as ancient as it is in the USA, it coincides with the history of civil procedure reform. Firstly, reconciliation was used in the 80's for the disputes concerning domestic relations law, after debates held in the 90's, **English Arbitration Act** (entered in force in 1996), **The Civil Procedure Act** (entered in force in 1997) and **Civil Procedure Rules** (entered in force in 1999) created the civil procedure reform and it was stated that the main goal of this reform was to settle the dispute before it was carried to the court and to have alternative methods besides the court procedures. Various establishments were founded in order to apply for Alternative Dispute Resolution Methods (Arat, p. 9-11).

5.2. Alternative Dispute Resolution Methods in France

Mediation researches have started in France in 1990 and in 1999 the Green Paper was accepted and in order to determine whether mediation was applicable to administrative law, a member of the Conseil d'Ètat has led a committee, which prepared a report, in which it was stated that especially liability disputes could be settled with mediation and "exceeding power disputes" could not. Because the government did not show any attention to it, the research remained inconclusive (Yılmaz, E p. 31 and 34). After the 2008/52 directive was adapted to the national law, it became possible to solve the disputes in the fields where public force was not allowed in international disputes (when one of the parties is an international person). Other than that, it is not possible to legally settle any dispute with mediation due to the fact that no regulations were carried out concerning the administrative law (Yılmaz, E p. 34).

French legislator has stated that there were doubts about mediation because administrative procedures were completed in a reasonable period of time and for free, and thus it became harder to make legislation. However, the French judges have expressed their demand for mediation to be carried out in administrative procedures. As there are no legal compulsions for the settlement with mediation, there are also no regulations preventing this method.

Mediation is possible on cases of privatization and expropriation, except for financial subjects (Yılmaz,E p. 35). Even though it is not legislated, Administrative court judges sends administrative disputes to the mediator. Conceil d'Ètat has expressed their views about mediation as "*All conflicts, in which the Government is not allowed to use public force, should be counted as private law and mediation should be able to be used*". Apart from that, especially tender bids, contracts which transfers the public service, zoning and public works, and hospital cases, which requires an absolute liability, can be settled with mediation (Yılmaz,E p. 37).

5.3 Alternative Dispute Resolution Methods in Germany

Even though it does not have a legal basis also in German administrative procedural law, administrative courts located in many of the states apply the mediation method. In this system, some of the judges perform also as a mediator.

The mediator judge is not the same as the judge which inspects the court file, but the court judge forwards the parties' request of settlement to the mediator judge. Should the parties not reach a settlement; the file is sent back to the court judge. Usually disputes concerning zoning and environmental pollution are settled with the mediator judge (Yılmaz, D p. 93).

There were regulations regarding mediation within the German administrative procedural law, even before the European Parliament's 2008 directives. Mediation appears in legislations of city zoning plans, investment law and environmental law (Yılmaz, D p. 93). The German Government has prepared a bill about ADR methods in order to adapt the 2008 directive to its national law and mediation was added accordingly, after some of the articles were revised in the Code of Administrative Court Procedure (VwGO) (Art. 168, 173). SCHENKE, has stated that even though it is not a replacement of the court verdicts, mediation could be accepted as an alternative to some of the disputes (Schenke/Ruthig, p. 22) and in the matter of the law allowing mediation in administrative disputes, it is stated that the said method is applied within the range of administration's principle of legality and that it should be taken into consideration that the method is located in much shorter boundaries compared to private law (Schenke/Ruthig, p. 24).

6. Practices of Alternative dispute Resolution in Turkey

6.1 Mediation

Within the Turkish law system, Code of Mediation in Legal Disputes (dated 22.06.2012 and numbered 6325) was regulated for conflicts arisen from the private law and it is stated in the said code's general preamble that this method was preferred because it protects the social peace when the parties settle the matter on their own will. To add more, due to the fact that there are different types of procedures, a regulation had to be organized apart from criminal and administrative disputes. Even though there are not yet any legal regulations which allows mediation to be applied to administrative disputes, the Ministry of Justice continues their research regarding this matter.

6.2 Arbitration

In the Turkish Law system, the Constitution dated 1982 (before the revision which was held in 1999), arbitration was a judicial method which was used only in the administration's private law disputes. Article 125 refers to administrative jurisdiction by stating "*All acts and actions of the Administration can be judicially remedied*".

The European Convention Regarding the International Commercial Arbitration (Geneva Convention) which was signed in 1961 authorizes public entities to act as an arbitrator and Turkey has approved this agreement without any reservations and adapted it to its national law in 1991 with the Code number 3730. Again, the *International Center for the Settlement of Investment Disputes-ICSI,* which was signed in 1965 in Washington DC, and which entered in force in 1986, was agreed upon and a solution center was established based on the said contract. This contract, which was accepted by Turkey in 1988, allows arbitration as an exception in the matters of work contracts, licence contracts, know-how contracts and "build-operate-transfer" contracts (which is a subject of administrative law). In 3 March 1989, Turkey has put a reservation on Article 25 of the Contract which regulates the disputes which

can be lodged before the ICSID Arbitration Center, stating "*All disputed matters concerning real estate ownerships and rights regarding the real estate, are subject to Turkish Courts' judicial review*." (Azrak, p.26-27).

Other than these contracts, Turkish Republic has many reciprocal agreements with other countries, allowing arbitration for foreign natural persons and legal entities, in order to settle disputes arisen from investment relations which have the attributions of an administrative contract (Karan, p. 267). With regard to the scope of legal disputes originating from investments, while Günday states that the disputes arisen from concession agreements' financial provisions and disputes arisen from the cancellation of the said agreement may be subject to arbitration; Gülan adds that arbitration may also be allowed in technical disputes (Karan, p. 268).

With revisions made in 1999, the Constitution's Article 125 has started to foresee settlement with national and international arbitration in matters of public service concession conditions and contracts. Again, a provision was added to the Article 47 of the Constitution, stating that public service could be performed by a natural person or a legal entity, as a result of the administration's private law contract. In other words, public services can be carried out with two different contracts with different legal characteristics. In line with the changes made in the Constitution, Article 23 of the 2575 Numbered Code of State Council, which authorizes the State Council for the "examination" of public service concession conditions and contracts, has been altered in to "express of opinion", and said Council's function within disputes arisen from public service concession conditions and contracts, which has been stated in Article 24, has been restricted to administrative procedures originated from public service concession conditions and contracts, which does not foresee the arbitration method.

Another regulation about this matter is the Code of Binding Principles When Applying for Arbitration for Disputes Regarding Public Service Concession Conditions and Contracts. This Code has only nine articles and especially the ones concerning international arbitration are crucial. It can be seen from the definition of "element of foreignness", stated in Article 2/ subparagraph (c), that it is very easy to apply for international arbitration with regard to concession agreements. According to this provision, the element of foreignness is explained as "*One of the parties to the contract must be a firm either established or about to be established, and said firm must either have at least one foreign partner as per the legislation of encouraging foreign capitals or made a contract concerning foreign funds, foreign loans or foreign security deposits*".

Article 3 of the Foreign Direct Investment Code number 4875, concerning dispute settlements, foresees various alternative dispute resolution methods alongside arbitration.

It is also mentioned that, all these practices and making way for arbitration for legal contracts, are without a basis of a search for alternative dispute resolution methods and that it is a rushed regulation because there was a need to comply with international agreements before organizing a national solution first (Yet, p. 263).

Public service concession agreement, is a classic administrative agreement, where the concessionaire agrees to found and operate, or just operate, an establishment while disbursements, profits and losses belongs to the them, and also agrees to the superiority of the administration. Therefore continuity, variability and impartiality principles of the public service shall be relevant, even if they are not stated in the contract. Thus, for the public service which is being performed with a concession agreement, the service must continue without any interruption and the concessionaire is under the obligation to comply with modern needs and technological developments. The concessionaire must also abide by the decisions of the administration concerning the fulfilment of obligations. If a dispute which has originated from such occasion is taken to arbitration, the arbitration authorities would not

investigate the public service requirements or look out for the public interest, but they would only investigate the articles of the contract and thus, the most important quality (administration's superiority over public force) would be overlooked and public interest would not be ensured.

Whereas, there is only one goal to protect when a public service is carried out, to ensure that the service is performed in the best possible way for the public interest. When solving a dispute which has arisen during a concession agreement and the public service which is being performed, the goal can not be to protect the concessionaire or the administration.

6.3 Reconciliation

Even though reconciliation exists within the Turkish culture, the administration's reconciliation culture not being developed, avoiding using their power of discretion and especially the Court of Accounts' investigation of financial subjects, makes it difficult to settle the matters with reconciliation. To add more, administration's public expenditure requires a clear provision of law and is not in the scope of discretion.

However, the conciliation institution for tax disputes, which was foreseen in the 213 numbered Tax Procedural Law, is being performed consistently and successfully. As of the improvements made in 2011 for 213 numbered Tax Procedural Law and 4458 numbered Customs Law, it is possible to apply for ADR methods with regard to customs taxes and fines (Şaşı, p. 67).

Reconciliation in tax disputes is an administrative solution where the taxpayer applies to the tax administration before applying to the court and comes to mutual terms regarding taxes and fines. It can be used before or after the assessment. Should the method of reconciliation not work, it is possible to apply to the court. As per the Customs Law, for the customs taxes which are not yet opposed, the method can be applied; however the obligator should apply within 15 days, if and when the fine is served upon the respondent, whether connected to the main tax or not. Should the method of reconciliation not work, it is possible to apply to the court (Şaşı, p. 69).

Even though it is noticeable that this method for tax disputes numerically relieves the workload of the administration, it is also asserted that reconciliation takes place in an environment in which the taxpayer and the administration are considered as equals and this contradicts the logic behind ADR's (Şaşı, p. 70).

Reconciliation as per the 5233 numbered Code of Compensating Damages Arisen from Terror and Anti-Terror Conflicts: This code allows the claimants to demand their losses (if not compensated in another way) from the administration due to terror acts and crimes as per the social risk principle. Firstly, the governorate of the province, in which the damage occurred, must be applied to. Then, the damage is determined by a panel which is led by the deputy governor (who is designated by the governor) and involves other administrative specialists and a representative from the bar association. The concerned, who has suffered the damage, can only accept or deny this and can not negotiate with the administration (Şaşı, p. 73).

Reconciliation as per 659 number Statutory Decree: With the Statutory Decree Concerning the Performance of Legal Services within General Budgeted Public Administrations and Special Budgeted Administrations, the administrations with general and special budgets (in consequence of 5018 numbered Code of Fiscal Management and Control removing the terms of general and special budgets, these administrations should be understood as central executive budgeted public administration and local administration) are authorized to reconcile out of court, for the disputes in which they are a party to (except for Municipalities, Provincial Private Administrations and Audit Committees regulated by the

Social Security Institution). Agents of the administration can not use this authority. Subjects arisen from public law such as taxes, fines etc., are out of scope of reconciliation. The ones who have sustained a violation of rights due to administrative actions, may apply to the administration within the term of litigation and demand compensation and resolve the matter amicably. The pre-application in scope of a full remedy action by the claimant is accepted as an application for reconciliation.

The amicable agreement between the administration and the claimant may be signed by the administration only after they take the opinion of their law department and it is approved by the competent authority. The approved opinion is in regard to the determination, with legal and pecuniary reasons, of the existence of public interest and also in order to determine that the settlement is for the benefit of the administration.

This method is not very successful in practice, mostly in consequence of reasons stem from the administration. Due to the fact that the public officials not having any legal securities for their duties about reconciliation, their financial obligation concerns, these officials taking part in the committee as mediators, and most importantly, the administration insisting that the decision they took was lawful, prevents the settlement of the dispute with reconciliation. It should also be stated that there are not any reconciliation applications as per this Statutory Decree, which have a positive outcome (Şaşı, p. 77).

