

Turkey's Militant Secularist Establishment Seeks a Ban on the Ruling Neo-Islamist Party.

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Theme: The decision by Turkey's Constitutional Court to hear the case against the neo-Islamist –and pro-European– government presented by the militantly secularist establishment could jeopardise the country's already complicated bid to join the European Union. If found guilty, the ruling Justice and Development Party (AKP) will be outlawed and 70 of its leaders banned from political activity for five years, something that will draw fire from the European Commission. If it fails, the status quo is unlikely to give up its struggle against the AK. Either way, Turkey's already stalled process of reforms for full EU entry will grind to a halt this year.

Summary: The move against the AKP of Prime Minister Recep Tayyip Erdogan, effectively a *coup d'état* by the judiciary, was triggered by the government's decision in February to ease restrictions on wearing a Muslim headscarf at universities. The secular establishment –a tightly-knit grouping which includes the armed forces, the judiciary, parts of the civil service and many women in urban areas, particularly Ankara and Istanbul– has never been comfortable with the AKP's winning of power by democratic means in 2002 and was looking for a way to get it out of office. It suspects that it has a 'hidden agenda' to impose Sharia law. The evidence, however, does not bear this out.

Analysis: The secularist establishment, for whom the reforms of the revered Kemal Atatürk, founder of the Republic of Turkey in 1923, are sacrosanct was roundly defeated in last July's general election when the Justice and Development Party (AKP) won 46% of the vote, up from 34% in 2002 (see William Chislett, ['Turkey's Election: Islamists Deal a Blow to the Secular Establishment'](#), ARI nr 86/2007, Elcano Royal Institute). The election was held four months ahead of schedule after the military, the self-appointed guardians of the staunchly secular constitution, threatened to intervene if the AKP pushed ahead with its candidate for the presidency, Abdullah Gul, the Foreign Minister, to replace Ahmet Necdet Sezer, a former judge who was due to step down in May (see William Chislett, ['Turkey's Military Throw Down the Gauntlet'](#), ARI nr 51/2007, Elcano Royal Institute). Gul's wife, like Erdogan's, wears the Muslim headscarf which is banned in all public buildings and has come to symbolise –in the eyes of the secular establishment– a threat to the Republic. The military found it very hard to stomach the first AKP government and control of the presidency was a step too far. The President, who swears an oath of allegiance to the 'secular nature of the Republic' is Commander-in-Chief of the armed forces, responsible for certain top appointments and has a veto power over laws approved by parliament. Sezer did not hesitate to use these powers against the AK.

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Instead of caving in and coming up with another candidate, Erdogan took a bold gamble and decided to break the deadlock by bringing forward the election for a new parliament. It paid off. AK won 340 seats in the 550-seat parliament, which ratified Gul's appointment (Turkey does not yet have direct elections for the President). The CHP, the oldest Turkish political party, which keeps alive the flame of Kemalism, suffered a big defeat. It had campaigned on the threat to secularism and won 111 seats (20.9% of the vote), down from 178 and 19.4%, respectively, in 2002 when it was the only other party to gain seats in parliament (independents won nine seats), while the extreme right-wing Nationalist Action Party (MHP) was returned to parliament with 72 seats and 14.3% of the vote (57 and 18%, respectively, in 1999, see Figure 1). Unable to win power in the polls, the secular elite is now trying to unseat the government by asking the constitutional court to outlaw the AK on the grounds of anti-secular activities that are unconstitutional. Abdurrahman Yalçinkaya, the chief prosecutor of the High Court of Appeals, presented an extensive document detailing the charges on 31 March. The 11 Constitutional Court judges voted unanimously to hear the case, which means they believe the AKP has a case to answer. The government has a month to prepare its defence.

