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The Turkish Constitutional Crisis: Resolved—for Now

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On July 30, Turkey's Constitutional Court averted a potentially explosive political crisis when its judges rejected an attempt by Abdurrahman Yalçınkaya, the chief prosecutor for the Court, to ban the ruling Justice and Development Party (AKP). The ban would have prohibited 71 senior members of the AKP from participating in politics for five years and would have effectively brought down the government. AKP's leader, Prime Minister Recep Tayyip Erdogan, and Turkey's President, Abdullah Gül, were among the AKP members facing expulsion from political life. The ban, if enacted, would have also negated the will of 47 percent of Turkish voters who supported the party and dashed the country's hopes of entering the European Union (EU).

Presently, Washington is facing several difficult choices with respect to its friend Turkey. On the one hand, the U.S. supports democracy worldwide, particularly in the Middle East. A ban on AKP would be a setback to U.S. policies designed to foster Middle Eastern democracy. Yet prolonged rule by AKP may transform a U.S. ally into a hostile Islamic republic.

In addition to applauding the Constitutional Court's balanced decision which upholds the rule of law, the U.S. should:

- Continue to encourage Turkey's Western orientation, economic reform, civil rights, and aspirations to join Europe;
- Emphasize its desire to maintain robust bilateral relations with Turkey, particularly emphasizing cooperation on security matters;

- Continue the dialogue with Turkey on fighting terrorism, on Iraq, on the Iranian challenge, on Afghanistan, and with regards to a resurgent Russia; and
- Expand energy and trade cooperation with Ankara.

A Slap on the Wrist. Of the Constitutional Court's eleven judges, six voted to ban the AKP and its leadership, but seven votes were required to pass the ban. The prosecution accused the AKP of effectively introducing religion into politics and public life, with the intention of leading secular Turkey down a path toward Shari'a law. The government-proposed constitutional amendment on allowing the religiously mandated headdresses (*hijabs*) in universities, as well the AKP-controlled Parliament's Islamist political agenda, were perceived by many as a threat to the secular foundations of the Turkish Republic, established by Mustafa Kemal Atatürk.

AKP opponents indicated that the party has also attempted to allow Islamic seminary graduates to enter universities, something that is presently forbidden. Such a development would allow the party to create a professionally educated cadre of bureaucrats. AKP has already taken over the police and is expanding its influence into the military and secret

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services, which were, until now, the pillars of Turkish secularism.

Rather than banning AKP, the Constitutional Court decided instead to give the party a slap on the wrist, cutting half of the party's state funding for this year—approximately \$15 million—and issuing a verbal warning. The Turkish Constitutional Court's moderate ruling, which avoided a serious national crisis, was clearly influenced by interethnic and social tensions exacerbated by anticipation over the impending decision.

For example, bombings in Istanbul on the Sunday prior to the ruling—blamed on the Kurdistan Workers Party—killed 17 people and may have prompted a milder decision. Indeed, Haim Klç, Chief Justice of the Constitutional Court, may have implicitly recognized this fact when he said, “We can see that there is tension in society... We must do all we can for... people to be able to live together whatever ideas or beliefs they hold.”

The AKP's Hidden Agenda? The political crisis that has been resolved—at least for now—by the Constitutional Court's measured decision is just the tip of the iceberg. It would be an easy task for the Court if the prosecution had presented clear evidence of an AKP conspiracy to seize power, ties with foreign governments, or assassination plots. The case against AKP, however, is more complicated.

On the one hand, Turkey's secular elites are concerned by AKP's agenda of creeping Islamization. They allege that AKP is promoting an agenda that is close to the secretive Muslim Brotherhood Sunni fundamentalism as opposed to the traditional Ottoman tolerant Sufi approach.

Alternatively, the AKP and supporters of democracy are worried about what steps Turkey's elite, including the top-level bureaucracy and the military—the guardians of Atatürk's secular revolution—may take to prevent the realization of an Islamist agenda. One does not have to look further than 1997—when the Turkish military took decisive action to guard secularism—to understand the potential consequences of AKP's continued commitment to Islamization.