7. Conclusion

The practicality of ADRs in every field of administrative law was discussed by academicians, high judges and senior bureaucrats in the "Alternative Dispute Settlement Methods for Private Law, Criminal Law and Administrative Disputes" Symposium, which was held on 14-17 October 2015 in Antalya, and it was decided that for conflicts regarding inland taxes the method of reconciliation – which is still used - was suitable, ADRs could be applicable for zoning and expropriation disputes, customs disputes could only be settled by reconciliation but compromise and mediation were not suitable for it, preventive measures should be taken regarding cases of public officials, regulatory actions should not be subject to alternative settlement methods, precautions should be taken to ensure the whole and complete fulfilment of administrative procedure verdicts, the problems faced in practice of the settlement institution should be eliminated and that ADR's can not relieve the administrative procedure's workload by itself. To add more, the necessity of General Administrative Procedure Law entering in force was stressed.

As it may be seen here, due to administrative disputes having different attributes than private law disputes, it is not possible to apply out-of-court dispute settlement methods foreseen for private law disputes to all administrative disputes. Especially for concession agreements (which carries typical attributions of an administrative agreement), arbitration method (in some publications and debates, it is stated that it has not yet been started to be performed) damages the quality of the agreement and also damages one of the attributions of the administrative regime which is "administration's independency from the courthouse". According to the Constitution of 1982, due to the fact that public services can be performed with a private law contract, private law contracts can be executed with a foreign investor who specifically demands an arbitration clause.

When we examine mediation, it can be seen that it is not possible to apply this method in every field of the administrative law as well as in France and Germany.

It is also not possible to say that reconciliation and compromise methods are being carried out trouble-free in our country.

Solving the dispute out of court is not the only way to relieve the heavy workload of administrative courts. The administration creates the dispute itself, by acting against the law. A general administrative procedure code entering in force is a way to prevent the administration to act outside of the law. To add more, the necessity for the administration to complete a court case to the fullest, even if they are unlawful, increases the workload of both the administrative courts and the administration. While there are enforcement clauses foreseen in the legislations, the "un-fulfillment" of such enforcement by the administration may lead to new court cases, thus increasing the workload.

Solving the workload issue of administrative courts is not possible solely with ADR.

8. References

Arat, N. (2009). *Türk İdare Hukuku'nda Alternatif Uyuşmazlık Çözüm Yolları [Alternative Dispute Resolution in Turkish Administrative Law]*, (unpublished doctoral dissertation) University of Istanbul Social Sciences Institute Department of Public Law, İstanbul.

Azrak, A. Ü. (2009). İdari Yargı Dışı Alternatif Uyuşmazlık Çözme Usulleri [Alternative Dispute Resolution Methods Outside Administrative Procedure]. In *Proceedings of State Council's 141st Year Symposium*, 11 May (pp. 71-85).

Çelebican, Ö. K. (2014). *Roma Hukuku (Roman Law)* (17th ed.). Ankara: Turhan Kitabevi.

Karan, N. (2009). İmtiyaz Sözleşmelerinde Uluslararası Tahkim [International Arbitration on Concession Contracts], *2nd International Private Law Symposium, İstanbul, 14 February 2009* (pp. 265-275).

Kopp, F. O. & Schenke, W. R. (2015). *Verwaltungsgerichtsordnung [Administrative Procedure]: VwGO, Kommentar* (21st ed.). München: C. H. Beck.

Kuru, B. (2016). *Medeni Usul Hukuku Ders Kitabı [Law of Civil Procedure Textbook]*. İstanbul: Seçkin Yayınevi.

Onar, S. S. (1966). *İdare Hukukunun Umumi Esasları [General Principles of Administrative Law]* (3rd ed.). 3 c., C. III, İstanbul: Hak Kitabevi.

Özbek, M. (2005). İdari Uyuşmazlıkların Çözümünde Yargılama Dışı Usuller [Out-of-Court Methods in Administrative Dispute Resolution] (I). *TBB Dergisi, (The Journal of Turkish Bar Association)* 56, 90-132.

Şaşı, M. (2015). İdari yargı Alanındaki Uyuşmazlıkların Çözümünde Alternatif Bir Model 'Hakim Temelli Uzlaşma' [An Alternative Model in the Field of Administrative Procedure: "Judge-Based Settlement"] . *Danıştay Dergisi*, (*Council of State Journal)*138, 65-85.

Şen, M. (n.d.). İdari Yargıda Hakim Huzurunda Uzlaşma ve Arabuluculuk [Settlement Before Judge and Mediation in Administrative Procedure]. *HUKAB Dergi, (HUKAB Journal)* 6, 1-5.

Tanrıver, S. (2000). Kamu Hizmeti İmtiyaz Sözleşmeleri ve Tahkim [Public Service Concession Agreements and Arbitration]. *Prof. Dr. Kemal OĞUZMAN'a Armağan, (Commemorative Publication for Kemal OĞUZMAN)* İstanbul, 1063-1089.

Yet, O. (2009). İdari Uyuşmazlıklarda Alternatif Çözüm Yolları İçinde Tahkim [Arbitration Among Alternative Dispute Resolution for Administrative Disputes]. *2nd International Private Law Symposium, İstanbul, 14 February 2009 (*pp. 253-264).

Yılmaz, D. (2012, June). Türk ve Alman İdare Hukukunda Arabuluculuk ve Sulhe İlişkin Düzenlemeler [Regulations in Turkish and German Administrative Law on Mediation and Amicable Settlement]. *Terazi Hukuk Dergisi*, (*Terazi Legal Journal*) 70 (7), 92-100.

Yılmaz, E. (2016). T.C.ADALET BAKANLIĞI Hukuk İşleri Müdürlüğü Fransız İdari Yargı Uyuşmazlıklarında Alternatif Çözüm Yolları Yurt Dışı Ziyaret Raporu [T.R. Ministry of Justice Directorate of Legal Affairs, Foreign Visit Report on French Administrative Procedure Alternative Dispute Resolutions]. 29 February 2016.

Are Conspiracy Theories Deconstruction of Constructed World Model of Liberalism in International Relations?

Gökhan Çapar, Onur Ayda

1. Introduction

Although conspiracy theories in international relations appear to be unreal and imaginative, in reality, the only weakness of them is their inapplicability to scientific criteria. However, conspiracy theories are not completely falsifiable. Actually, at this point, owing to the cover over the separation of scientific and unscientific realities, statements to fulfill the gap between the image and the reality in international relations are stigmatized as conspiracy theories, and so, they're put aside. The international relations literature and academies do not/cannot focus thoroughly on these statements labeled as unscientific. In fact, any fiction having explanatory power (able to combine parts) in the face of events that we live through might be successful in representing the picture of the reality. However, most discourses against the discourses used by super powers to justify their own foreign policies are excluded as they are felt to be conspiracy theories. Indeed, conspiracy theories might provide a different perspective for the reality so long as they're supported by data.

As is known, social-political events are formulated as a narrattion and given meaning/constructed. For instance, after Cold War, especially in and around Middle East, attempts to build up a new liberal world were formulated by liberal dissertations like "the end of history", democratic peace and picturized. This perspective was included in scientific literature and liberal discourses were used as an instrument to cover the reality. The transformation of this image into the reality meant military interventions and security problems. In this context, can conspiracy theories considered as a counter statement taking the cover hiding the gap between the image and the reality? Can conspiracy theories deconstruct the image given to the world? Within this scope, by emphasizing the concept that science doesn't examine things that needs to be, but it examines things that exist, the aim of the study is to discuss liberalism as a scientific being that picturizes an ideal world in international literature and to prove international security problems that it emerges in practice.

2. Poststructuralism and Deconstruction

The most fundamental approach of post-structuralism is that it has no reality outside of its ground of discursivity (Belsey, 2002). The frank meaning of this is that what we experience and especially social reality cannot be explained without being placed within an interpretation and definite perspective. Moreover, it is the fact that even what is considered to be seen clearly cannot be represented without being expressed within a conceptual or lingual world. Because the world is not only shaped with actions, power and actual states; it is also constructed with concepts, symbols and meanings. Because, it is inevitable that actions on the one hand and actual states on the other shall be explained by taking them within the scope of certain value judgments and by placing them within a certain framework. So meaning is woven by moving to and fro between ontic and conceptual things. A certain framework, concept or notion acts as functions that carry and name certain content. So, we name or give meaning to a certain event or actual state. We label that thing in a certain manner. However, meaning is a process that includes certain cross-references. In this sense, meaning is a concept that is woven with the relationship of differences and the differance concept of Derrida, "is a non-dialectical concept that forms the meaning; it asserts that meaning is generated within the spatial and temporal movement of differences; it eliminates the possibility of closure, that is

monosemy" (Direk, 2013, p. 771). What is tried to be put forth by the concept or action of differance[6] is that, "a text always carries with it a spatial difference and temporal postponement" (Özmakas, 2010, p. 94). Certain indicators create a certain meaning or mean a certain thing via games of similarity and difference by sending it to and fro among each other. Since meaning is fluid in this regard, it is tried to be closed and fixed via various discourses and narratives.

The approach of postructuralism that it does not have a reality other than its discursivity or that relity is constructed with a certain discursivity "tries to put forth the textual interaction inherent to power politics" (Devetak, 2012, p. 251). Because the effects of texts or textual interaction does not remain behind politics but intertwines with it. Hence, "the reality of power politics is always constructed via textuality and is put forth by forms of representation" (Devetak, 2012, p. 252).

Now, this understanding of textuality or the perspective putting forth that the world is a text is based on the approach of Derrida that 'the world is a text' or that 'there is nothing other than textuality'. What he means by text is not only books, graphics or discourses. What he means by the concept of text includes all structures related with social reality (economic, historical, and institutional). Here, the expression of 'structure' is very important. Because social reality is structured like language (which is our form of representing and expressing reality). All realities pointed out have a structure that carry a differential/fractional trace and referring to this 'reality' can only be possible via the experience of interpretation (Derrida, 1988, p. 148). We can consider the concept of *difference* as an effort to pinpoint the indecisive/undecidable structure of reality (that is open to interpretation, that should be interpreted continuously and the meaning of which cannot be fixed apart from being placed within a certain perspective) in language. Because meaning appears by the fractionation of one from the other or its similar and by a temporal postponement. Thus, structures are generated within a spatial and temporal differentiation relationship. In this sense, texts and narratives exist only by referencing to another text since they can never put forth themselves in a final manner and since they construct themselves always by referring to something else. Because narration and signification never ends. Thus, Derrida exposes that in language (our system of interpretation) reality is undecidable, that no interpretation or perspective has a priority or privilege. Indeed, there is nothing in the epistemology of post-structuralist approach that is, "inherent to and dictates to events and objects in the world as to how they should be represented either by sentences or by words" (Devetak, 2012, p. 253). Notwithstanding that, the undecisive structure of reality that is open to interpretation does not express relativism or indeterminacy (Derrida, 1988, p. 148). On the contrary, making a certain interpretation in the undecisive (undetermined) structure of reality, that is deciding on the undecidable is equivalent to closing off the meaning in a specific manner. Hence, the meaning of events experienced in international relationships or that occur to us is open to interpretation and their meaning is subject to the determination of a certain discursivity field that is closed off in a specific manner. So, if we understand the events that take place in a certain way, it is not because that is the clear meaning of plain reality. In this sense, there is also a struggle for meaning in international relationships in addition to a struggle of power. We are not faced with a plain reality but we are subject to its generation in a certain direction via concepts and games of representation. It is when we submit to the closure of meaning via concepts or when

[6] Even though we express it as a concept, Derrida says that differance is non-concept. Because it cannot be defined by opposite verbs: it is both a distinction and a postponement (Derrida, 2008, 227-8). By stating that differance is neither a concept nor a word (Derrida, 1999a, 51) and by expressing that it is both everything and nothing (Derrida, 1999b, 187-8), he has refrained from defining it and has pointed it out with negative terms.

our personal opinion settles in one of the current narrations that various events become fixed 'realities' with a certain meaning.

