Liberal Thought and Islamic Politics in Turkey
Converging Paths
Politics, Society and Culture in Turkey
Politik, Gesellschaft und Kultur in der Türkei

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Volume 2
Liberal Thought and Islamic Politics in Turkey
Converging Paths
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Notwithstanding, any flaws and shortcomings of this work are solely my own.
Foreword

Thomas W. Pogge
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I have followed Turkish politics and political discourse ever since my first visit to the country in the summer of 1980. That visit came just before Turkey’s third military coup, and an ominous air of crisis was hanging over Istanbul. Young people were talking politics, were passionately involved in political education and organizing, but with a heavy sense of foreboding, speaking openly about the impending military coup and fearfully about the severe repression that was bound to follow. I had left the country by the time the coup hit on September 12, but I followed the subsequent horrors in the media: hundreds killed or executed, hundreds of thousands arrested and tried, newspapers closed, associations forbidden, movies banned, passports denied, 1.7 million citizens blacklisted and thousands of teachers, academics and judges fired from their positions. This was the military that, beholden to its historical hero Kemal Atatürk, saw itself as bearing ultimate responsibility for the proper functioning of the state and for the preservation of its modern, secular order. This military proceeded to reorganize the state and its economy, had a new constitution written up and approved by referendum, and installed coup leader Kenan Evren as President for seven years (1982-89).

It took me 23 years to return to Turkey in the summer of 2003 for the pentannual World Philosophy Congress in Istanbul. After winning the 2002 national elections, the conservative Islamic Adalet ve Kalkınma Partisi (AKP; Justice & Development Party) was then in power, or at least in government, still constrained by the military’s distrustful supervision on behalf of secular Kemalist ideology. This military background power was very much in evidence, with plenty of soldiers in the city and a strictly enforced prohibition against headscarves worn in public buildings.

The Philosophy Congress was huge, and some of the many parallel sessions were held in public buildings with the regular result that many women were stopped by armed soldiers from attending, even when they had joined groups of foreign guests. After having in this way lost a good part of the potential audience for my lecture in the Military Museum, I
sought out the veiled women for conversation afterwards. In the discussion, I proposed to them the founding of a tolerance movement. The young women were enthusiastic about this idea, and we deliberated at length about a suitable emblem for the movement and a catchy slogan, something like: “Compatriots, please support our right to wear a headscarf and we shall forever support your right to wear one or not as you see fit.” We agreed to discuss it further the next day. By then, however, my new friends had changed their minds (or had it changed for them). They told me that all good women ought to wear a headscarf and that, ideally, the state should not be neutral in this matter but should at least strongly encourage women to do what is right. I was surprised by this dramatic reversal, and a bit disappointed that liberal tolerance seemed not to have much of a foothold in Turkey beyond a relatively small circle of Western-influenced intellectuals. The military’s professed fear of a return to a religious state was perhaps not all that far-fetched after all.

During the days of the Congress, my partner Lynn Tong and I spend some time exploring the historical treasures of the city with philosopher Armen Masoobian, editor of Metaphilosophy. He is of Armenian descent, and his first visit to Turkey was therefore a rather emotional experience. Thanks to him, we spoke a good bit about the genocide (1915-23), also and especially with Turkish intellectuals who, despite their country’s persistent denials, were quite open to the topic and broadly knowledgeable about the pertinent facts. This openness greatly increased a year later through the appearance of the book Anneannem (English: My Grandmother: an Armenian-Turkish Memoir) by lawyer and human rights activist Fethiye Çetin. In it, Çetin tells the story of her Armenian grandmother who, as a little girl, had been saved by a Turkish policeman, converted to Islam and given a new Turkish name and identity.

Right after the Congress, I went with Lynn and my former student Ferda Keskin on a wonderful tour through the Western part of Asian Turkey: breathtaking coastlines with beautiful traditional villages and affluent resorts, amazingly rich night skies and clear, sun-drenched landscapes. If only Van Gogh could have seen this!

I returned to Turkey the very next summer for a magical culture festival in Diyarbakır, a provincial capital of 1 million mostly Kurdish citizens. Diyarbakır is an ancient city surrounded by a spectacular wall that is about 6.5 kilometers in length, ten meters tall and four meters wide. During the festival, large crowds were gathering on top of the wall, eating, singing, dancing, and watching the various events below. This seemed dangerous to
me, seeing that there was no railing or barrier of any sort; but, when I asked
some of the locals how many people, especially children, were falling off
in an average year, I was very seriously assured that no one of any age had
ever met with such a misfortune.

My global justice lecture (with Turkish powerpoint, thanks to Ferda)
drew a large and entirely non-academic audience, perhaps because it was in
the same session as a group of five whirling dervishes who performed with
dazzling endurance and precision. Celebrating into the evening, I learned
that the intense happiness and good cheer all around were due to the fact that
the longstanding oppression of Kurdish culture had recently been relaxed.
In particular, it had become permissible to speak Kurdish and to sing the old
Kurdish songs that had been banished for so long. And this is what we did
that evening: sing old Kurdish songs under the stars in an old cobblestone
courtyard, accompanied by a diversity of musical instruments and with the
younger people dancing.

I returned to Turkey four more times in subsequent years, in 2008, 2010,
2015 and 2016, visiting Ankara and Bursa, Koç University and my former
doctoral students Ayşen Bilgen, Özlem Denli, Ferda Keskin and Nedim
Nomer. Turkey changed dramatically during this period, with the Islamists,
let by the AKP and its leader Erdogan, becoming increasingly dominant
and assertive and the military’s secular Kemalist ideology increasingly on
the defensive, a trend that culminated in the failed July 2016 military coup
against Erdogan’s government, which enabled Erdogan to bring the Turkish
military fully under his control.

During this period, following Denli’s work on contemporary Turkey
gave me a great opportunity to understanding much greater depth Turkey’s
fascinating modern political history and, in particular, the significant role
played therein by Turkey’s political intellectuals. Here the political ideas
and writings of the broadly liberal intellectuals are especially interesting.
They had their own vision of a liberal Turkey integrated into the European
Union – a vision that might well have become reality if the EU had seized
the historical opportunity rather than subjected Turkey’s 1987 membership
bid to decades of humiliating delay even while Cyprus, the Czech Republic,
Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia,
Bulgaria, Romania and Croatia were all admitted. This liberal, European
vision put them in opposition to both Kemalism (for its anti-democratic
privileging of the military as well as for its suppression of freedom of
religion) and Islamism. But, as Özlem Denli shows, Turkey’s liberals in
effect joined forces with the Islamists during the crucial years of contestation
Foreword

and thereby, unwillingly, played an important role in putting Turkey firmly on the path of Islamism.