Figure 1. Political Islam in Turkey: % of Vote and Seats in Parliament Held by Islamist parties, 1972-2007

Party	1972		1977		1987		1991		1995		1999		2002		2007	
	V	S	V	S	V	S	V	S	V	S	V	S	V	S	V	S
Nat. Salv.	11.8	48	8.6	24	-	-	-	-	-	-	-	-	-	-	-	-
Welfare	-	-	-	-	7.2	0	16.9	62	21.4	158	-	-	-	-	-	-
Virtue	-	-	-	-	-	-	-	-	-	-	15.4	111	-	-	-	-
AKP	-	-	-	-	-	-	-	-	-	-	-	-	34.0	363	46.4	340

V = votes; S = seats.

Source: Turkish Interior Ministry.

The Constitutional Court has a long record of closing political parties. In all, 26 have been banned since the advent of multiparty democracy in the 1950s, but none of them while they were in power. In 1998, the pro-Islamist Welfare party, the largest in parliament, was disbanded for violating Turkey's strict secular principles. Its leaders were banned from politics for five years. In 2001, the pro-Islamist Virtue party, the main opposition to the government, was banned on the grounds it had become the focus of anti-secular activities.

Turkey's brand of secularism is more militant than the French practice of *laïcité*; it is the bedrock principle of the Republic. Many Turks believe that but for it the country today would not be the most democratic and advanced one in the Muslim world. Islam is the predominant religion and people are free to practice it, but at the same time it is micro-managed by the Religious Affairs Department which writes the sermons and keeps control of imams, something that clashes with the Western idea of freedom of religion. Islamic education in Turkey, unlike in the rest of the Muslim world, is organised along European lines of instruction and not along traditional Islamic ones. For the founders of the Republic, Islam was a faith that should be reduced to the private sphere and not be allowed to get organised and play any role in the public sphere as it was seen as a regression to the backwardness of the Ottoman past. Atatürk abolished the caliphate, replaced Islamic law with Western legislation, introduced the Latin alphabet and gave women the right to vote and enter all professions. The broad movement known as Kemalism is still today a kind of state religion, to which a broad range of society (civil servants, academics, journalists, diplomats, the military and the professional classes) pay firm allegiance.

The AKP was founded in 2001 as an offshoot of the banned Virtue party. Since its onset, it has taken a pragmatic line, expressed in greater tolerance of religious and ethnic diversity. Its landslide victory in 2002 and even more so in 2007 was a huge shock for the secular elite. It underscored the enormous loss of confidence in the corrupt and discredited traditional political parties, on both the right and left, and a widespread belief that an Islamist party, despite the previous bans, would be cleaner and better at reforming the country and preparing it for the much desired entry into the EU (Turkey became an associate member of the then EEC in 1963).

Successive bans on Islam-based parties have had no effect; indeed quite the reverse, for political Islam had become a mass force. The secular establishment failed to comprehend that Turkey's Islamism is more a movement than a party as it is 'rooted in local culture, interpersonal relations, and community networks, yet connected through civic organizations to national party politics'.¹ The AKP is a bottom-up movement which has successfully challenged the authoritarian, centralised top-down paternalism of the political system. This explains how it has managed to sustain political momentum, despite the bans.

The socially conservative and religiously observant AK government –a unique one in the Muslim world and one whose record of modernisation many other Muslim countries could do well to copy– has done more to modernise Turkey politically and economically in the last six years than all governments in the previous 15. Ironically, it was this government – and not any of the previous secular and supposedly pro-European governments– which saw Turkey through a major political transformation to meet the Copenhagen criteria required to start accession negotiations (as of 2005). The earliest date for Turkey's EU entry, before the current crisis, was 2015.

The AKP denies it has a 'hidden agenda' to turn Turkey into a fundamentalist Islamic state –were one ever to be created the EU would have no qualms about expelling it from the Union, should it by then be a member, or cancelling its negotiations to be one if they were still ongoing–. One reason for the AKP's EU enthusiasm, although it is waning because of the opposition on its home front and declining support for its membership in EU countries (outright rejection in the case of President Nicolas Sarkozy), is a belief that EU membership would better protect its religious interests from the secular elite.