The separations established in language and the uses of dichotomies are directly political. Because, the distinctions that are expressed in language are directly political since they are related with what we include and what we keep out (or exclude). In this sense, since we make these distinctions with what we wish to include and what we wish to exclude, the establishment of dichotomies is part of the struggle for power in theory. Therefore, the assumptions of international power balances find their expressions in dichotomies because we cannot go out of dichotomies in language. In other words, the current situation cannot be questioned via the conceptual expression and reinforcement of an actual state, it rises up to the status of an absolute truth. Therefore, hierarchic order is established in language by instilling epistemic violence. That is, various contradictions, blind spots and gaps are present in the expression of various actions and policies in international relations via language, or in other words their textual equivalent the meaning of which has been closed (Norris, 1987 cited by West, 2013, p. 298). Conspiracy theories that take off from these contradictons or which bring forth a new interpretation to the weak spots of the dominant theory disrupt the integrity of meaning which is tried to be established via various information and data. Conspiracy theories are not traditional critiques and they step out of the given text.

Since deconstruction is a reflexion that is between law and justice, it creates a gap in meaning as to what we have experienced in international relations by generating a situation that cannot be decided in the face of great narratives the meanings of which are closed and fixed (Direk, 2013, p. 774). In other words, it puts forth the contradictions of the great narratives of the dominant discourse. Since Derrida is related with justice and intellectual singularity in his thinking (Direk, 2013, p. 774), conspiracy theories also mark a demand for singular justice[7] in law and the current order (and within the secured power balances). In any case, justice, "carries out the deconstructive displacement of law" (Newman, 2006, p. 207). In this path, "we have to know the borders of the narrative instead of building new narratives to reach social justice" (Balta, 2001, p. 366). Because it will be a more democratic stance to approach all narratives with an awareness that they put forth only a certain perspective and not the whole truth.

3. Conspiracy Theories Not as Content But with Regard to General Function

Authors such as Zehfuss who problematize the "cause-effect relationship" in international relations put forth September 11 as the "*cause*" for the fight against global terrorism while emphasizing the existence of a dominant discourse that leaves out the reasons that *caused* Sepetember 11 (Zehfuss, 2003, p. 521 cited by Devetak, 2012, p. 250). In the mean time, they also point out that Usame bin Ladin and George W. Bush unite with regard to keeping memory alive by constant reminders of September 11 as the political function of memory (Devetak, 2012, p. 525). In this sense, the integrity that complements itself with the similarities that appear when contradictions between how dominant discourses read the events and how they force the events to be read are examined closely is a good example to operating within the dichotomous strategy of deconstruction at the point of the similarity of those that are put forth as opposites and the distinction of those that are seen to be within the same whole. Thus, whereas deconstruction can operate as putting forth the undecidable structure of the bond between two things, on the other hand, it can also operate as putting forth the involvement between two fractionated things. (Laclau, 2002, para 3).

[7]"Derrida defends the idea that in order for a decisiton to be just and in order for it to explain a singularit that is rejected by law, it should be different for every case" (Newman, 2006, p. 207).

Starting from the type of interpretation of events that are being discussed all over the world after September 11 as well as the language that appeared, a struggle is ongoing in the literature of international relations as to the language/narration of which perspective will be established. Derrida states that we have to see the power relations and strategies regarding this issue and thinks that the dominant power is the focal point that has "succeeded in both locally and globally legitimizing or in other words legalizing the interpretation and terminology suited to the conditions" (Derrida, 2003, p. 105).

For instance, let us consider the First Gulf War. The holistic meaning and legitimacy (?) generated is important for the smooth advancement of the First Gulf War. There was no undecidable situation since meaning was closed off by various news sources. Can we say the same thing for the Second Gulf War? It was not possible for the liberal discourse that claimed via various news and information to bring democracy to generate a holistic meaning. Far from being undecidable, popular belief was just the opposite. In this regard, "no decision can be made without the experience of undecidableness" since ethics and politics begin with undecidableness (Kearney and Dooley, 1999, p. 66 cited by Direk, 2013 p. 773). This shows us that every decision is a decision that can be made in another way.

Liberal discourse in international relations – as has clearly come into view in the study by Fukuyama entitled *End of History* – puts forth liberal democracy and the liberal world view as the language of authority and superiority in a victorious manner surrounded by a halo of objectivity. Libertarian and objective language seems as if covering up the hierarchies and the established powers but in actuality, the established hierarch appears in dichotomies.

Conspiracy theories also focus on behind the curtains, on the invisible face starting out from the principle and doubt of what *the visible hides*. When focusing on behind the curtains, it establishes a discourse that is different and contrary to the already established discourse. Because the first discourse that has been established is the discourse of the balance of power and in a way its objective is a picture or a conceptual representation of the visible. However, the dichotomies present in the established language disclose the fact that the picture of reality is not unbiased.

Can conspiracy theories function in turning the already established language and hierarchic dichotomies inside out (as a general function of the incalculable, uncanny claims even if it not in a conscious manner) in this disclosure? Can they be serving a general function by forcing us to consider with a continuous doubt the discourses with crucial points which have been tied by dichotomies and which we are expected to accept as a pre-condition?

In this regard, conspiracy theories are not handled with regard to their content but with regard to their general functions in this study. And the study focuses not on all types of conspiracy theories but on political conspiracy theories that provide a certain perspective for understanding international relations. Within this context, secret activities such as planning a military coup for the political benefits of the actors that violate international law or that exceed the authority fall into the scope of political conspiracies. Conspiracies may emerge within the secret activities of "authorized representatives", "officials of international organizations" or "economic elites" which violate law or "run away from democratic procedures" (Hellinger, 2003, p. 209). However, conspiracy theories are generally observed in literature as a perception or action of terrorists. So, financial crimes are generally reflected as actions that terrorists and their Middle Eastern financier countries carry out. In this sense, the liberal narration that dominates the literature closes off these crimes inside a meaning that identifies them with the Middle East. For example, if it would be written prior to the emergence of the Panama Papers that the leaders of liberal countries including England might have taken place in money laundering activities, this would not be considered as a conspiracy theory in academic studies. However, the idea that liberal countries with transparent-democratic governance that answers to their own public will not get mixed up in such crimes

that are generally identified with terrorism has been demolished with these documents. The discursivity of conspiracy theories might have more effective functions with regard to the transparency of the constructed world since it is related with secrecy and more contradictive topics. In addition, according to Bale, "most academic researchers clearly prefer to ignore the implications of conspiratorial politics altogether rather than deal directly with such controversial matters." (Bale, 1995, para. 2). Hellinger who emphasizes that positivist perspective trivializes conspiracy theories actually emphasizes the fact that they have an important function with regard to "transparency" and "popular resistence" (2003, p. 205):

> Positivist intellectual paradigms that dominate social science militate against adequate theorizing of this sort and serve to reinforce hegemony by diminishing the importance of agency and abuses of power in systems of domination. Against the claim that they are always disempowering, I argue that conspiracy theories sometimes serve popular resistance and empowerment because they cast suspicion on the transparency and legitimacy of actions undertaken by the police, military, and intelligence agencies, whose missions include actually undertaking conspiracies.

According to Holtmann (2013, p. 58), 'conspiracy theories' carry with them the attributes of "emotional concepts" such as "myth or ideology" that serve propaganda making even though they claim to bring forth "pseudo-rational scientific explanations". In this regard, "the myth of conspiracy" plays a role in determining who the enemy is. In addition, "it represents the reprehensible myth of salvation of the enemy, namely pure capitalist goals under the cloak of democracy, human rights and freedom".

Whereas the post-structuralist perspective that emphasizes the power of discourse and language has an opposing stance to the "facticity" claim of positivism (Gregory, 1989, p. xiv). As a matter of fact, the meaning of the concept used is not fixed or static when discursivity or in general language is considered contrarty to the claims by the positivists. Conspiracy theories play an important role in the emergenc of dichotomies due to the fact that language acquires meaning with a different cultural content. According to Lee, (2011, p. 111-112) "conspiracy theories are effective at identifying who constitutes 'us' and who constitutes 'them.' They cleanly divide the world into good and evil, categorizing humanity according to its place in the conspiratorial framework." In this sense, the world is built up on moral explanations on the dichotomy of "conspirators" and "victims" and thus it is in harmony with "extremist political ideologies".

The Middle East is one of the regions where the divide between 'us' and 'them' is generated. According to Lee, the principal factor that plays a role in the emergence of this dichotomy as a function of conspiracy theories is "political upheaval". Even though literature has a general tendency to identify conspiracy theories with radicalization and terrorism, this is true for the Middle East in general. According to Al-Azm (2011, p. 19), "there is no running away from the fact that the conspiratorial modes of thinking and explaining are deeply ingrained in parts of the Arab social, intellectual, cultural and the political conscious and unconscious". According to Gray (2010, p. 11) the main reason for this is that the Middle East or "the Arab world" is "in a period of particular change and transition" both socially and economically. Especially, "a contest between traditional values and the changes brought by modernity", various economic problems and "the conflicts" such as "US-led War on Terrorism" have had significant effects on the socio-economic structure and welfare of the region.

The main factor that plays a role in the emergence of the dichotomy caused by conspiracy theories in the Middle East of 'us' and 'them' which is in accordance with radicalism is social reality which is neglected by positivism. In principle, this dichotomy is generated as a result of the oppressor-liberal divide of liberalism which is an international

relations theory that claims to be scientific even before conspiracy theories. Thus, conspiracy theories emerge here as a function of marginalization. In other words, interpretations that are alternatives to the "scientific" interpretations that aim to create the "good" world are labeled as conspiracy theories. In addition, it is not possible to prove whether conspiracy theories are indeed pseudo-science or not since there is no test tube in social sciences. We do not aim to claim that conspiracy theories are scientific. However, none of the military interventions that were made to bring democracy, human rights and freedom have resulted in a Western and liberal democracy. On the contrary, they have caused emotions and interpretations that lead to radicalism. At this point, it has been emphasized by Bartlett and Miller (2012, p. 1) that especially "the sense among some Muslims that the West is on a crusade to oppress the Muslim world" has played a role in the emergence of radicalization leading to terrorism and that "geopolitical affairs, foreign policy decisions, and military interventions" are among the factors that cause this emotion to appear.

Starting from the aforementioned scientific-conspiracy discussion, does the world picture put forth by the arguments of international liberalism that is included in the literature of international relations discipline and that claims to be scientific really exist? Does trying to put forth a liberal world ideal and its values by neglecting traditions and localness present an approach that is more scientific than conspiracy theories? Providing "rationality" or "science" to the arguments of liberalism by a "positivist" perspective does not exceed a theoretical bigotry. Cox claims that theory has a "goal" at the rational and absolute truth level (1986, p. 207) and also that it cannot be independent of a social and political content.