Turkey is a fascinating country with an amazingly rich history and culture, a country of great importance for the future of the Middle East, of Europe and beyond. The book before you is an excellent guide to its recent political discourse and history.
GENERAL INTRODUCTION

1. Introduction

Turkey has undergone significant social, economic, and political changes since the military coup in 1980. A noteworthy development during this period has been the emergence of liberal doctrines and the growing influence of liberal ideas and concepts in public debate. Liberal economic policies have been implemented and defended in Turkey for over thirty years now. The introduction of ideas, values, and principles associated with a liberal political order and of liberalism-inspired political critique followed gradually, gaining significance in the 1990s.

Another important development in the Turkish political scene after 1980 has been the changing trajectory of Islamist movements and doctrines. The Turkey of the 1990s was the scene of Islam’s rising public visibility and political significance. In this period, Islamist doctrines and movements of various strengths came under the influence of the global wave of radicalization. The tendency towards radicalization was, nonetheless, complicated by internal differentiation and growing discursive and political diversity among the Islamist ranks. During the 1990s, various Islamist thinkers and circles developed original reinterpretations of Islam, and distanced themselves from the political goal of establishing an Islamic state.

A significant—and initially confusing—consequence of the junction of these two developments is the support that liberals extended to the Adalet ve Kalkınma Partisi (Justice and Development Party – AKP) and its political project. My initial interest in writing this dissertation came from a curiosity to understand the changing trajectory of Islamism in Turkey and its crossing paths with liberalism in the 2000s—a development that I call the “liberal-AKP rapprochement.” Put more specifically, my aims in this dissertation are twofold:

First, I discuss the specific brand of liberal thought that developed in the Turkey of the 1990s, the first one to be articulated as an internally coherent doctrine. I deal with this topic with a view to uncovering the concepts, ideas, and modes of analysis that figure in liberals’ endorsement of the AKP.
General Introduction

Second, I discuss the post-1980 transformation of Islamism, with particular focus on the developments of the 1990s and 2000s. My discussion of Islamism, in turn, takes place on two levels:

1. The transformation of Islamic discourse as illustrated in the forms of Islamic political critique and proposals for alternative political organizations emerging in the 1990s.

2. The transformation of the main mold of Islamism in Turkey, which has been represented by successive Islamist political parties since the 1970s. I focus, particularly, on the change of course that took place in the 1990s, and the transformation of the Islamist legacy by the AKP in the 2000s.

The official interpretation and practice of secularism in the Republican period is key to understanding Turkish modernization, as well as the state-society relationship throughout the Republican history. The political significance of secularism is also evident in the liberal critique of Kemalism, and in the role this critique played in the “liberal-AKP rapprochement” in the 2000s. The dissertation, thus, incorporates an essay discussing official secularism in conjunction with the cultural ethos of the Republican regime.

I argue that the trend towards incorporating liberal ideas into Islamic thinking in Turkey has been a development both influenced and celebrated by liberals. This tendency, most explicitly expressed in the abandonment of the vision of an Islamic state, which I call “partial internal secularization” of Islamism, did not entail “internal liberalization” of the Islamic legacy. Instead, the latest stage in this trajectory is characterized by the unique blend of neoliberal economic policy, Islam-inspired cultural conservatism, and political authoritarianism represented by the AKP.

In the case of Turkey, the emergence of liberal doctrines incorporating a coherently articulated political content can be dated to the 1990s. The influence of liberal ideas and political critique has steadily increased in the two decades that have followed. Liberal influence in Turkish politics has not been based on mass appeal or electoral success; rather, the impact of liberalism on Turkish politics manifests itself in two interrelated and concomitant developments:

First is the emergence of a family of liberal doctrines. Second is the transformative influence of liberalism on other theoretical and political traditions such as Islamism, socialism, and feminism, through the gradual incorporation of broadly liberal ideas and principles into the discursive frameworks of these traditions. The interaction between liberalism and Islamism constitutes one of the more striking aspects of this development, and is a major focus in this dissertation.
The dissertation is a compilation of five essays. Each essay deals with a specific aspect of the post-1980 political dynamic in Turkey. Essay 1 and Essay 2 are especially closely related to each other, and should be read together.

In the following part of this general introduction, I present my use of basic concepts and the general approach employed in this study. In the third part, I summarize the individual essays comprising the dissertation, and discuss their connection with one another and with the general topics and concerns of the study. In the fourth and final part, I provide an outline of the history of religion-state relations in Ottoman-Turkish history.

2. Basic Concepts and Ideas

2.1. Islamism

Academic literature on Islamism is ridden with terminological diversity. According to the definition adopted in this dissertation, Islamism comprises those modern interpretations that claim a role for Islam in guiding how Muslims are to lead their public lives. Islamists, in this broad sense, do not understand Islam as merely a religion of individual salvation. To the contrary, they insist on taking Islamic principles as the normative perspective from which they evaluate the existing institutional framework.

I define “radical Islamism” as a subset of the broader category of Islamism. In my interpretation, radical Islamism is the kind of public, mobilizing religion that aims to turn a particular interpretation of Islamic belief and practice into a total social project to be implemented through the authoritarian use of state power. In relevant literature, other concepts such as “Islamic fundamentalism” have been employed to define a similar concept. I steer away from using the term “fundamentalism,” due to the association of the concept with some Protestant doctrines, and to specific phenomena emerging in a Christian context. Another reason for this choice is my wish to conform to the established usage in Turkey, for the term “Islamism” has been revitalized and become part of public debate since the 2000s.2

1 Three of these essays are revised and expanded versions of previously published work. Specifications are given at the beginning of each essay.
2 In the 1990s, Islamist groups and individuals rejected the term “Islamism,” and insisted
Radicalization was a key aspect defining Islamist movements and doctrines in the 1990s. This global trend gave rise to radical revolutionary ideas in some Islamist groups in Turkey. Yet, as I will show, the impact of radicalization on the main mold of Islamism in Turkey remained moderate. The distinction I make between Islamism and radical Islamism also enables approaching “radicalization” as a continuum, and identifying tendencies of radicalization that may or may not amount to “radical Islamism” in the sense defined above. Accordingly, my chosen terminology can cover the specific forms of Islamism emerging in the Turkish setting.

2.2. Internal Secularization and Internal Liberalization

I call the gradual incorporation of liberal concepts and ideas into other political discourses a “process of internal liberalization.” This characterization does not imply a fully coherent and exhaustive accommodation of liberal ideas, but is not a matter of mere terminological shift either. I define internal liberalization to refer to the accommodation of a more modest set of basic political ideas and principles associated with liberalism.