What evidence is there to suggest that Turkey is going down the path of Islamic fundamentalism? Before looking at this, it is pertinent to point out the findings of a comparative study of public opinion in Turkey in 1999 and 2006 (a period of considerable reform) conducted by TESEV. This revealed that Turks are more religious and yet at the same time much more against the notion of Sharia law than they were in 1999. The public is also much more attached to democratic norms and values such as freedom of expression, freedom of association, etc. The public is also bitterly divided into, on the one hand, a small (around 28%) homogenous group that is staunchly secular and perceives a threat from Islamic fundamentalism and, on the other hand, a larger group that is less homogenous and diverse but that is comfortable with the idea of a greater manifestation of religion in the public space without necessarily compromising secularism.² The AKP itself declares on its website: 'Our party considers religion as one of the most important institutions of humanity, and secularism as a pre-requisite of democracy, and an

¹ See Jenny B. White, *Islamist Mobilization in Turkey*, University of Washington Press, 2002, p. 27.

² See Kemal Kirişçi, 'New Cold Wars? Civilization Discourse & Beyond', bulletin of EDAM, winter 2008, www.edam.org.tr/images/PDF/yayinlar/makaleler/e-bulten/edam_bulletin_winter_2008_kkirisci.pdf.

assurance of the freedom of religion and conscience. It also rejects the interpretation and distortion of secularism as enmity against religion'. Do their words match their deeds?

When Erdogan was Mayor of Istanbul in 1999 he was jailed for inciting religious hatred, after reading out a poem in public ('Our mosques are our barracks, our domes our helmets, the minarets are our bayonets and our believers our soldiers'). This experience undoubtedly helped to persuade Erdogan that if a party with Islamist roots was to have any chance of surviving the ever vigilant secular elite it had to tone down the rhetoric of the previous Islamist parties and be more pragmatic and reformist –and this he achieved with the founding of the AKP, which has been in power far longer than any other similar party–. Barred from holding a parliamentary seat, Erdogan could not become Prime Minister after the AKP won the 2002 election (his place was taken by Gul) until parliament amended the constitution and he won a by-election in 2003.

Apart from easing the ban on the wearing of the Muslim headscarf in universities (supported by the extreme right-wing MHP, perhaps knowing that it was laying a trap), but not in schools, the evidence against the government ranges from its attempts to roll back restrictions on religious education to a failed bid to outlaw adultery, allegedly anti-secular comments by party officials and the AKP-run Istanbul council's censorship of bikini ads. Secular society, and the European Commission, has been quick to protest whenever something was viewed as moving in a fundamentalist direction. This was certainly the case over the adultery law in 2004 which was quickly withdrawn after tens of thousands of women took to the streets of Ankara and Istanbul and protested. What was generally overlooked in that particular debate by the government's opponents was that adultery was illegal in Turkey until 1996, when the Constitutional Court struck the law down because it penalised women more than men. Men were deemed to have been adulterous if they were involved in a long-term affair; but women could be charged if they were unfaithful only once. The AKP were guilty of trying to turn back the clock, but not of introducing a new element to the penal code.

The issue of women's rights in Turkey is very much a case in point. Women had to wait for the EU reform process after 2001 to win equal rights in marriage, divorce, education and property. The 2007 general election doubled the number of women in the parliament to 49, most from the AKP. A report last year by the European Stability Initiative (ESI) put the point succinctly:

'There are some who fear that Turkey may be turning its back on its secular traditions. Some of the loudest voices come from Kemalist women, who insist that the rise of "political Islam" represents an acute threat to the rights and freedoms of Turkish women. There have even been calls for restrictions to Turkish democracy, to protect women's rights. Yet such an "authoritarian feminism" is out of touch with the reality of contemporary Turkey and the achievements of recent years.'³

Kemalist women have failed to grasp that the AKP has done more for the cause of women's rights than the 'secular' parties in the past. That this is so shows the gulf that still exists –six years after the AKP first took office– between the secularists and the AKP which has yet to win the hearts and minds of secularists (essentially middle class and based in urban areas), as opposed to the bulk of its more pious constituents in rural Turkey (and migrants to the cities). The two sides have yet to reach a *modus vivendi*.