At this point, the literature that legitimizes the construction of a "real" world depending on the liberal perception of order provides the first reading of deconstruction as the dominant interpretation. Because "the first reading is a commentary or repetition of the dominant interpretation" (Devetak, 2005, p. 169). Neglecting the dichotomies put forth by this dominant interpretation as well as the destruction and negative emotions that occur as a result of the military interventions carried out to establish a liberal world order reinforces the perception of "reality" depending on theoretical bigotry. Thus, the assumptions of liberalism that cannot be actualized are continuously legitimized within the "good" order dichotomy against "evil" traditional socities with Middle East as the first and foremost. Whereas the second reading 'exposes the internal tensions' in the dominant narration or discourse (Devetak, 2005, p. 169). In other words, the second reading puts forth the hidden meanings, inconsistencies or conflicts within the narration or discourse.

Derrida (1978, pp. 359, 369-370) emphasizes that social sciences is not independent of discourse and the "interpretations of the interpretation" that are "incompatible". He puts forth the necessity of interpreting the interpretation by a quotation from Montaigne in order to understand the contradiction of this discursivity: "We need to interpret interpretations more than to interpret things" (1978, p. 351). Here, he puts forth the interpretation of liberalism interpretations as well as the dichotomies created instead of providing a new interpretation for liberalism thus deconstructing the constructed reality. However, the interpretations of this interpretation carry with them the potential to be labeled as a conspiracy theory by the dominant interpretation. It should not be forgotten that the "evil" and "bataklıktaki" cultures of the East that are outside the "good "values society of the liberal West are bound to internalize liberal values involuntarily as a result of the force of the interpretation that dominates the literature. Whereas discontented interpretations are labeled as conspiracy theories by the same dominant interpretation thus becoming trivialized.

Actually, what is important is not to state that the interpretations of the radicals are myths, conspiracies or wrong – which is frequently the case in the literature of international relations. The important thing is to question the foundation that legitimizes the military interventions that lead to radicalization resulting in providing potential militants for terrorism.

This foundation is made up of the "absolute good" international liberal order argument and the legitimizing literature that claims to be scientific.

Today, literature establishes a causality relationship between the existence of and future of the liberal world order and the continuity of American superiority (Ikenberry, 2015). This order that was established by America after the Second World War is defined by Ikenberry as "a liberal hegemonic order". The existence and continuity of this order depends on the power of the pioneering country (Ikenberry, 2011, p. 74). According to Kagan, "the liberal world order offers the best hope for meeting human aspirations, both material and spiritual, and for calling forth the very best in people across the world" when "differences in and between democratic and autocratic forms" are considered (et al, 2016, p. 2). That is why, "a weakening of America's commitment or its capabilities, or both, would invariably lead to its collapse" (Kagan et al, 2016, p. 2) since America plays the leading role in the continuity of the liberal world order with its military power and economy. Thus, "the rise of rival nonliberal order-building projects" will take place when the American period ends (Ikenberry, 2011, p. xii). This perspective actually legitimizes American hegemony and its use of military power with an emphasis on modernization and a better world. This legitimization is carried out by generating dichotomies in the direction of its "autocratic" and "modern" discourse. In addition, the construction of liberal world order with a foundation on American superiority is effective in the emergence of the victim – conspirator dichotomy generated by conspiracy theories.

4. The World Constructed by the Dominant "Scientific" Interpretation of Liberalism

The international relations literature of liberalism appears as the tool of a "monolingual" propaganda: the world and life style projected by liberalism are the truest and their values are universal. According to Derrida (1998) monolingualism does not represent anything or anyone that uses it.

Even though the arguments of liberalism claim to be scientific in the literature of international relations, it does not express an absolute reality. Conspiracy theories have a function that gives birth to dichotomies dividing the world such as "good" and "evil" or "us" and "them" (Lee, 2011, p. 111). However, it is also possible to see the same function in the arguments of liberalism as well and this attribute does not make it more scientific or valueable than conspiracy theories. According to Derrida, these dichotomies such as universality-locality actually emerge as a function of language. This function of language gives birth to a moral content rather than an absolute reality. Derrida (1981, p. 33) conceptualizes this as "expressivism" and defines this function of language as an "illusion" of metaphysics.

According to Derrida (2002, p. 66) who emphasizes metaphysical contradictions in the universality-locality dichotomy "there would be no history in general, and no political history in particular, without at least the possibility of lying, that is, of freedom and of action". Starting from the fictionality of reality, Derrida points out that a political history without lies is not possible here. In this framework, Derrida defines the "end of history" argument put forth by Fukuyama as "absolute knowledge" as "absolute lie" (2002, p. 41).

Especially the "universality" claim of the liberal world emerges as the reflection of a "colonist" metaphysic by way of an imposition which ascribes a fixed meaning to language. The values that are born in and develop within the stages of modernity are combined with the adjective of "universal" during this imposition stage. Whereas the values of the rest of the world that has not gone through these stages are neglected. Here, the concept of "universal" is presented to the whole social world with a Western meaning and in a hierarchical superiority. The values of other cultures are localized and trivialized whereas the values of Western

culture are universalized. Accordin to Derrida (1998, p. 39), this is due to the "colonialist" attribute of culture:

"The emergence of the modern liberal state" holds an important place for liberalism which is important within the discipline of international relations. Because "modernity projects a new and better life, free of authoritarian government, and with a much higher level of material welfare". (Jackson & Sørensen, 2013, p. 99). The dichotomies of the international relations discipline within the liberal tradition such as "modern" - "authoritarian" or "democratic" - "antidemocratic" divide the world as "good" and "evil" just like conspiracy theories. Here, a concept establishes a hierarchical superiority on another as the "function of language". In fact these dichotomies are "a set of values" but they "make something look like objective descriptions" (Hansen, 2014, p. 173). In this sense, the world order arguments of liberalism are neither rational nor objective just like the conspiracy theories that divide the world into "good" and "evil".

The concept of "modern" that is projected by liberalism is related with "transparency" and in turn it isrelated with modernity which is its historical reflection. According to Sanders and West, "transparency" is "a term born of the self-reflexivity of a larger historical moment, namely, modernity". Also, "transparency is invoked by those who think of themselves as modern as they talk about their vision of a modern society. At the same time "it is frequently juxtaposed" with "conspiratorial ideas", and "with the 'ignorance' of 'tradition'." (2003, p. 3). In this regard, being modern is possible by way of transparency.

The attainment of democratization has an important place for liberalism with regard to making the world a better place to live in terms of transparency. Starting from the "perpetual peace" thesis of Kant, the "theory of democratic peace" is envisioned as a tool of international security and stability. In short, this approach claims that democracies will not fight with one another but that democracies may fight with non-democratic states. In addition, whereas authoritative governments are more prone to war, it is assumed that democracies will never fight since it is the civilians who carry the burden of war that choose their own governments (Doyle, 1986, p. 1151). In addition, Doyle emphasizes the fact that it is impossible to assume that democracies will never fight with each other but that they have a greater tendency for peace (1983, p. 213). The real contradiction here is the argument that democracies may fight with non-democratic states. In theory, there is an expectation that autocratic governments will choose the way of war. However, "authoritative" Afghanistan, Iraq and Libya have not made any militaristic attack that will originate the right of self-defence with regard to classical international law. On the contrary, an intervention has been made to these countries in the name of democracy and human rights under the leadership of liberal USA. According to Brock, Geis and Müller, this argument of liberalism holds an important place "in the mindsets of Western politicians and diplomats": "promote freedom and liberty in the world, which is equivalent to promoting democracy, and we will have international peace. But the road to democracy may involve war" (2006, p. 195). That is why; this argument of liberal literature legitimizes military interventions against "autocratic" states. In this sense, it encourages violence rather than peace.

The bringing of democratic governance to "oppressive" states during the construction of a peaceful world by liberalism is related with the principle of self-determination. However, this theory has continuously been falsified in practice. First of all, this principle has no response that explains why "newly self-determined states" do not accept democratic norms or the situation of minorities who do not feel to belong to this state (Dunne, 2014, p. 118). This principle that is put forth to democratize the country has triggered civil war and violence instead of bringing peace and democracy. The fact that the "political borders of state" and "the cultural boundaries of the nation" differ from each other has played the leading role in the emergence of this violence (Ryan, 2005, p. 137). The expectation that spreading

democracies will make the world a more peaceful place has emerged in especially the Wilson principles and with the principle of "self determination". However, autocratic governments have become dominant in new states that gian independence after the 1st World War by way of "the vigorous assertion of the universality of the democratic ethic" (Pye, 1966, p. 3).

When the definition by Cox (1986, p. 207) that "theory is always for someone and for some purpose" is considered, it cannot be stated that the Wilsonian approach aims to construct a pure and ideal world. Because according to Smith, "Wilsonianism" was "the conviction that American national interests could best be pursued by promoting democracy". That is why, "Reagan became first Republican president emphatically to embrace the essential tenets of liberal democratic internationalism". Thus, "Reagan was more Wilsonian than any of his Democratic predecessors" and this "tradition" was continued by Bush and Clinton as well (1994, p. xv). This "tradition" that we define as the use of liberal theory for the national benefits of America has been continued by G. W. Bush as well. Thus, Afghanistan and Iraq have become the new targets for spreading democracy. The new target of the democratic discourse became Libya by way of NATO during the Obama period. The questions that should be asked in order to put forth the contradiction are as such: Would a world without Saddam, Taliban and Qaddafi be a safer and more livable place? Is the individual of liberalism happier?

Following the end of the Cold War, the main topic of international security became civil and ethnic wars rather than the traditional wars between states. International terrorism that was labelled as "global" following the September 11, 2001 attack by Al Qaida has become the major international security problem. The threats of the states mentioned here against international security were more traditional and predictable. However, the security gap that has emerged in these regions has led to threats such as ISIS and PKK terror that is more difficult to predict. Supporting the domestic problems of a state for self-determination lead to refugee crises, more human loss and international security problems rather than peace. The most painful example of this is Syria today. If the real objective was to spread democracy in the Middle Eastern geography and all other claims are conspiracy theories, why was Mohammad Morsi who was elected in Egypt for the first time via democratic means not supported by the liberal world and why was it overlooked when he was brought down by a coup?

Another perspective that is prominent among the arguments of liberalism is giving human rights prominence. The individual is seen as unique in this perspective and it is assumed that his/her rights are universal. This universality can generally be perceived as a set of rights that can be applied to anyone anywhere. However, this universality "means the protection that people in all parts of the world are entitled to, regardless of race, religion, colour and sex" (Higgins 1999 cited by Badescu, 2011, p. 35). So, is this really the case in theory and in practice? First of all, the opposition to this universality came from "cultural relativism" that rejects "Western uniqueness" (Duchesne, 2011, p. 28). It is sufficient for summarizing theoretically the universality-relativism of human rights to relay by way of Kabia's expression without going into the details of this theoretical discussion (2009, p. 11):

> Advocates of cultural relativism claim that most or some of the rights and rules about morality are encoded in and thus depend on cultural context. Hence, notions of right and wrong and moral rules differ throughout the world because cultures in which they take root are different. To them international human rights instruments and their pretensions to universality may suggest primarily the arrogance of 'cultural imperialism' of the West. Practices considered violations of human rights in one part of the world may be viewed differently elsewhere.

As can be seen, there is no theoretical consistency in this perspective towards universality. So, is there a universal application of human rights? In principle, there are

different perspectives in the international area with regard to the universality of human rights in Asia, Middle East and Africa (Kabia, 2009, p. 11). For example, since "collectivism" is essential for Orthodox Russia that has an opposing stance against the individualism of liberalism, the nation generated by society has priority over the individual (Radu, 1998, pp. 286-287). In this regard, there is no theoretical perception of universality with regard to human rights. Thus, when we consider that reality is constructed socially rather than in theory, the universality argument of liberalism has no theoretical value. Indeed, when it is considered that these aforementioned geographies are alienated as "swamp", "barbaric" by the dominant power, these geographies have no significance for liberalism. Because the liberal world will continue to perceive the fact that these "oppressive", "conspiracist", "terrorist", "evil", "rogue" geographies have not internalized these "universal" rights as their own fault.