In the case of Turkey, the process of internal liberalization (in the broader sense which incorporates Islamism, socialism, feminism, and so on), rests on a number of tendencies, which become more visible and prominent during the 2000s. To name a few, these are principles and ideas such as the impartiality of the state, individual rights and liberties, a certain private-public demarcation, rights-based thinking, limitation on state power, the desirability of strengthening associational life, and the understanding that political conflicts should be solved within democratic institutions.

on defining themselves as “Muslims.” Today, Islamism is put into use by Islamists themselves, and employed in debates on questions such as “Does AKP represent the end of Islamism?” or “Can Islamism be revived?” For diverging perspectives on the topic, see the compilation of essays edited by Mümtazer Türköne. Türköne, Doğum ile Ölüm Arasında İslamicilik.

3 Tuğal, Passive Revolution, 44.

4 This idea is distantly inspired by John Rawls’ concept of a “constitutional consensus,” developed in Political Liberalism. A constitutional consensus covers certain basic principles that establish democratic electoral procedures for moderating political rivalry within society; thus, implies agreement on certain basic political rights and liberties. Rawls, Political Liberalism, 158-9.
and procedures. I believe that this idea of internal liberalization presents a suitable basis for reflecting on the actual and changing ways in which Islamists relate to their comprehensive beliefs, and on their points of contact with the liberal strains of political critique in Turkey.

Even before the crystallization of liberal doctrines proper, the influence of basic liberal ideas on strains of Islamism was already evident. As will be discussed in the essay on the “Medina Constitution,” concepts such as pluralism, cultural heterogeneity, civil society, human rights, and social contract gradually entered into various Islamic doctrines as these concepts became an intrinsic part of the political vocabulary and public debate at large.\(^5\) For Islamism, the impact of liberal ideas is also reflected in the abandonment of the political goal of establishing an Islamic state. I take this development as a significant moment, and term it “partial internal secularization.”

At this juncture I refer to the work of José Casanova, who develops an alternative understanding of modern religion. In *Public Religions in the Modern World*, Casanova argues that the public significance religion acquired in the 1980s reveals a major shortcoming in standard theories of secularization. Casanova rejects the “alleged conclusions” postulated by these theories, such as the idea that industrialization, urbanization, scientific education, and so forth will necessarily bring about religious decline or the withdrawal of religion into the realm of individual conscience.\(^6\) On his alternative understanding, there may be legitimate forms of modern religion that seek political significance and yet accommodate the fundamental values and principles of a modern society.\(^7\)

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5 The propagation of these concepts was facilitated by various legal and political reforms that were half-heartedly implemented, partly in the context of Turkey’s negotiations over entry into the European Union or Turkey’s participation in international human rights regimes.

6 See Casanova, *Public Religions in the Modern World*. In this work Casanova puts forward the thesis that there exists publicly pertinent forms of religion in modern societies that challenge assumptions about the role religion can play in the contemporary world. Casanova studies five cases of “public religion” from two religious traditions (Catholicism and Protestantism) in four countries (Spain, Poland, Brazil, and the United States) that challenge assumptions about the role of religion in modernity throughout the world.

7 Ibid., 19.
For Casanova, the key criterion distinguishing legitimate forms of modern public religion from illegitimate ones is “privatization” or “disestablishment”, defined in a unique fashion. On this definition, modern religions’ demand for public pertinence is legitimate so long as they allow for religious freedom as a private choice that has to be protected from political intrusion as well from religiously based intervention. My concept of “partial internal secularization” is coined to express an understanding similar to Casanova’s.

Casanova’s definition presents a generic criterion for identifying “disestablished” yet publicly pertinent forms of religious expression, Islamic as much as Christian. It can even be argued that the nuance he introduces is even more important in discussing Islam. Defining Islam as an immobile and ahistorical phenomenon is widespread in academic literature as well as public opinion in general. These views allege an inherent incompatibility of Islam with secularization, constitutional democracy, and human rights. Accordingly, whereas Christianity enables the development of autonomous social spheres, Islam, being a “total religion,” hinders the emergence of a secular state with its distinct spheres of politics and religion, and its secular morality and epistemology. As a consequence, the aim to restore the identity of religion and state in Muslim societies is regarded as the only possible Islamic political project.

Similar ideas have also dominated public debate on Islam and Islamism in Turkey. These views have often been based on the conviction that Islam is a totalizing religion, which poses a radical challenge to secular democracy unless strictly engineered and monitored. The distinction I propose between Islam and radical Islamism can also be seen as an identification of those forms of Islamic interpretation that accept their distance from the state in the sense defined by Casanova and those that do not.

8 Casanova, “Towards a Constructive Engagement of the Fundamentalist Challenge.”
9 The assumption of a structural difference between Christianity and Islam in terms of the relationship between state and society, religion and politics, has its roots in the works of Western orientalists such as Lewis, Rosenthal, and Gibb. Ernest Gellner’s Postmodernism, Reason, Religions is a recent example of this widely held view. See Gellner, Postmodernism, Reason and Religion. In “The Clash of Civilizations?” Samuel Huntington has similarly asserted the idea of inherent difference taking religion as the core element of a civilization. See Huntington, “The Clash of Civilizations?” 22-49.
Casanova argues that the public relevance acquired by some religious traditions starting in the 1980s is the outcome of contingent factors such as cultural traditions, religious doctrinal principles, and historical circumstances. *Public Religions in the Modern World* deals with examples of modern public religion which have a positive role to play.10

In this dissertation I propose to accentuate Casanova’s emphasis on the elements of historicity and contingency, and argue that publicly oriented modern religions can have varying political implications. I’ll show that the AKP’s version of public religion, for example, has authoritarian traits that fall outside of Casanova’s examples of public religion: that is, public religion is not being used to establish a Sharia state in Turkey, but nor does it have a positive role to play as public religious movement.

I aim to understand Islamic expressions in contemporary Turkey not as manifestations of an immutable essence, but in the context of changing social dynamic and contingent power struggles. As will be discussed in detail in the last two essays in this compilation, I argue that Islamism in post-1980 Turkey has shifted away from the goal of establishing an Islamic state; however, it has evolved towards political authoritarianism and Islam-based cultural conservatism.

In the next section, I summarize the essays of the dissertation and the relationship between them.

### 3. Summary of the Essays

In Turkey, liberalism had not been articulated as a coherent theory, and had not acquired any political significance until the 1990s. The 1990s marked the emergence of systematically articulated liberal doctrines, as well as the establishment of political parties that endorse liberal economic and political programs. It is important to remember that the power of liberalism in Turkey has not been based on its mass appeal or electoral success. Liberal political parties established in the period failed to mobilize substantial political

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10 Casanova deals with the cases in which religion returns to public life not to defend its old social and political privileges, but to defend the values and freedoms of the modern project, and to hold the differentiated structures accountable to moral norms besides pure functional rationality and individual self-interest. Casanova, *Public Religions in the Modern World*, 222, 229.
support and received only a negligible share of the vote in the elections in which they participated. The impact of liberalism in Turkey consists mainly in the gradual incorporation of broadly liberal ideas and principles—such as pluralism, tolerance, civil society, and human rights—into political language and the larger public debate.