It is worth noting that Prime Minister Recep Tayyip Erdogan and a majority of the leaders of the

AKP once belonged to the Islamist Refah (Welfare) Party, which the military removed together with its leader, Prime Minister Necmettin Erbakan. Thus, an important question remains: Does the *hijab* constitutional amendment, along with various other measures undertaken by AKP constitute a “secret agenda” designed to incrementally move secular Turkey toward the twilight zone of Shari'a law?

Despite such concerns, Erdogan's party is enjoying broad popular support, while secular parties remain moribund. AKP came to power in 2002 and won the 2007 parliamentary elections with 47 percent of the vote, receiving 341 seats in the 550-member legislature. AKP's electoral success has been the result of Erdogan's great political skill and subsequent popularity with the low middle classes and migrants from the Anatolian (hinterland) who moved to the big cities. Pro-EU and liberal market policies have also helped AKP capture support among Turkish entrepreneurs.

Turkish Janus: Facing East or West? In response to Turkey's cultural and political tensions, the Prime Minister has proposed a “third path,” purportedly aiming to emphasize Islamic and Turkish traditional values while pursuing a foreign policy more closely aligned with the Islamic world, Russia and China, in opposition of the secular elites' traditional orientation toward U.S. and Europe. Although such a potential change in geopolitical focus has been heavily criticized by both Turkish foreign policy analysts and security secular elites, Erdogan's mixed agenda has won the AKP the support of practicing Muslims as well as less observant voters. The EU is not shedding tears over Turkey's cooling toward the U.S. Yet the extent of domestic opposition to a realignment of Turkish foreign policy remains unclear, as many among the secular elites perceive Europe and the United States as declining world powers.

The successes and abuses of the AKP offers convincing evidence that under Erdogan, the foundations of Turkish democracy are becoming shaky. While winning 47 percent of the vote in the parliamentary election, AKP disenfranchised millions of voters whose party ballot did not count due to a high—7 percent—electoral threshold.

There are also serious concerns over what steps the government is taking to maintain its grip on

power. For example, Freedom House published a press release exposing the AKP's intimidation of journalists and editors.¹ Additionally, according to some prominent critics, AKP brass has been engaging in surveillance of prominent party critics and, in order to ensure favorable coverage, is orchestrating the change in ownership of several major media outlets, thus undermining the freedom of the press and the rule of law within Turkey.²

Erdogan has also sued more journalists than any other Turkish president and has even arrested a senior editor. Outspoken liberal critics have been pushed to resign. As a result, prominent supporters of democracy are concerned that the right of dissent and the principle of government accountability are being eroded and that Turkey is starting to resemble a police state; critics have even begun calling Erdogan "the Turkish Putin."³

Religious coercion remains even more persuasive than political repression. For instance, a legislator who is also a member of the AKP Politburo reportedly said that if Turkish businessmen wanted government contracts, their wives should wear the *hijab* (also known as a *turban*). Indeed, nearly 60 percent of Turkish women wear headscarves, which reveal at least some hair. What is banned is the *hijab* or Islamic turban, which completely covers all the hair on a woman. (According to Islamic doctrine, exposed hair leads to temptation and sin.) Erdogan is believed to support wearing a *hijab*—which his wife, as well as the wife of President Gül, does in public—a behavior that alienates the secularists.

Clearly, these customs embraced by the AKP, bordering on the religious coercion tactics, may lead to the inequitable and preferential granting of government contracts and would amount to imposition of Islam by the state. More ominously, secular opposition says that government pressures for women to

wear the *hijab* could lead to the spread of Iranian-style headscarf culture—where women are "encouraged" to wear it to win scholarships or obtain preferential access to jobs and public housing—throughout Turkey. Such a development would represent a transition to the hardline practices of other Islamic regimes such as Iran and Saudi Arabia.