Hence, the question that should be asked to understand whether human rights are universal or not should be directed to the core (states of liberal values) that puts forth this opinion: Is the universality of these human rights really prominent in the applications of the liberal world for countries with liberal values? Or can we state by another question that human rights are fully applied in the geographies of liberal values such as Europe and do the countries in these geographies approach races or in general people in other countries with the same universality? When the intelligence operations of USA and its applications at the Guantanamo base are considered, we can state this: the universality of human rights for people living in "potential terrorist geographies" cannot be considered if the security of USA is in question. Finally, "reforming" liberal world constructers using military power in the name of human rights and democracy do not make significant economic welfare transfer to regions that have been forced to fall behind during the colonial period. In addition, the destruction and human losses caused by military interventions prevent the emergence of an international belief in the universality of these rights.

Whereas for Europe, it is not necessary to write down the history of colonialism and the history of applications on the people in colonial geographies. The images of people migrating from Syria to Europe that are broadcast all over the world are sufficient to show the universal inapplicability of human rights by the liberal states. It is possible to give a second answer to this question with regard to Europe by way of the "economic nationalism" argument of Gilpin (1987, p. 172). According to Gilpin (1987, p. 74), "particular states attempt to advance their interests at the expense of others, for example, by exploiting a monopolistic position". From this perspective, "states, at least over the long run, simultaneously pursue wealth and national power" (Gilpin, 1987, p. 32). The fact that Germany, which is among the forerunner states that defend human rights discursively, considers the Syrian people as a negative impact on its own welfare and economic power has resulted in making these people the meta of a 3 billion Euro agreement for sending these people back to Turkey. This example is a concrete fact which puts forth that economic nationalism is at the forefront before the individualism of liberalism and the rights of the individual and that universality remains only in discourse.

As a result of the examples provided, it can be seen that those who betray this universality are states that create the liberal international relations literature and theory with a dominant power for establishing a perfect world order. Thus, the arguments of liberalism do not provide a reality that is more verifiable than that of conspiracy theories. However, it is inevitable that this contradiction will lead to this interpretation on conspiracy theories: the militaristic interventions carried out in the name of human rights and democracy are "solely for capitalism purposes" and the "enemies" who do this aim "us" and "our values". As can be seen, there is no difference between the dichotomies of "pseudo" attributed conspiracy theories such as "us" and "enemies" and the aforementioned alienating "us" and "oppressors" dichotomy of liberalism. It can be seen that the reality of humans is related with the social and

gains content according to the culture and the perception of society. Perceptions, identities emerge by mutually affecting each other as functions of language.

5. Conclusion

A hierarchical dichotomy is established between the liberal discourse in international relations literature and their critical/alternative interpretations. In this contradiction, these critical/alternative interpretations are trivialized by way of scientific/non-scientific separation as conspiracy theories without even considering if that is really the case. Even though there is no difference between them with regard to creating dichotomies and containing subjective interpretations, the discourses of liberalism are given superiority via dominant literature with claims of being "scientific". However, none of these discourses fit the reality of the social world. In other words, the fact that democratic interventions have not been able to create the white world that has been defined, that the democratic peace models generate more violence and the violation of human rights caused require the questioning of liberal discourse and its claims to be scientific. In this regard, putting forth the contradictions and hidden meanings in the theory and application of the dominant literature by way of the second reading method comprises an important stage of deconstruction. Thus, alternative interpretations that emerge as the interpretation of the interpretations of the dominant opinion have the quality of questioning the objective of a theory and its hegemonic content.

There is no difference or superiority with regard to establishing and fixing the meaning between the liberal discourse in international relations that is surrounded by the halo of 'science' and the "conspiracy theories" that aim to establish a different meaning and narration. Indeed, the distinction within international relations literature or international relations that is put forth as liberal discourse/conspiracy theories based on the scientific/non-scientific dichotomy becomes problematic itself. Conspiracy theories do not form a set of knowledge and interpration that is systematic and consistent in all its claims. Certain narration and interpretation efforts are labelled as conspiracy theory within the scientific/non-scientific dichotomy. In this sense, throwing contrary interpretations outside of the world of meaning and narration by labeling as conspiracy theories in the non-scientific category by establishing a hierarch and authority among dichotomies should be problematized. In this regard, interpretations attributed to conspiracy theories and the continuously falsified discourses of liberalism will not be able to start the race at an even point in the game of establishing free meaning and narration as the democratizing function of deconstruction unless we problematize this divide itself. Thus, "conspiracy theories" are excluded from the game of providing free and democratic meaning to certain events and states by throwing them all inside the 'non-scientific' set. First and foremost, we should take it as our duty to eliminate all types of separation, exlusion and labeling. Because, international relations is an area that is open to various games of interpretation. In addition, since a hierarchy is established by way of dichotomies such as scientific/non-scientific and international relations literature/conspiracy theories, this divide itself should be first subject to deconstruction.

6. References

Al-Azm, Sadik J. (2011). Orientalism and Conspiracy, In Arndt Graf, Schirin Fathi & Ludwig Paul, *Orientalism & Conspiracy: Politics and Conspiracy Theory in the Islamic World* (pp. 3-28). London & New York: I.B.Tauris.

Badescu, Cristina Gabriela (2011). *Humanitarian Intervention and the Responsibility to Protect: Security and Human Rights,* London & New York: Routledge.

Bale, Jeffrey (1995). Conspiracy Theories and Clandestine Politics, *Lobster*, 29, Retrieved at April 30, 2016, from http://www.lobster-magazine.co.uk/articles/l29consp.htm.

Balta, Evren, (2001). Marksizm ve Yapıbozumun Diyaloğu: Marx'ın Hayaletleri [The Dialog Between Marxism and Deconstruction: Spectres of Marx], *Praksis* [Praxis], 4, 360-383.

Bartlett, Jamie & Miller, Carl (2012). The Edge of Violence: Towards Telling the Difference Between Violent and Non-Violent Radicalization, *Terrorism and Political Violence*, 24(1), 1-21, doi: 10.1080/09546553.2011.594923

Belsey, Catherina, (2002). *Poststructuralism: A Very Short Introduction*, Oxford: Oxford University Press.

Cox, Robert (1986). Social Forces, States and World Orders: Beyond International Relations Theory, In Robert O. Keohane (Ed.), *Neorealism and its Critics* (pp. 204-254). New York: Columbia University Press.

Derrida, Jacques (1978). *Writing and Difference* (Trans. by Alan Bass). London & New York: Routledge Classics.

Derrida, Jacques (1981). *Positions: Interview with Jean-Louis Houdebine and Guy Jcarpetta* (Trans by Alan Bass), London: The University of Chicago Press.

Derrida, Jacques (1988). *Limited Inc* (Trans. by Samuel Weber), Evanston: Northwestern University Press.

Derrida, Jacques (1998). *Monolingualism of the Other; or, The Prosthesis of Origin*, Patrick Mensah (Trans.), California: Stanford Universiry Press.

Derrida, Jacques (1999a). Différance, *Toplumbilim* [Sociology],10, 49-62.

Derrida, Jacques (1999b). Japon Bir Dosta Mektup, [A Letter to a Japan Friend], *Toplumbilim* [Sociology], 10, 185-188.

Derrida, Jacques (2002). *Without Alibi*, Peggy Kamuf (Ed. & Trans.), California: Stanford Universiry Press.

Derrida, Jacques, (2008). Yapısöküm ve Öteki [Deconstruction and the Other], Richard Kearney (Ed.), *Zihnin Halleri* [in States of Mind] (pp. 221-248). Ankara: Bilgesu.

Devetak, Richard (2005). Critical Theory, In Scott Burchill [et al.], *Theories of International Relations* (3rd Ed.) (pp. 137-160). New York: Palgrave Macmillan.

Devetak, Richard (2012). Post-yapısalcılık [Post-Structuralism], *Uluslararası İlişkiler Teorileri* içinde [in the Theories of International Relations], İstanbul: Küre Yayınları [Küre Press], 243-278

Direk, Zeynep, (2013). Jacques Derrida, *Siyaset Felsefesi Tarihi [History of Political Philosophy]*, Ankara: Doğu Batı Yayınları [Doğu Batı Press], 769-782.

Doyle, Michael W. (1983). Kant, Liberal Legacies, and Foreign Affairs, *Philosophy and Public Affairs*, Vol. 12, No. 3, Summer, 205-235.

Doyle, Michael W. (1986). Liberalism and World Politics, *The American Political Science Review*, 80(4), 1151-1169.

Duchesne, Ricardo (2011). *The Uniqueness of Western Civilization*, Leiden & Boston: Brill.

Dunne, Tim (2014). Liberalism, In John Baylis, Steve Smith & Patricia Owens (Eds.), *The Globalization of World Politics: An Introduction to International Relations* (6th Ed.) (pp. 113-125). Oxford: Oxford University Press.

Geis, Anna; Brock, Lothar & Müller, Harald (2006). The Case for a New Research Agenda: Explaining Democratic Wars, In. Anna Geis, Lothar Brock and Harald Müller (Eds.) *Democratic Wars: Looking at the Dark Side of Democratic Peace* (pp. 195-214). New York: Palgrave Macmillan.

Gilpin, Robert, *The Political Economy of International Relations*, Princeton & New Jersey: Princeton University Press.

Gray, Matthew (2010). *Conspiracy Theories in the Arab World: Sources and Politics*, London & New York: Routledge

Gregory, Donna U. (1989). Foreword, In James Der Derian & Michael J. Shapiro (Eds.), *International/Intertextual Relations: Postmodern Readings of World Politics* (pp. xiii-xxi). Newyork: Lexington Books.

Hansen, Lene (2014). Poststructuralism, In John Baylis, Steve Smith & Patricia Owens (Eds.), *The Globalization of World Politics: An Introduction to International Relations* (6th Ed.) (pp. 169-183). Oxford: Oxford University Press.

Hellinger, Daniel (2003). Paranoia, Conspiracy, and Hegemony in American Politics, In Harry G. West & Todd Sanders (Eds.), *Transparency and Conspiracy: Ethnographies of Suspicion in the New World Order* (pp. 204-232). Durham & London: Duke University Press.

Holtmann, Philipp (2013). "The Symbols of Online Jihad" In (Rüdiger Lohlker Ed.), *Jihadism: Online Discourses and Representations* (pp. 9-64). Germany: V & R Unipress.

Ikenberry, G. John (2011). *Liberal Leviathan: The Origins, Crisis, and Transformation of the American World Order*, Princeton & Oxford: Princeton University Press

Ikenberry, G. John (2015). The Future of Liberal World Order, *Japanese Journal of Political Science*, 16(3), 450-455. doi:10.1017/S1468109915000122

Jackson, Robert & Sørensen, Georg (2013). *Introduction to International Relations: Theories and Approaches* (5th Ed.), Oxford: Oxford University Press (2013).

Kabia, John M. (2009). *Humanitarian Intervention and Conflict Resolution in West Africa*: from ECOMOG to ECOMIL. England & USA: Ashgate.

Kagan, Robert & Paula J. Dobriansky, et al (2016) *Strengthening the Liberal World Order*, Paper, World Economic Forum, Global Agenda Council on the United States.