In the early 2000s, liberal groups and individuals played a significant role in assembling a large coalition of diverse social sectors, including Islamists.11 The point of convergence for these groups was their opposition to military interventions and to the dominance of the Armed Forces in politics. The mounting authoritarianism of the AKP in the late 2000s pushed some of these groups towards a critical stance, while some remained ardent supporters. In Essay 1, I deal with the strand of liberalism whose endorsement of the AKP has continued to this day.12

I deal with this topic by way of discussing and analyzing the key articulator of this specific position: the Liberal Düşünce Topluluğu (Liberal Thought Society – LDT). The LDT was established in 1992, declaring its goal as propagating liberal ideas, and putting forward a coherent liberal framework to inform political critique and public debate. The Society gained public visibility and influence in the politically turbulent atmosphere of the 1990s, and during this time the group was involved in the debates about Kemalism, Turkish modernization, secularism, and the like. In the 2000s the LDT openly the policies of the AKP government, and put forward the goal of a “liberal-conservative rapprochement.”

The topic of Essay 1 is the particular variant of liberalism advocated by the LDT, and the grounds on which they have envisaged a long-term alliance with the AKP. I start my discussion by explicating the pivotal concepts and ideas characterizing the LDT’s brand of liberalism. I find

11 Alongside with liberals and the main mold of Islamist, this coalition also included various socialist groups such as the Birikim circle and the Devrimci Sosyalist İşçi Partisi (Revolutionary Socialist Workers Party-DSİP). Although defining themselves as socialist, the latter group is sometimes referred to as the “liberal-left.” For a terminological discussion, see Bora, “Sol, Liberalizm ve Sinizm,” 16–25.

12 Another liberal group, which moved to a critical stance towards the AKP is commonly referred to as the advocates of a “Second Republic in Turkish politics” – a term coined by columnist and academic Mehmet Altan. Eminent intellectuals, journalists, and opinion makers such as Ahmet Altan, Cengiz Aktar, and Cengiz Çandar can be named as other influential representatives of this political position. See Esmen, “Provocative Politics as the Family Business.”
that the broader liberal outlook of the LDT is based on three basic pillars: the advocacy of an unfettered market economy, the primacy of individual liberty, and the conviction that culture and religion are privileged realms that have their own rhythms of continuity and change. The economically liberal and culturally conservative policies pursued by the AKP can thus be listed among the factors that led to the LDT’s endorsement of the party. Nonetheless, I contend that the third pillar, the LDT’s approach to the basic social and political dynamics in Turkey, is an even more important factor in their endorsement of the AKP.

Liberal political ideas in the Turkey of the 1990s were conveyed mainly as a proficient critique of the state-society relationship prevailing in the period. Ardent oppositions against Kemalism have been key to this intellectual and political initiative. The LDT, in particular, has disparaged the institutional embodiments of Kemalism and the mentality they associate with it.

I find that the LDT’s critique draws upon a specific model of social-historical analysis of the Ottoman-Turkish historical setting developed by Şerif Mardin. According to this model, the central axis of Turkish politics is the confrontation between the “center” and the “periphery.” On the LDT’s interpretation of this model, the center is represented by the “state-elite,” consisting of high-ranking civilian and military bureaucrats, who are guided by the laicist-anticlerical, statist, and positivist outlook of Kemalism. This group has dominated the rest of society through periodic military interventions and military-made constitutions, as well as through judicial means. For LDT members “periphery” is society at large, whose ways of life are inspired by Islam, and who are excluded from true loci of power. They can voice their demands only through the ballot box and other democratic mechanisms. I argue that political analysis of the center-periphery model motivates the liberal-conservative rapprochement envisaged by the LDT, in that according to the LDT, the AKP brings the political interests of the periphery to the center.

Key to this position is the ideal of a post-Kemalist reconfiguration of Turkish politics. For the LDT, the Kemalist edifice is a top-down project of social and political engineering through authoritarian means. Contrariwise, the periphery has to rely upon democratic representation to be able to resist authoritarian policies of the center. The LDT, consequently, identifies the periphery as the groups that have a stake in the democratization and liberalization of Turkish politics. I find that the LDT recognizes the AKP as a center-right political party, and expects that the AKP, like previous center-right political parties, will be the chief bearer of the periphery’s interests and discontents.
From its early beginnings, the leading figures of the AKP have voiced that they have broken with their Islamist past. They have announced their political identity as “conservative democracy,” or as a combination of economic liberalism and cultural conservatism. The LDT members accept this claim. They, furthermore, identify the AKP as the current representative of the center-right political legacy, and celebrate it as a potential force of liberation in Turkey.

The subject of Essay 2 is closely related to that of the previous one. However, it is not a mere addendum, but is meant to address a separate set of questions. In Essay 1, I argue that liberals of all strains played a role in assembling a large coalition of diverse social sectors united under the banner of a “post-Kemalist democratic order.” A crucial pursuit of this coalition has been the opposition against “official” or Kemalist laicism. Essay 2 focuses more specifically on the LDT’s stance on the state-religion relationship and secularism in Turkey.

My initial findings pertain to the rank and significance the LTD assigns to secularism in the broader Republican edifice. The Society’s members locate official policies towards religion at the heart of the process of modernization during the Republican era. I find that this stance is based on two sets of arguments:

1. The sheer extent and scope of intervention in religious life and religion’s institutional embodiments mark this sphere as the main target of the Kemalist policies of social engineering.

2. The official argument of “safeguarding the laicist foundations of the regime” has been used as a pretext for suppressing and delegitimizing popular opposition against the Kemalist vision and the status quo founded on that basis.

I also find that the LDT’s analysis and critique of Turkish laicism largely, though not exclusively, focuses on the official attitude towards Sunni Islam. Sunni Muslims constitute the majority of the Muslim population in Turkey, while Alevis are a large heterodox community that differ considerably from the Sunni Muslim majority in their practice. The LDT’s focus on

13 Alevis constitute the largest religious minority in Turkey. While Alevism is frequently categorized under the Shi’a denomination of Islam, they follow a fundamentally different interpretation than the Shi’a communities in other countries. See Ocak, Alevi Bektaş Inançlarının İslam Öncesi Temelleri; Ocak, Türkler, Türkiye ve İslam.
the official attitude towards Sunni Islam does not constitute a problem for the aims of this dissertation since Islamist movements and doctrines in Turkey have been an exclusively Sunni phenomenon. The Alevi creed has displayed unique characteristics and has not generated expressions that can be called Islamism.