³ See 'Sex and Power in Turkey', www.esiweb.org/pdf/esi_document_id_90.pdf, and 'Turkey and Europe: the Way Ahead', www.crisisgroup.org/home/index.cfm?id=5021.

Significantly, the phrase ‘Turkey is secular and will remain secular’, rather than an appeal for more democracy, has been one of the most loudly expressed slogans at massive public demonstrations against the AKP. Secularism in Turkey is equated more with westernisation and modernity than with democracy; if ardent Kemalists were asked to honestly say whether they preferred to sacrifice secularism or liberal democracy most would probably say democracy rather than that the two concepts should be complementary as they are in the West.

Ridiculous as it may sound, the issue that inflames the secularists and has brought them to the current confrontation with the government is the headscarf. Turkey was the only Council of Europe country that banned it in universities, and yet in November 2005 the European Court of Human Rights (ECHR) rejected an appeal by student who brought a case in 1998 for being excluded from class at Istanbul University for wearing the headscarf. The ruling on the grounds that it is necessary to ‘preserve the secular character of educational institutions’ came as a bitter disappointment for Erdogan who was hoping for EU support in easing the headscarf restrictions. This is a very tricky issue: the ECHR said there could be a ban, but not that there should be one, an important difference. It effectively respected Turkey’s right to regulate the issue. Hence the AKP has not violated the European Charter of Human Rights by lifting the ban.

In the UK, for example, a student would win such a case. France, however, has tightened laws on the wearing of overtly religious symbols. There is no EU-wide stance on the headscarf issue.

In Turkey, the Kemalists view the headscarf as a symbol of reaction and a throw back to the past, AKP supporters, in general, see it more as a symbol of identity, mobility and independence –and among young women, at least in cosmopolitan parts of Istanbul, it often seems to be a fashion accessory–. Until Erdogan became Prime Minister and Gul President, the headscarf could not be worn by Turkish women, at least, in their respective official residences. Erdogan’s wife was received in the White House in Washington wearing a headscarf, but not in the presidential palace in Ankara until Gul took office. Both women, however, do not flaunt it. Members of the military and the judiciary even refuse to attend official functions if they know beforehand that there will be Turkish women present wearing the headscarf, and this includes receptions for foreign dignitaries.

The EU Enlargement Commissioner Olli Rehn, a supporter of Turkey’s membership, said there was no justification for the case. ‘The prohibition or dissolution of political parties is a far-reaching measure which should be used with the utmost restraint’, he said. ‘In a normal European democracy such political issues should be debated in Parliament and decided through the ballot box, not in the courts’.

The government responded to the Constitutional Court’s decision to hear the appeal by saying it would to speed up a constitutional package to make party closures more difficult. It is considering amending Articles 68 and 69 of the Constitution, which concern the closure of political parties. The current system of shutting down parties makes it difficult for politicians to voice their opinions freely. This is an option open to it, but unlikely to smooth its relations with the ardent secularists.

Conclusion: The punishment sought against the government –banning a party that was democratically elected by a very wide margin– is out of proportion to the threat that it allegedly represents. Turkish democracy is sufficiently mature to reject in the ballot box

any party that seeks the route of Islamic fundamentalism. The image that the case gives of Turkey is of a country in need of tutelage.

The outcome of the case will have a crucial bearing on whether Turkey can continue to modernise politically and thus join the EU. Considerably more progress has been made on the economic front; the crisis is already taking a toll on the economy as it has dented international confidence and caused the Istanbul stock market and the Turkish lira to fall.

The AKP should not use the case to lose the momentum of reforms even more. Indeed, it should regain the initiative. Most notably, it has still failed to repeal the infamous Article 301 of the penal code, under which writers (including the Nobel laureate Orhan Pamuk in 2006) are being prosecuted for the crime of insulting 'Turkishness'.

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