Laclau, Ernesto, (2002). Ethics, Politics and Radical Democracy-A Response to Simon Critchley, *Culture Machine*, Vol 4, , Retrieved at June 8, 2016 from http://www.culturemachine.net/index.php/cm/article/view/268/253

Lee, Martha F (2011). *Conspiracy Rising: Conspiracy Thinking and American Public Life*, California: Praeger.

Newman, Saul, (2006). *Bakunin'den Lacan'a: Anti-Otoriteryanizm ve İktidarın Altüst Oluşu* [From Bakunin to Lacan Anti-authoritarianism and the Dislocation of Power], İstanbul: Ayrıntı Yayınları [Ayrıntı Press].

Özmakas, Utku, (2010). *Peirce, Saussure ve Derrida'da Gösterge Kavramı* [The Concept of Sign in Pierce, Saussure and Derrida], Yayınlanmamış Yüksek Lisans Tezi [Unpublished Master Thesis], Hacettepe University, Ankara, Turkey

Pye, Lucian W. (1966). *Aspects of Political Development*, Little, Boston: Brown and Company.

Radu, Michael (1998). "The Burden of Eastern Orthodoxy", *Orbis*, 42(2), Spring, 283-300.

Ryan, Stephen (2005). Nationalism and Ethnic Conflict, In Brian White, Richard Little & Michael Smith (Eds.), *Issues in World Politics* (3rd Ed.). (pp. 137-154). New York: Palgrave Macmillan.

Smith, Tony (1994). *America's Mission: The United States and the Worldwide Struggle for Democracy*, Princeton & New Jersey: Princeton University Press.

West, David, (1998). *Kıta Avrupası Felsefesine Giriş: Rousseau, Kant ve Hegel'den Foucault ve Derrida'ya [An Introduction to Continental Philosophy],* Çeviren: Ahmet Cevizci [Trans. by Ahmet Cevizci], İstanbul: Paradigma Yayıncılık [Paradigma Press].

West, Harry G. & Sanders, Todd (2003). Power Revealed and Concealed in the New World Order, In Harry G. West & Todd Sanders (Eds.), *Transparency and Conspiracy:*

Ethnographies of Suspicion in the New World Order (pp. 1-37). Durham & London: Duke University Press.

A "Turkization" Political Movement Sacrificed to the Conjuncture: Halkların Demokratik Partisi (HDP-Peoples' Democratic Party)

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1. Introduction

In Turkey, many political parties focusing on Kurdish problem and representing the requests of Kurds have been established. Many of them have been closed due to the reason that they had organic links to terrorist organization, while those that have not been closed have continued their lives as regional parties. On the other hand, the "regional party" position of the parties representing the Kurdish political movement both doesn't allow exceeding the election barrage and doesn't give change to address the resting regions of Turkey. It can be said that addressing the resting portion of Turkey has important for Kurdish political movement for 3 reasons. One of them is to take the votes of Kurds living in western Anatolia into account. Second is to strengthen the legitimacy of political expansion. For this reason, the new representatives of Kurdish political movement decided to participate into the elections of the year 2015 as a party. Halkların Demokratik Partisi (HDP- Peoples Democratic Party), the manifestation of this new strategy, has been immediately adopted by the Kurds living in and outside of the region. Then, the third is to carry the voter base beyond the Kurdish voters and to aspire for the votes of lefty voters.

HDP hasn't shown that it left its mission of being a regional party only by participating into the elections as a party in all of the cities of Turkey. They have declared that they would make significant changes from previous "Kurdish parties". They have adopted a manifestation that addresses not only the Kurdish-origin voters but also other "discriminated" sections of Turkey. That, for many segments feeling alienated, was a light at the end of the tunnel. HDP was not equipped with such an innovative manifestation, but they also featured the peaceful expressions about the Kurdish problem. They have established their position that also the government needed them as the unique for that can dominate the militants and end the instability in the region. Because of the importance of that moment of history –for government and PKK – they have emphasized the importance of representation of Kurdish movement in parliament.

The election of 7th of June has brought the opportunities that are summarized above. HDP has won 13.12% of the votes and entered into the TBMM (Grand National Assembly of Turkey) with 80 parliamentarians. Despite this powerful representation, the plans couldn't be realized. HDP couldn't fulfill their most important task – which was also their most important trump – of dominating the militant cadre or at least mediating for the peace. On the contrary, they have adopted a passive position for themselves, and emphasized the difficulty of dominating the militants. In that period, while all of the parties expected the silence of weapons, the militant cadre took up their arms with all their power.

This study aims to investigate why PKK wasn't enthusiastic about the peace after the elections on 7th of June despite the peaceful declarations of HDP, and why HDP preferred to stay passive in that period. During this research, it was concluded that both of government and PKK were affected from the conjuncture in Syria. In other word, we achieved some findings regarding that some external factors, especially the new status in northern Syria, played significant role in PKK's alienation from the peace. The new status in northern Syria in favor of Kurds is thought to make it difficult to end the conflicts between government and PKK in Turkey. In conclusion, the peace efforts made by government and PKK for many years have been wasted despite the presence of a "Turkized" party such as HDP and, considering the new status in Syria, it has caused the start of a new confliction period.

2. Short History of Transition to the Turkey Party

Halkların Demokratik Partisi (HDP), on the contrary what is believed by many segments people, is not a political organization that is an extension of Barış ve Demokrasi Partisi (BDP-Peace and Democracy Party). BDP wasn't closed. Its name was changed to Demokratik Bölgeler Partisi (DBP-Democratic Regions Party) in their 3rd congress. HDP is a result of Emek, Demorasi ve Özgürlük Bloğu (The Union for Labor, Democracy, and Freedom) covering many lefty groups and parties before the elections on 12th of June 2011. In declaration of Union for 2011 elections, it was stated that "Our union focuses on all the social classes that the system in Turkey has discriminated, alienated, assimilation and marginalized. It acts with the democratic nation solution and approach that is against the singularist system and policies. As well as the right of equal citizenship, it also relies to the social structure, where the individual and collective rights can be freely enjoyed, all the social identities, groups, communities, and genders can express themselves and have the opportunity of organization" (Kürkçü, 2011). The union sees the AK Parti government as the most important obstacle in front of the abovementioned objectives (Emek Partisi, 2011). Thus, it can be said that the most important motivation uniting the Emek, Demokrasi ve Özgürlük Bloku is the wide opposition to the government. The Emek, Demokrasi and Özgürlük Bloku, as a wide frame organization, has participated into the elections on 12th June 2011 through independent candidates. There were many individuals from different groups. The union, which has participated into elections with such a diversity of candidates, has gained 2.5 millions of votes throughout the country and won 36 chairs in TBMM. The results were very satisfying when considered as a cooperation that has never been tried before. That number of parliamentarians was enough to establish a group in TBMM. Of course, the most important achievement was not to achieve the power of establishing a group in parliament. Emek, Demokrasi ve Özgürlük Bloku has instilled hope for the future to the opponent groups. It should also be specified that this frame-movement was a light of hope for many other social groups, not only those supporting the lefty ideologies but also those requesting the continuance of peace process.

With larger participation, the Union has accelerated its efforts of "Turkization" and strengthening the opposition. As a result of the expectations, it was decided to organize the congress. Organized in Ankara on 15-16 October 2011, Halkların Demokratik Kongresi (HDK-Societies' Democratic Congress) has gathered with larger participation than HDP. It can be said that the Kurdish movement was the leading factor in this organization. On the other hand, it would not be right to state that the Kurdish movement has concentrated only its own policies and demands. The demands of Kurdish movement were equal to those of other segments of the population. Or, it can be said that they have adopted a rhetoric meaning the equality of expectations. But, it is clear that HKD has addressed all the parties feeling discriminated, not only the Kurds. It can be seen in final declaration of the congress; " "…shoulder to shoulder with those struggling in any point of the world; in Wall Street, Santiago de Chile, Cairo, Tunisia, Caracas, and Gazza" and "we are taking a new step further with the will of powerful mass against the system" (Marxist Theory, 2011: 14). Here, the emphasis on the imperialism is very important. Thus, this congress was not only for Kurdish society, but also for those that have been suffering. One of the components, the Marxist Attitute is summarized as: "Halkların Demokratik Kongresi (HDK) is the first united congress, which gathered the labors and discriminated population, of the republican history congress" (Marxist Theory, 2011: 13). It can also be seen in the program of congress. In 5th General Assembly of the Congress, the changes have been accepted. That version of program is "Our congress considers the economic, social and political efforts of exploited and suffered segments, employees, women, and young peoples to date as its own experiences and struggle. As a result of that struggle, a strong democratization and freedom demand arose among the

society. Started as an attempt to meet those demands, our Congress struggles with the dictatorial managements, military or civil dominance, centralist political/administrative structure, anti-democratic practices named "Law" and their practitioners, and for leaving the local administration to local people" (HDK Program, 2014). In another point of the program, it is specified that "We gathered in order to remove all the pressures and injustices towards our society and disadvantaged groups and to establish Turkey, where we can live in peace and humanely" (HDK Program, 2014). As it can be understood from these expressions, the priority of neither Emek, Demokrasi ve Özgürlük Bloku nor HDK was to seek for the democratic solution of Kurdish problem. Peaceful solutions for Kurdish problem are among the objectives, but it is not a single or leading one. Under the title of "Kurdish Problem: Peace and Democratic Solution" of Congress, this perspective was declared in these sentences: "Our congress advocates the existence of all the identities with their differences, and accepts that they have the right of living in equal and free citizenship law as a fundamental principle. Our congress approaching to the fundamental rights and freedoms of Kurdish population from this principal aspect advocates the solution of Kurdish problem, which has been left unsolved since the establishment of Republic, based on peaceful, democratic and equalist practices. It advocates of our villagers, who have been expelled from their villages, to turn back to their home-villages. Our congress considers the Democratic Autonomy Decision of Kurdish population as an important step into the solution of Kurdish problem. It advocates that democratic autonomy would play important role in democratization of Turkey and free and voluntary unity of the societies" (HDK Program, 2014)

Despite this widespread organization of HDK, the process of becoming a party couldn't be prevented. HDK's objective is not to become a political party or to participate into the elections as the frame party. It was expected to keep the opposition alive and to form it in favor of "disadvantaged" groups. There is no need for a new party for Kurdish movement. Despite all of those, HDK has chosen to become a party (Önen, 2012). It has decided to participate into Presidential election and general elections under the roof of HDP (Declaration of HDK Executive Committee Meeting, 2013). This is in fact a matter that is hard to understand. It should be Kurds' wish to become a party and the wish of socialists is expected to be to remain as a congress, but it wasn't the reality. A party that can downgrade AK Parti has overcome the continuous discussion of democratic achievements, which can be described as continuous opposition (Öztürk, 2012)

First general co-presidents of HDP, establishment application of which has been done on 15th October 2012, were Fatma Gök and Yavuz Önen. That was a surprise for those considering HDK as the movement of solely Kurds. "How a party will HDP be while there is HDK?" First general co-president of the party, Fatma Gök (2012), answered this question as follows; "Halkların Demokratik Kongresi wants to participate into real politics of Turkey and to be an organized power there. As a tool, HDP was established. HDP is a difficult structure and political tool that has never been experienced, but we have no other choice."