In the most general terms, the LDT’s approach to the topic of secularism in Turkey can be described as taking the official attitude towards Sunni Islam (which will be referred to simply as Islam from here onwards) as a yardstick for deciphering, discussing, and assessing unique features characterizing the interpretation and practice of secularism in Turkey. In the LDT’s understanding, the official stance is founded on the positing of an essential incompatibility between modern-secular society and Islam. The Kemalist founders of the Republic, accordingly, have pursued a policy of weakening Islam’s influence and excluding Islamic expressions from multiple spheres of life, namely from the spheres of the institutional structure, politics, and civil society. I term this the LDT’s “thesis of exclusion.”

LDT members place particular emphasis on exclusionary practices in civil society and politics, and have discussed these practices extensively. I have, therefore, dealt extensively with debates that they have engaged in, with the goal of developing additional insights into their views. With respect to the subtopic of civil society, I have dealt with the arguments put forward in relation to the disbanding of Islamic orders (tarikat) during the earlier years of the Republic. I focus on the Refah Partisi disbanding case to explicate the political dimension of the thesis of exclusion. I find that the LDT places the official understanding and practice of secularism in Turkey at the very heart of the Kemalist project. Turkish laicism is regarded as a pathology afflicting the state, which violates the very liberties it is supposed to safeguard. This finding affirms and strengthens my conclusions in Essay 1 of this dissertation, where I establish that the LDT defines the central political dynamic in Turkey as the confrontation between the Kemalist state-elite and society at large. In light of my findings of Essay 2, I reformulate this argument with added substance. I argue that the LDT defines the pivotal axis of political conflict in Turkey as the confrontation between the laicist state and an Islamic society. The state-elite have used “safeguarding the laicist foundations of the Republic” as a pretext to preserve the state-centered status quo and to delegitimize demands of the periphery. Laicism, in this sense, has also provided major support for authoritarian policies of homogenization and social engineering.
Another significant finding in Essay 2 is that the LDT gives no comparable priority to investigating Islam. It has been a general attitude within the LDT to systematically avoid analyzing the ideas and goals of Islamist movements and parties in Turkey. By focusing on the Refah Partisi disbanding case, I show that the Society’s analysis of Turkish laicism is also informed by an undeclared pattern of “avoidance.” The LDT aims to “revers[e] the terms of the debate” by way of redirecting scrutiny from Islamist movements and parties towards showing the illegitimacy of Turkish laicism. I argue that LDT members avoid critically assessing Islamist doctrines and movements in Turkey from a liberal perspective. Consequently, they remain silent on any possible normatively significant areas of conflict between the kind of constitutional democratic regime they would want to see established and Islamic ideas and practices prevailing in Turkey.

As I establish in Essay 2, the LDT attributes a key role to secularism in the Kemalist project of modernization. In Essay 3, I propose an alternative way of looking at this process with a view to highlighting what I call the “pedagogical” aspect of the Republican project. I argue that the Republican endeavor during the founding period incorporated a significant pedagogical dimension, which was especially evident in the government’s attitude towards women. Arguments in Essay 3 can thus be read as a counterpart to the LDT’s thesis of “exclusion” elaborated in Essay 2.

In Essay 3, I analyze the 1981 ban on wearing the Islamic headscarf in universities and the official arguments put forward to justify this ban. I take these arguments as signposts to guide us through the issues of gender, Islam, and secularism in the Republican edifice. I discuss both the post-1980 controversy on the Islamic headscarf, and the official policies regarding women’s dress and veiling during the founding years of the Republic, in order to highlight and better comprehend both political climates.

Understanding the founding years is important, for this was the period in which the targets of the Republican regime were proclaimed and put into practice. Adopting a Western cultural outlook was a pronounced aspect of the Kemalist ethos, and transforming the clothing habits of the population was an important aspect of this vision. In the Ottoman Empire, the ethnic and religious identities of the populace were manifested through distinctive dress codes.14 In contrast, the new outer appearance of the citizens promoted by

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14 İlyasoğlu, Örtülü Kimlik, 50-4.
Kemalists was considered to be the visual proclamation of the secularization of social life.

On account of gender, I draw upon key arguments developed in the feminist literature on Kemalism and nation-building in Turkey. Feminist scholars have substantiated that transforming and redefining gender relations and the status of women in society have been integral components of the Kemalist project. They have argued that women’s public visibility in her “modern” attire has been the most discernible visual symbol of Republican ideals. I argue that, prior to the 1980s, the Kemalists adopted a pedagogical approach towards the question of women in general and women’s dress in particular. The starting point of my argument is the differential treatment of men’s and women’s dress during the earlier years of the Republic. In contrast to the prohibitive-punitive attitude targeting men, women’s dress was dealt primarily with a procedural and indirect perspective based on the assumption that unveiling of women would come about as a natural consequence of the reformist drive.

I show that the founders of the Republican regime endeavored to improve the status of women in society through various legal and political means. Introducing equal citizenship rights and promoting public visibility and the participation of women in all areas of social life were inherent components of this vision. The more radical aim of the Kemalist project, however, was the transformation of gender relations that traditionally had been organized according to Islamic codes. I argue that the differential, and pedagogical, approach to women’s dress is a reflection of the deep-seated transformations implied by these ambitions. In the minds of the Kemalists, this was a project of “freeing women from the shackles” of the traditional-Islamic values and modes of conduct. Their approach, accordingly, was gradual and aimed to “elevate” women to the position they were awaited to occupy in the Republican vision. Put differently, the unveiling of women was a projected outcome of the broader reformist “emancipatory” enterprise. I term this the assumption of the “withering away of veiling.”

The assumption of the “withering away of veiling” also functions as the link tying the policies of the early years of the Republic to the post-1980 controversy on the Islamic headscarf ban. I argue that the need to justify

16 Göle, The Forbidden Modern.
the ban induced the Kemalist establishment to articulate its Republican ideal of modernization and its conception of secularism more fully than it otherwise might have. On the basis of my analysis of the official arguments, I formulate the assumption of the “withering away of veiling” as follows: the founders of the Republican regime presupposed that that veiling was a traditional practice that would wither away with the advent of modernization, education, and the improvement of the social conditions of women.

In my view, the emergence of veiled women in the university represented a major challenge to the cultural ideals of the Republic, and marked the abandonment of the pedagogical approach in favor of prohibitive-punitive policies. I term this development as the collapse of the assumption regarding the withering away of veiling. I argue that the process has followed a steady trajectory, and the arguments used to justify this change evolved throughout the 1980s.

I show that the official arguments in the initial stage were based on the dichotomy posited between the “traditional-Islamic” versus the “modern-Western.” The Islamic headscarf in the university was defined as belonging to the former; that is, a residual practice that does not conform to the Republican ideals of an educated—and hence, emancipated—woman. Arguments in the later phase, on the other hand, demonstrate the difficulty of upholding this twofold classification. The Islamic headscarf was, consequently, defined as “political-Islamist” and treated as the symbolic proclamation of an anti-system agenda targeting the secular foundations of the Turkish Republic.