An Opportunity for Moderation. Turkey's recent crisis has thrown into stark relief some of the nation's underlying economic, political, and cultural tensions. Since the March 2008 indictment against the AKP, political crisis has led to economic uncertainties. The Turkish stock market has been down 20 percent this year and foreign direct investment has been only \$6 billion, a dramatic decrease from \$20 billion in 2007. Additional instability was fueled by an investigation into the Ergenekon gang, a secular, shadowy organization led by some former generals, that has plotted a number of political murders and attacks as part of its ultimate aim to overthrow the government.⁴

However, the Court's ruling provides the AKP with a second chance to moderate its ambitious agenda and focus instead on the country's economic modernization and foreign policy. Such a focus will be instrumental in improving the image of Turkey and rebuilding the confidence of allies and investors alike. Such moderation is also necessary to help put Turkey back on the path towards EU membership, particularly in light of the current widespread opposition to such membership in Europe.

What Should the West Do? Bordering volatile Middle Eastern states such as Iraq and Iran, Turkey is a crucial U.S. ally and an important geopolitical player. Located in both Europe and Asia, straddling Mesopotamia, the Caucasus, the Mediterranean, and the Black Sea, Turkey is a party to the long-standing conflict in Cyprus and has mediated a dif-

1. Press release, "Freedom House Calls on the Turkish Government to Respect Media Freedom Prior to Forthcoming Elections," Freedom House, February 27, 2007, at <http://www.freedomhouse.org/template.cfm?page=70&release=467> (August 6, 2008).
2. Zeyno Baran, "Turkey's Islamists Inspire a New Climate of Fear," *The Wall Street Journal*, August 2, 2008, at http://online.wsj.com/article/SB121763327785006171.html?mod=googlenews_wsj (August 6, 2008).
3. Michael Rubin, "Turkey's Putin Deserves to Go," *The Wall Street Journal*, June 6, 2008, at <http://www.meforum.org/article/1919> (August 6, 2008).
4. Ali Aslan Kiliç, "Ergenekon exposed anti-MHP games, party officials say," TodayZaman Online, at <http://www.todayszaman.com/tz-web/detaylar.do?load=detay&link=149326&bolum=100> (August 6, 2008).

ficult, indirect dialogue between Israel and Syria. The United States has always needed—and will continue to need—good relations with Ankara in general and with the Turkish military in particular.

In view of the current easing of political tensions, the U.S. and Europe should signal that they are interested in further improving relations with Ankara. Turkey's maturity and independence as a nation requires as much. However, in the future, Washington should not remain silent about any potential abuses of power, especially intimidation of media outlets and opposition parties or religious coercion. To advance our national interests, the U.S. should:

- Applaud the Constitutional Court's measured and balanced decision, which expressed the rule of law and maintained political stability in the country—at least for now. U.S. support is important for the Turkish judiciary and signals that Washington is following the situation with great attention and would oppose Islamization. Such a statement of support should be issued at the highest level of the U.S. government or communicated at a White House or State Department press conference;
- Continue to encourage Turkey's Western orientation, economic reform, civil rights, and integration with Europe. Continued progress on *acquis communautaire* (European common law) improves the rule of law in Turkey and makes the nation's economy more compatible and predictable in international trade and investment; and
- Emphasize U.S. desire to maintain robust bilateral relations with Turkey, with particular stress on the need for cooperation on security and defense. Strong bilateral security relations are particularly important in view of the necessity for cooperation in Iraq and Afghanistan, the escalating challenge of Iran, and a resurgent

Russia. The U.S. should also expand energy and trade cooperation. Subsequently, more involvement by Department of Commerce and Energy will be necessary.

Opposing Creeping Islamization. The Turkish legal system should remain robust to protect the rule of law in the fight against both Islamization and nefarious conspiracies targeting the democratic republic. Constitutional Court remains the last bulwark against anti-constitutional activities by Islamist parties. The battle between the AKP and secular forces is both political and religious. It is the battle for the soul of the country, for its very future. Ultimately, in order to win over the hearts and minds of the Turkish people, secular forces need to be better politically organized when bringing their case to the court of public opinion and to the ballot box.

Without electoral victories by secularists at the ballot, the status quo—in which secularists are losing power—may continue. Prolonged rule by AKP may translate into a creeping long-term re-Islamization of Turkish society and its political system. The outcome of such a transformation may be an Islamic republic hostile to the U.S. and its allies and a Turkish society that would lose its current vitality, including political and economic gains. The U.S. is Turkey's friend, and friends do not allow friends to commit political suicide. Turkey is—and should remain—a key democratic NATO ally for the United States.

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