In conclusion, HDP was born as a manifestation of HDK's desire to be a power source in Turkey's political arena. From this aspect, it is not just a Kurdish party. It is a frame party aiming to address many segments. The first general co-president of the party, Yavuz Önen, has declared that "HDP was established in order to make effort for construction of a constitutional state based on the human rights, for ensuring the real democracy, and for providing the peaceful environment for the realization of 2 previous objectives. It is the party of struggle of the freedom of Kurds, Turks, other ancient communities of Turkey, Alevi people, different ethnicities, young people, women, and different genders. HDP has set the struggle for labor as a fundamental objective in its program, and it is a party that is determined to stand against the exploitation and injustices. HDP is a political front movement consisting of individuals, groups, movement, and political parties. HDP is a project of

creating a political movement organizing the publics in local, regional and global scale in Turkey". (Önen, 2012)

The objective of it has been emphasized by Sebahat Tuncel in first congress of the party: "Our invitation for all the social movements, religious organizations, Alevi people, ecology organizations, and women "Come and join us in establishing HDP together". Do you want another Turkey? Are you tired of AKP or CHP? Do not only criticize, let's make it together. We can construct new Turkey together. We will change the style of politics in Turkey, and we'll construct the radical democracy together. HDP is a new party. Publics of Turkey need hope. We are tired of the politics creating crises, but we want to grow the hope" (Tuncel, 2014). This frame has been emphasized during the preparation of HDP for elections on 7th June of 2015 in clearer and more systematical way. In its actual form, HDP is not a lefty party, but it may be a "catch all" party with aim of addressing the entire country.

The elections in 7th June 2015 have witnessed an intervention that has never been seen before in Turkey. While there was a party of Kurdish movement, people witnessed the rise of uniting, non-separatist, non-regionalist but "Turkeyist" party, on which people have thought for a long time under HDK' roof. Its president candidate has been approved more than "expected", and looked promising for the future. Because of the resolution process, the candidate of AKP was not supported, and Selahattin Demirtaş, the general co-president of HDP, was introduced as the candidate in order to represent the reaction of the public, even he wouldn't win the elections. With the share of 9.8%, the candidate of HDP has shed light the way to future of party. This is a proof that the declaration "Turkization" wasn't just a word but it had a social response. Rather than where and how this portion of votes came from, the most important aspect was if it would bring the cooperation enough to pass beyond the threshold. The presidential elections have caused a strategical change for HDP. Kurdish movement, which has always participated into the elections as a regional party with independent candidates, made effort to have votes from the entire country. This is an initiative that will never succeed for a portion of the public. It is impossible for HDP to pass beyond being a Kurdish party. For another portion, it is an opportunity for uniting the lefty ideology. At the same time, high number of parliamentarians in eastern region that AKP won due to the threshold would be prevented only in this way. The emphasize that HDP wouldn't remain only a Kurdish party has resulted in the participation of HDP into the elections of 7th June 2015 as a party rather than participating through the independent candidates.

3. HDP towards the Elections on 7th June 2015

Rather than adopting a regionalist approach as previous parties representing the Kurdish political school, HDP has prepared for the elections on 7th June with an inclusive perspective associating the "Turkization" notion. Demirtaş's declaration (2014) that "We want to see that our project is approved by the public. We want to change the Turkey's politics. Removing the corruption, partisanship, elitism, parliamentarism, and bribery, we want to construct the democrat politics as the basement" indicates the clear change in HDP's perspective. It would not be realistic to expect the party, which aims to construct the main line, to participate into the elections through independent candidates, as in 2007 and 2011. For this reason, on contrary with elections in 2007 and 2011, it should be considered normal for HDP to participate into the elections as party.

Uniting the opposition on anti-AKP notion is a very appropriate strategy for HDP from this aspect. Demirtaş' single-sentence declaration "We won't allow you to be president" during HDP's group meeting is one of the most prominent examples. The parallel declarations of Demirtaş increased, and he wanted to unite the anti-AKP perspective in HDP. The uniting

approach before the elections on 7th June 2015 should be considered from this aspect. This uniting approach aimed both to translate the anti-AKP ideology into the votes and to fulfill the declaration of "Turkization". It can be considered as an outstanding success to gather the voters, who haven't known where to vote except for AKP, in HDP. Considering this strategical frame, a statement was designed in the name of "Demirtaş" and an election declaration, which was very different from previous ones, was prepared.

The election declaration has the clear signs of the attempt to create a main-line political movement as mentioned by Demirtaş before. It was a declaration passing beyond the expectations of Kurdish political movement and prepared with a concrete self-esteem; such that, it was named "Great Humanity". Under the declaration of "Great Humanity", it was written that "We to Assembly". Here, "we" means any person that feels alienated. The declaration of HDP promising to convey everybody feeling alienated to the assembly was prepared with a language that can be understood by only those having problems with capitalist order, so it was prepared with lefty jargon. At the beginning of "Great Humanity Declaration", it is written that "Absolute power of state and capital disrupts our lives, objectifies the society and nature. It doesn't recognize our needs, presence, identities, and desires. It doesn't consider them, but it suppresses or ignores." (HDP Election Declaration, 2015:3). These words that are such a criticism to the government also invite a wide-base lefty block. This perspective can be seen in entire declaration.

This situation also reveals only one aspect of the declaration. The real aspect making this declaration prominent is, as specified before, that the others can find something familiar in this declaration. It is the challenging by declaring that "unite the others" as a proof of participating into the elections as a party as an indicator of self-esteem. When combined with the climate created by the resolution process, this difference that the election declaration aimed to exhibit shows the "Turkization" perspective. Allowing the segments that HDP represents to feel Turkized is a situation desired not only by HDP but also the government. The general opinion of the society is in the way approving the representation of Kurdish politics in the assembly, because there would be only 2 options; diplomacy or armed conflicts.

Preparing for the elections under these circumstances, HDP, even if it doesn't promise many points regarding the resolution process in "Great Humanity Declaration", offered something that drew the attention of voters living in western Anatolia. In other words, the controversial topics were left unaddressed, and the expectations such as local autonomy were represented by likening to decentralized governance. One of the topics the declaration focuses on is the topics related with the local democracy. Rather than the pluralist from the aspect of different ideologies, it is based on the pluralism that legitimates different identities and pays attention to the representation of these different identities. From this aspect, it projected the local assemblies such as public assembly, youth assembly, and ecology assemblies (Alkan, 2015). Discussing the locality in this way reveals that, rather than separation, the Kurdish movement in fact desires becoming Turkization with a different localization approach.

It is not known to what extent this election declaration, which is the result of the opposition to AKP and the response to the desires of others and distant from the controversial issues, has drawn attention. On the other hand, the image of "Turkization" in the person of Demirtaş could be easily followed by anybody. In the person of Demirtaş, an inclusive image that features the language of peace was designed. Ferhat Kentel's (2014) analysis regarding Demirtaş is as follows; "Demirtaş caused an excitement with his language addressing the majority of population and containing humor. He didn't speak about the tension, but strongly emphasized living together. He both reminded the "social class" policies by addressing the poor employees and also emphasized the "cultural difference" rights of Kurds, Turks, Armenians, Gipsy people, women, and young people." Even though Demirtaş sometimes declared something that may be contrary to Kandil, he didn't failed in emphasizing that the

real leading role belongs to him. This, of course, doesn't mean totally ignoring the Kandil. This situation should be interpreted as only positioning himself a step further. This and similar reasons increased the plausibility of Turkization perspective.

In addition to them, HDP was skeptical about if the Turkization notion was enough to pass beyond the election threshold, and didn't forget mentioning the wrong actions of government towards the Kurds. First of all, Uludere event, which is a "wrong intelligence" event, and the events in Kobanè were utilized in order to consolidate the Kurdish nationalism. The effects of these 2 events were so significant, so much so that they made it easier to emphasize the notion that the party really representing Kurds was HDP. It should be emphasized that the government couldn't manage the crisis appropriately in these events. Recep Tayyip Erdoğan, the prime minister of that period, has caused a significant AKP hostility, which is very hard to eliminate, due to his declarations "every curettage is an Uludere" and "Kobanè is about to fall". The perspective of government towards these 2 events was successfully profited by HDP and HDP could succeed consolidating its conservative base. They have criticized the government with not protecting Kurds but also conniving to the "genocide" of Kurds. From these 2 events, voting for HDP became an existential matter for Kurds (İmiş, N., Arslan, A., & Ünay, S., 2015). This existential matter in front of Kurds played important role in changing the position of Kurdish people, who have voted for AKP before, in favor of HDP.

4. HDP's Attitudes During and After the Elections on 7th June 2015

The expectations from HDP, which had 13.12% of the votes and won 80 chairs in TBMM in elections of 7th June, was to take political steps into Turkization notion that they insistently emphasized. The answer for the question "What can fulfill the notion of 'Turkization" shall be the continuance of struggle, which is told to be carried out on behalf of Kurds, only in political area. The achievements of HDP in elections on 7th June resulted in the expectation of immediate fulfillment of this mission among all the parties regardless of supporting HDP.

While the public expected HDP to fulfill this mission, Demirtaş made an important declaration at the evening of elections. Demirtaş thanked for the votes resigned to HDP and emphasized that he know how important those votes are. This declaration is an indicator of the fact that HDP is aware of its responsibilities as a frame structure. But, this responsibility awareness and the self-esteem, which is the indicator of power of dominating Kandil, couldn't continue for a long time. Kandil's objection for the declaration of Demirtaş came very immediately. KCK co-president Murat Karasu (2015) declared that "There is no resigned vote. HDP officials misevaluate the situation". Thereupon, within the scope of the mission of "Turkization", while Demirtaş was expected to declare that "No, we don't misevaluate. All of the segments including Kurds, Turks, and Alevi people voted for us. We are ready for solving the problems of Turkey via political solutions", he declared that "I didn't state that HPD has passed beyond the threshold through the resigned votes, but I said that we had 13.12% of votes. If there is an only 1 vote resigned us, it is very valuable. But, we didn't pass beyond the threshold through the resigned votes but we did it through the support of our base. We have a strong base. We declared that we would respect if there is only 1 voter that resigned his/her vote to us. Every vote is valuable. No matter why it has been given. But it would not be true to believe that HDP is here through the resigned votes", by confirming Kandil. Who will determine the future of process was understood with a significant disappointment.

Although HDP received the majority of its votes from eastern and southeastern Anatolia, it also received significant amount of votes from the rest of Turkey within the scope of its "Turkization" project. It is not a coincidence for Kurds living in eastern and

southeastern Anatolia to lean towards HDP. Many events that have eased the connection of HDP with conservative Kurds have occurred throughout the process. The struggle with ISIS in Kobanè may be the most important one among them. In addition to the event introduced as the genocide towards Kurds, the "unskillful" and reflexive attitudes of the president of republic and the government made it easier for HDP to succeed. The elections were executed under these circumstances, and resulted in the way even HDP hasn't ever expected. The coting rate of 13.12% is seen a Turkization success, when the events in Kobanè and Rojava are not considered.

The events in Kobanè and the explosion in Suruç were introduced by PKK as the reasons for taking up the arms again. HDP and other parties in TBMM have held government responsible for the events in Suruç. It would be understood that the explosion in Suruç has been executed by a suicide bomber of ISIS. The opportunity that the government has been held responsible for these events was an unmissable one for PKK. The fact that PKK has always preferred conflicting in mountains rather than diplomacy in cities has further increased the tension. Tens of members of security forces have been martyrized within a short time. HDP, rather than using its force in parliament for suppressing the weapons, used for legitimating it, and then silence of all the voices that can suppress PKK became normal. And then, PKK and government left the resolution process and entered back into the confliction period. HDP didn't act like a referee managing the tension between both of parties. HDP's attitude has always been in the way accusing the government at first glance. Considering its representation power in parliament, it seems that elections in 1st November will be very difficult for HDP that could not suppress the weapons of PKK and also couldn't get rid of the custody of Kandil. And the result was in this parallel. Receiving 5,148,085 votes in elections on 1st November, the number of chairs of HDP in parliament decreased down to 59. On the basis of 6-8 October events and Kobani events, AKP has shown what the Kurdish nationalism costed (Grigoriadis, 2016) to Kurdish voters, and regained their votes.