As the Islamic headscarf controversy illustrates, veiling in the university came to be perceived as an expression of an anti-system Islamist agenda. In the 1990s, the political atmosphere in Turkey was dominated by similar ideas on public manifestations of Islam in general. This was also the period in which Islamist movements in Turkey came under the influence of the global wave of radicalization. Nonetheless, the 1990s in Turkey were not just about radical ideas, but also about the proliferation and internal differentiation of Islamist thinking. I refer to these years as the period of “hybrid theorizing” and define it as a key phase in the changing course of Islamism in Turkey.

Prior to the 1990s, it was widespread in Islamist literature to counterposition Islamic ideals of society, institutions, and ways of life against their modern and secular counterparts. In these works, the authors employ highly abstract and totalizing notions of modernity, secularism, and the West; and the Islamic alternatives they propose are often mono-block presentations of Islam’s superior qualities. The stance of externality, while seemingly offering an alternative social and political vision, can also be regarded as a way of not engaging with the principles and institutions that were criticized and rejected. In this sense they can be thought of as still inhabiting the framework of Islamic duty of tebliği; that is the propagation of “true” Islamic values, principles, and ways of life.

It was during the period of hybrid theorizing that the central focus of Islamist discourses started to shift towards problematizing specific organizational principles and concrete institutional arrangements. I see this trend as a move away from tebliği and towards political analysis. Hybrid theorizing exhibits the novel and changing ways in which Islamists draw political implications from their comprehensive beliefs; it was a period of original synthesis and intellectual creativity. Another characteristic feature of this phase was the gradual entry of concepts such as religious liberty, human rights, pluralism, tolerance, civil society, and so forth into Islamic language. The process of incorporation has often proceeded through innovative reinterpretations of the foundational sources of Islam, while the language used remained pervaded by extensive use of Islamic concepts and idioms.

In Essay 4, I deal with an example of hybrid theorizing to exemplify the discursive transformations characterizing this phase. The case I discuss is the “Medina Constitution” debate initiated by a prominent Islamist thinker in Turkey. Ali Bulaç puts forward a proposal for an alternative political design, which takes inspiration from the political model practiced by the prophet Muhammed in the city of Medina. Bulaç advocates a political

18 Sociologist İpek Merçil argues that Islamist authors used book titles such as “Islam and Democracy,” “Islam and Women’s Rights” and the like in order to construe and present Islam as alternative to modern ideas and institutions. Merçil, “Günümüz Türkiye’sinde İslami Düşünce.”

19 As Ruşen Çakır notes, Islamists have addressed Muslims rather than non-Muslims in fulfilling the duty of tebliği. See Çakır, Ne Şeriat Ne Demokrasi, 127.

20 Another noteworthy example was given by Hüseyin Hatemi in his attempt to develop an Islamic theory of natural rights. See Hatemi, İslam Hukuku Dersleri.
organization based on contractual relationships among legally autonomous communities founded on various religious, ideological, or philosophical doctrines and ways of life. The proposal has obvious similarities with the Ottoman *millet* system, yet the logic of this model has been transformed in two significant respects. First, ascribed membership in faith-based communities of the traditional system is replaced by the principle of choice by each individual on both religious and non-religious grounds. Second, the hierarchical logic of the *millet* system, which privileged Muslim citizens and accorded primacy to the Muslim community, is put aside in favor of the equal status of all religious communities.

Bulaç’s contract-based model inspired by the Medina Constitution is beset by a number of difficulties and inconsistencies, which renders it an implausible blueprint for real-world implementation. The significance of the Bulaç’s work from my point of interest is that his proposal exhibits certain elements of partial internal secularization as discussed above. Bulaç forsakes the political aim of forming an Islamic state and disengages Islamic faith from the issue of statehood. I find his approach in keeping with Casanova’s conception of “disestablishment” of religion; that is, abandoning the claim of being a compulsory state institution and accommodating the principle of private choice and interpretation. I argue that Bulaç presents a creative re-reading of Islamic texts and foundational practices to ponder concepts of pluralism, equality, and social contract. He rejects the idea that there should be some dominant official doctrine, secular or religious, and he argues that the political authority must be organized so as to allow a plurality of religions and worldviews that stem from the lived traditions of the community. Bulaç’s version of a plural legal system thus presents an Islamic critique of the overarching political institutions in Turkey, and calls for a community-based pluralist system.

Essay 5, finally, deals with the topic of the still-ongoing transformation of Islamism in Turkey by the AKP. My discussion in this essay can be read as an inquiry into the claim that the AKP left behind the Islamist tradition it emerged from, and has moved towards a broadly center-right political position. The claim has been upheld by the AKP leadership, acceded to and celebrated in various academic and political circles.21 A key question in this context is whether to define the AKP as an Islamist party, despite this declared break.

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21 The AKP pronounces its ideological position as “conservative-democracy.”
The AKP emerged from within the Islamist Milli Görüş (National Outlook) movement that, in turn, was organically related to the Islamist order the Nakşibendi. Şerif Mardin identifies the Nakşibendi as an order “with vast extension and extraordinary proselytizing zeal.” He adds that all of the successful elements of modern Islamic politics have originated in groups that branched off of this order. Since the establishment of the first Islamist political party in 1970, various parties expressing the Milli Görüş ideology have emerged under different names in the four decades that have followed. In this dissertation, I define the AKP as an Islamist party, and as representative of the new and widespread form Islamism that has taken hold in Turkey, rather than as representative of Islamism’s abandonment. In my understanding, the AKP’s Islamism is more clearly expressed in the second phase of the party’s trajectory that started in 2010, and during which time Sunni Islam was elevated to the status of a core identity of Turkish people, and installed as the vantage point from which to address matters of normative order, collective identity, and legitimate authority.

My main focus is on the 2000s, during which time the main mold of Islamism in Turkey was transformed significantly by the AKP. The general trend in this period has been moving away from hybrid theorizing; theoretical attempts at creative reinterpretations and original syntheses as well have swiftly disappeared. The significance of this latest phase, in my view, lies in the fundamental social, economic, and political transformations, and a radical restructuring of the Turkish political scene. Essay 5, thus, adopts a historical perspective, and deals with key social and political dynamics, and contingent struggles.

I focus, in particular, two concomitant developments in the 1990s. First is the rise of Islamic capital, whose interests and political expectations transformed significantly during this decade. I argue that the Refah Partisi failed to harmonize the demands of this key constituency with that of small merchants, artisans, informal workers, and the urban poor, who expected a regulated economy with redistributive policies. The confrontational political discourse of the Refah Partisi was not welcomed by representatives of the Islamic capital, who consequently found the program of the

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22 Şerif Madin, “Turkish Islamic Exceptionalism Yesterday and Today,” 149, 152.
23 The MNP was permanently disbanded after the military coup of 12 March 1971. It was succeeded by the Milli Selamet Partisi (National Salvation Party – MSP), which survived until the coup in 1980.
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AKP more amiable. Second is the tendency towards the weakening and eventual decimation of the existing center-right parties in the 1990s. On this account, I claim that this tendency contributed to the AKP’s claim of having broken with its Islamist legacy, and enhanced the somewhat widespread perception that the party moved to a broadly center-right political position.

I analyze the subsequent rule of the AKP as a two-phase trajectory characterized respectively by “building alliances and consolidation,” versus “occupying the civil service” and “reconfiguring the state.” I argue that in the first phase, the AKP mobilized a heterogeneous constituency incorporating the Islamic capital as well as the classical center-right electorate. I further claim that during this phase, the AKP also functioned as a venue articulating the discontent with the Kemalist establishment that was felt across the political spectrum, including liberals, the liberal-left, and various socialist circles.

The second phase of the AKP’s rule, on the other hand, indicates that the party now addresses and promotes a devout constituency consisting of Islamic middle and upper classes, as opposed to being the key political actor in a broader platform of diverse forces. In this period the AKP embarked on imposing an Islam-inspired conservative outlook, and has since increasingly relied on authoritarian measures to consolidate its power and neutralize its opponents. During this period, the AKP utilized its success at the ballot box to reconfigure state institutions to serve the recently remodeled state-centered policies. I consequently argue that the AKP has radically reconfigured the center-right political position on the basis of neoliberal economic policies, Islam-inspired cultural conservatism, and political authoritarianism.

In the next part, I give a brief outline of religion-state relations in the Ottoman-Turkish setting to serve as a general background for the individual topics I deal with in individual essays.

4. Historical Outline

4.1. The Ottoman Legacy

The Ottoman Empire was a traditional patrimonial state in the sense defined by Weber. The Ottoman state constituted an umbrella above various religious, ethnic and cultural groups and extended protection to any
community accepting the authority of the Sultan. The most fundamental political principle of the Ottoman Empire was called the “circle of justice.” According to this doctrine, fiscal power was seen as an instrument of political power, which in turn increased fiscal power in a continuous loop of “treasury – political power – treasury.” Wael B. Hallaq’s work on Islamic Law gives a more detailed description of the doctrine that dominated the understanding and practice of sovereignty in the Ottoman Empire:

The circle of justice begins with the idea that no political sovereignty can be attained without the military; yet no military can be attained without the financial resources. The resources can furthermore be raised only through levying taxes, which presupposes continuous economic productivity on the part of the subjects; but to maintain a level of prosperity that can sustain taxable income, justice has to be ensured, and this in part means controlling the excesses of provincial officers whose vision of justice may be overshadowed by personal power and capacity. Thus, to be attained, justice requires public order, all-important social harmony, and control of abusive and greedy government servants.

The political and moral legitimacy of the Ottoman state was founded upon its ability to assure the autonomy and difference of each millet (religious community). Confronted with the challenge of holding together a multi-ethnic and multi-religious empire, the Ottoman rulers were compelled to develop a body of traditional public law that did not derive from Islamic law. Public law was enforced as the law of the land and consisted of the decrees of the ruler, whereas Islamic law covered mainly personal status law and transactions within the Muslim community.

The ulama, the class of religious scholars, belonged to the ruling elite and were responsible for most forms of education and justice. In addition, regulations promulgated by the Ottoman Sultans were approved by the Shaykh al-Islam, the foremost religious dignitary in the empire. Members of religious institutions were appointed and could be dismissed by the Sultan. Theoretically, the ulama had the right to invalidate any of the Sultan’s acts that they felt were in conflict with Islamic jurisprudence, but they rarely did so. Furthermore, the invalidation could only take the form of contrary

28 Ibid., 15.
opinions formulated by the *Shaykh al-Islam*, who had no right to interfere directly in government or legal administration.\textsuperscript{29} The Ottoman government established effective control over the *ulema* by turning them into state functionaries.\textsuperscript{30} Jurists of Islamic law loosely organized themselves into schools of jurisprudence, but they developed no hierarchy comparable to, for instance, the Catholic Church. Partially due to the fact that the Muslim community was not a political unit, the political establishment had the capacity to control the religious establishment.\textsuperscript{31}

On the other hand, political power provided the setting for the application of Islamic law and for the privileged status of Sunni Islam compared to other religions and interpretations of Islam practiced within the territories of the Empire. In this sense the polity conferred as much legitimacy upon religion as religion did upon the polity. Sunni Islam relied on its position as the state religion to secure primacy over the heterodox cults, sects, and mystical orders, and over the Shia.\textsuperscript{32} Ottoman bureaucrats, who were trained in the palace system, rather than in the religious schools, had a definite view of the interrelation of politics and religion, which may be described as the primacy of *raison d’etat*:

The Ottoman bureaucrat saw the viability of the state as essential for the preservation of religion: since the state was necessary to keep religion flourishing, it had priority over religion.\textsuperscript{33}

Ottoman administrative practice was strongly marked by this bias. Because of the primacy they accorded to the state, Ottoman bureaucrats reacted fiercely against any religious influence that could pose a challenge to the central authority. Religious heterodoxy was tolerated as long as it posed no threat to the political center. Every organization and institution was constrained by the duty to protect the state, which, in turn, acted in the name of the sacred.\textsuperscript{34}

This characteristic of Islam in the Ottoman-Turkish setting is best expressed in a formulation by Şerif Mardin as the question of “Turkish-

\textsuperscript{29} Heper, The State Tradition in Turkey, 27.
\textsuperscript{30} Mardin, *Türkiye’de Toplum ve Siyaset*, 118.
\textsuperscript{31} Berkes, *Teokrasi ve Laiklik*, 17.
\textsuperscript{32} Turan, “Religion and Political Culture in Turkey,” 41.
\textsuperscript{33} Mardin, “Religion and Politics in Modern Turkey.”
\textsuperscript{34} Berkes, *Teokrasi ve Laiklik*, 18.
Islamic exceptionalism.” What Mardin has in mind using the term exceptionalism is the presence of a modern Turkish Islam with roots in Ottoman history, an Islam that is interpreted and practiced within these specific historical circumstances and relations, which account for its unique characteristics. Mardin’s highly influential corpus of work, spanning almost five decades, on Islam and Islamism in Turkey can be considered as an inquiry into diverse facets of the subject.

The main aim of Mardin’s work is to establish that there exists a unique brand of Turkish Islam and to reveal how specific historical, cultural, and social circumstances prevailing in the Ottoman-Turkish context produced this different typology. Mardin maintains that the specifics of Turkish history have endowed the Ottoman Empire and the Republic of Turkey with traits that have worked cumulatively to create a special setting for Islam.