5. Conjuncture or Peace?

Those believing the reality that the post-election success of HDP is important for the resolution process were significantly disappointed. The success in 7th June elections wasn't the only factor determining the relations of HDP with Kandil. Other external factors should also be considered, and the most important one among them is the political conflicts in Syria. Ahmet Taşgetiren (2016) has assessed the PKK's return to armed conflicts and moving away from the resolution process as follows: "It can be seen that what have been offered to them confused their minds. We don't know who promised that, America, England or Russia? It is not clear, but they must have thought that "We construct a de factor structure there and then intrude into Turkey, so we can establish a status in Eastern and Southeastern Anatolia.' And, possibly, they might have thought that "Turkey cannot resist to the status promised by the super global powers'."

Continuing its activity in Northern Syria for a while now, Demokratik Birlik Partisi (PYD- Democratic Unity Party) and Halk Koruma Birlikleri (YPG –Public Protection Troops) have become the most important actors in re-organized political game in Syria after confusion in year 2011. As a result of their engagement with Beşer Esad, they have announced cantons on northern parts of Syria, which are very close to the border with Turkey (Acun & Keskin, 2016). In return of pro-regime attitudes and conflicting with opposing forces, Beşer Esad left the region, where Kamışlı is the center, to PYD by even allowing the establishment of Kurdish state when needed, and it made it very difficult to use the language of peace again (Gunes & Lowe, 2015).

Even if PKK is a terrorist organization based in Northern Iraq, it has strong bonds with YPG that is gaining power in northern Syria for a while. While PKK militarily supported PYD for protecting the achievements in Rojava, they also consider their relations with the countries of region through the status gained in Rojava. The de facto status in Rojava is considered as the most concrete example of the "democratic confederalism" or "democratic autonomy" idea of Abdullah Öcalan (Güneş & Lowe, 2015). All these confirm that the determinant power of "Political Attitude Document" of KONGRA-GEL declared in 9th general assembly in year 2013 continues. In this document, all the strategies from prompting a revolt in Turkey to the relations established with the actors in the region are individually stated (Aydoğan, 2015). It should be reminded that PKK considers KONGRA-GEL as the supreme legislative organ for the public of Kurdistan. Moreover, Öcalan is introduced as the leader of Kurdish nations. (Acun & Keskin, 2016)

The de facto status in Northern Syria significantly affected the "Turkization" mission of HDP, and led it to change. Supporting the declaration of autonomy in Rojava, HDP determined the administration type established there as a sample for the cities, where the Kurds are majority. The siege of Kobanè by ISIS was advocated as a reason for the supported administration in Rojava. The successes in Rojava and Kobanè have evolved into the establishment of a de facto Kurdish state in northern Syria. This situation in Syria led HDP to leave its Turkization mission, and the process of peace was sacrificed to the de facto Kurdish state. Expected to suppress the weapons of Kandil and strengthen the political strategies before the elections, HDP, right after the elections, was resigned to the Kandil's language of violence, and didn't (couldn't) become the main determinant of the diplomacy. Doing politics as long as Kandil allows, HDP and its claims regarding the entire country lost their plausibility. Besides the measures to be taken against the PKK, introducing PYD as an actor making effort for the peace of region caused disappointment for the majority living in Turkey and considering PDY similar with PKK. The most concrete statement of disappointment is the speech of Figen Yüksekdağ, the co-president of HDP. Yüksekdağ (2015) stated that "We rely upon YPJ, YPG and PYD. We do not hesitate declaring this at all." These statements clearly mean that they will adopt the attitude in parallel with the conjuncture.

6. Conclusion

With a new image, HDP's efforts of Turkization have been firstly questioned by many segments of the population. Many individuals believe that HDP has organic ties with the terror. And the terrorist organization aims to establish a political organization having its own and independent local assembly in eastern and southeastern regions of Turkey. But, Turkization means leaving these claims and living together. For this reason, what HDP understands from Turkization is very important. Significant majority of the public believed that HDP would Turkized. For this reason, the success of HDP in 7th June elections was considered as important for ending the terror. But, in a short time after the elections, terror peaked and HDP didn't/couldn't follow an anti-terrorist policy. The inability of pursuing an anti-terrorist policy significantly deteriorated the plausibility of the mission assigned to HDP, which it assigned itself. Declaring that it will advocate Turkization under any circumstance, HDP couldn't resist Kandil. And Kandil, to our opinion, considered the status as benefiting the new opportunities for the region rather than making peace with the government. This perception of Kandil prevailed the Turkization objective of HDP, and any meta of internal diplomacy of Turkey was started to be read within the frame of new status in Syria in favor of Kurds. This interpretation showed that Turkization mission was ended from the aspect of

HDP, and that it wants to sustain its life as a regional party like BDP. The opportunity of taking steps together was sacrificed to the unknown political structure in Syria.

7. References

Alkan, Haluk. (2015). Cahid, M, Karaağaç, A, Kaya İ, & Gökmeşe, H. (Eds), 7 Haziran 2015'e Doğru AK Parti, CHP, MHP ve HDP'nin Seçim Beyannamelerinin Değerlendirilmesi , [The Evaluation of Election Declarations of AK Parti, CHP, MHP and BDP to 7 June 2015] *Halkların Demokratik Partisi Seçim Beyannamesinin Değerlendirilmesi* [*The Evaluation of Election Declarations of Peoples' Democratic Party*] (pp. 24-28), Ankara: Stratejik Düşünce Enstitüsü.

İmiş. N., Aslan. A., Yeşiltaş.M & Ünay. S., (2015). 7 Haziran 2015 Seçimi ve Sonrası Siyaset, Dış Politika, Ekonomi [Politics, Foreign Policy, Economy on the 7 June 2015 Elections and After], Ankara: Stratejik Düşünce Enstitüsü.

Grigoriadis, I., (2016). The Peoples' Democratic Party (HDP) and the 2015 Elections, *Turkish Studies*, Vol.17, No:1, 39-46.

Acun C., & Keskin B., (2016). PKK'nın Kuzey Suriye Örgütlenmesi PYD-YPG [Organization in Nothern Syria of PKK: PYD-YPG], SETA Yayınları No:61, Ankara.

Gunes, C., & Lowe, R., (2015). The Impact of the Syrian War on Kurdish Politics Across the Middle East, Chatham House, The Royal Institute of International Affairs.

Aydoğdan, B. (2015). PKK'nın Yeni Yol Haritasında Rojava Etkisi [Rojava Effect in the New Road Map of PKK], *Ortadoğu Analiz* [*Middle East Analysis*], Temmuz-Ağustos. C.7, Sayı 69, 20-22.

Öztürk, Y. (2012). HDK Nasıl HDP Oldu? [How did HDK Transform to HDP?], *İşçilerin Sesi Gazetesi [The Newspaper of the Voice of Workers, 8 November.*

Önen, Y. (2012). *Kongresi Bitmeyen Parti Kuruldu* [*Party was Founded Which Its Congress is Unending*] Retreived at April 04, 2016, from http://www.radikal.com.tr/politika/kongresi-bitmeyen-parti-kuruldu-1104993/

HDK Progamme, (2014). *5. Beşinci Genel Kurul'daki Değişikliklerle – Neden Bir Aradayız* [*With Changes in the 5. General Asembly – Why are we together?)*] Retreived at April, 03, 2016 from http:// halklarindemokratikkongresi.net/temelmetinler/program/50

HDK, (2013). HDK Yürütme Kurulu Toplantı Sonuçları [Meeting Results of the HDK Executive Council], Retreived at April, 5, 2016, from, http://www.halklarindemokratikkongresi.net/kararlar/genel-meclis-yurutme/hdk-yurutme-kurulu-toplanti-sonuclari-27-09-2013/516

Kürkçü, E. (2011). *Emek, Demokrasi ve Özgürlük Seçim Beyannamesi* [*Declaration of the Labour, Democracy and Liberty Block*], Retreived at April, 5, 2016, from http://www.ertugrulkurkcu.org/haberler/emek-demokrasi-ve-ozgurluk-bloku-secim-beyannamesi/

Demirtaş, S. (2014). *Demirtaş: Şimdi HDP Zamanı [Demirtas: Now Time to HDP]*, Retreived at April, 5, 2016, from http://www.imctv.com.tr/demirtas-simdi-hdp-zamani/

Emek P. (2011). *Siyasal Gelişmeler, Seçimler, Blok ve Partileşme Süreci* [*Political Developments, Elections, Block and The Party Process*], Retreived at April, 5, 2016, from http://www.ozgurlukdunyasi.org/arsiv/43-sayi-221/334-siyasal-gelismeler-secimler-blok-ve-partilesme-sureci

Taşgetiren, A. (2016). *HDP'den Duygusal Kopuş [*Emotional Detachment from HDP], Retreived at April, 7, 2016, from http://haber.star.com.tr/yazar/hdpden-duygusal-kopus/yazi-1089664

HDP Seçim Bildirgesi, (2015). Büyük İnsanlık – Bizler Meclise [HDP Election Manifesto, Great Humanity – We're into the Parliament]

[Unknown Author], (2011). Halkların Demokratik Kongresi - Yeni Bir Siyaset Tarzıyla Halklarımızın Alternatifini Yaratmaya [Peoples' Democratic Congress – With A New Shape Policy to Creat Alternative for our People], *Marksist Teori*, Kasım/Aralık Sayı:3, 13-19.

Gök, F. (2012). *Halkların Demokratik Partisi (HDP) Eş Başkanları Fatma Gök ve Yavuz Önen: Başarmaktan başka çaremiz yok* [*Co-Chairmans of the Peoples' Democratic Party Fatma Gök and Yavuz Önen: We've no choice another to succeed*], Retreived at April, 7, 2016, from, http://www.halklarindemokratikkongresi.net/soylesi/halklarin-demokratik-partisi-hdp-es-baskanlari-fatma-gok-ve-yavuz-onen-basarmaktan-baska-caremiz-yok/38.

Tuncel, S. (2014). *Umudu Büyütmek İstiyoruz* [*We want to grow hope*], Retreived at April, 5, 2016, from, http://www.hdp.org.tr/ertugrul-kurkcuden-din-dersi-ogretmeninin-nefret-soylemi-hakkinda/haberler/orgut-haberleri/tuncel-umudu- buyutmek-istiyoruz/3058

Kentel, F. (2014). *HDP'nin Türkiyelileşme Projesi Başarılı Oldu* [*Turkization Project o HDP was Successful*], Retreived at April, 6, 2016, from, http://www. aljazeera.com.tr/gorus/hdpnin-turkiyelilesme-projesi-basarili-oldu

Karasu, M. (2015). *Kandil'den HDP'ye ilk 'ayar' geldi!,* [First 'Scolding' Came From Kandil to HDF!] Retreived at April, 6, 2016, from, http://www.yenicaggazetesi.com.tr/kandilden-hdpye-ilk-ayar-geldi-115378h.htm

Demirtaş, S. (2015). *Demirtaş 'Emanet Oy'da Geri Adım Attı* [*Demirtas Backed Down Subject To 'Trust Vote'*], Retreived at April, 5, 2016, from, http://www.karar.com/gundem-haberleri/demirtas-emanet-oyda-geri-adim-atti

Yüksekdağ, F. (2015). *Sırtımızı YPJ'ye YPG'ye ve PYD'ye yaslıyoruz* [We prop up our back to YPJ, YPG and PYD] Retreived at April, 6, 2016, from, http://www.milliyet.com.tr/figen-yuksekdag-sirtimizi-ypj-ye-gundem-2089792/