Mardin, furthermore, notes that this is a phenomenon towards which the “existing body of Islamic studies has largely been oblivious,” and that the overwhelming majority of the studies in this area focuses on the Islam of the Arabs. According to Mardin, undertaking the task he proposes poses a methodological challenge to the investigator of Islamic modernism in Turkey, for it establishes a field of study that shows much greater complexity than the research based on the essentialism of Islam, which constitutes the core of contemporary studies of “political” Islam in Turkey and elsewhere.

The ubiquity of a peculiar mix of state and religious discourse in the Ottoman Empire promoted a modern Turkish ‘exceptionalism’ with distant Ottoman roots. It is the concentration of Islamic studies on the Islam of Arabs that has hidden this character of Ottoman religious structure, a character that antedates and adumbrates the secularism of the Turkish Republic.

The central point of this particular interplay is the overlap between the political discourses of the bureaucracy and the ulema of the Ottoman Empire, as well as the tacit dispensations that bring together secular and Islamic discourses in general. In other words, “Turkish exceptionalism,” for Mardin, is the way in which this very special dialectic has marked Islam in the Ottoman Empire and Turkey:

35 Mardin, “Turkish Islamic Exceptionalism Yesterday and Today.”
36 Ibid., 148.
37 Ibid.
38 Ibid.
39 Ibid.
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In the most general sense this means that the Ottomans as well as the modern Turks shared the feeling that after all was said and done, despite skirmishes and rebellions against the state, they possessed a state; that the state was a life-form through which channels all authorities, whether secular or religious, operated to achievement and success.  

The main outcome of this dialectic for Mardin can be summarized as the ability of the Islamic voice in Turkey to “operate within the lineaments of the state.” This general background has influenced the attitude of Islamist movements and doctrines in Turkey towards the state and has limited the appeal of radical strains on this main mold.

4.2. Modernization, Westernization, and Secularization

The process of secularization in the Ottoman Empire was initiated by the ruling elite in the 1800s. However, since the ruling elite tried to achieve transformation within the confines of the existing sources and language of legitimization, the reforms in the nineteenth century created a duality at the heart of the judicial and educational institutions, where the old existed side by side with the new.

The most important turning point in the process of secularization of the Ottoman-Turkish society, in this sense, was the establishment of the Republic of Turkey. The founding of a new nation-state, led by a splinter fraction of the old ruling class, required a rapid break with the old basis of legitimacy. Kemalist reformism concentrated its efforts on defining a political system that would be free of religious and dynastic legitimization and, therefore, constituted the Republic on a laicist-nationalist basis.

Immediately after the establishment of the Republic, the Kemalist cadres commenced a program to eliminate the institutional structures of religion in society. The Caliphate and Islamic courts were abolished, tombs and shrines were closed, and mystical orders were banned. The traditional institutions

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40 Ibid., 147. See also Çetinsaya, “Rethinking Nationalism and Islam,” 352.
41 Mardin, “Turkish Islamic Exceptionalism Yesterday and Today,” 148.
42 Ibid.
43 Mardin, Türkiye’de Din ve Siyaset, 75.
44 Keyder, State and Class in Turkey, 86.
of religious education were closed down, and all education was brought under the supervision of the Ministry of National Education.

Adopting the Western cultural model was a significant aspect of the modernization process in the Republican era. The cultural transformation was pursued through a series of reforms. Imams, hocas, and preachers were permitted to wear clerical garb only while performing their duties. In 1925, the so-called “Hat Law” outlawed the traditional head garments for men in favor of the western hat, and several dissenters were executed. In the same year, Islamic orders (tarikat) were disbanded, and their activities were forbidden.45 The Latin script was adopted in 1928, and the use of the Arabic script in all public affairs was prohibited. Again in 1928, the teaching of Arabic and Persian was removed from school curricula. Religious instruction was dropped from urban and village school curricula in 1930 and 1933, respectively. A law passed in 1934 prohibited the use of religious titles, such as hacı, hafız, and molla, as official titles.46

Historian Niyazi Berkes argues that the decisive moment was in 1926, when the civil law was secularized by adopting provisions from the Swiss Civil Code.47 Other major landmarks were the disestablishment of Islam as the state religion in 1928, and the establishment of the principle of secularism as an integral part of the Turkish Constitution in 1937. In spite of these reforms, the official interpretation of secularism in the Republic of Turkey followed the Ottoman tradition of “the political domination of the spiritual.” Accordingly, the Islamic religious establishment was co-opted into the administrative apparatus. Two state institutions were created to control the religious domain: the Directorate General of Religious Affairs (Diyanet İşleri) was established to oversee all religious practices, and the Directorate of Pious Foundations (Evkaf) administered the religious endowments and maintenance of mosques.48 The head of the Directorate General of Religious Affairs was appointed by the President, on the recommendation of the Prime Minister. Attached to the Office of the Prime Minister, the Directorate’s functions included:

46 Berkes, *The Development of Secularism in Turkey*, 466-77.
47 Ibid., 467-70.
48 After 1931, the Directorate General of Religious Affairs also assumed the administration of clerical remuneration. Davison, *Secularism and Revivalism in Turkey*, 139.
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[T]he dispatch of all cases concerning the Exalted Islamic Faith which relate to beliefs [itikad] and rituals [ibadet].’ These included the ‘administration of all mosques . . . and of dervish houses . . . and the appointment and dismissal of all imams, hatibs [orators], vaizs [preachers], seyhs [leaders of dervish houses], müezzins [callers to prayers], kayyims [sextons] and all other employees of a religious character… entailed responsibility for distributing ‘model’ sermons [hutbe] and ‘translating, editing, and publishing authentic religious works for the public.49

Secularism, as understood by the Republican elite, meant not only state dominance and control of religious institutions, but also the implied regulation of the lived Islamic tradition and expressions of popular religiosity.50 The Directorate General of Religious fulfilled its mission by subscribing to and promoting a particular school of Sunni Islam, the Hanafi Medhab.

The regime’s restrictive attitude towards religion during the 1930s and 1940s relaxed somewhat in the cultural, if not the political, realm of official policies. After the introduction of multi-party politics, both major parties at the time, the ruling Cumhuriyet Halk Partisi (Republican People’s Party – CHP) and the Demokrat Parti (Democrat Party – DP), started courting the Muslim vote. The Cumhuriyet Halk Partisi changed course after the party congress in 1947. It reintroduced elective courses on religious education in schools, established the Faculty of Divinity, and allowed rituals at tombs and shrines, starting in 1949. At the same time, the CHP tried to guard against any religious reaction in politics, by enacting Article 163 of the penal code, which strictly prohibited propaganda against the secular character of the state.51

The Demokrat Parti, which came to power in 1950, continued with the relaxation of these policies. Religious education was expanded, and the number of preacher schools was increased. Consequently, there was a marked increase in the building of mosques, and the sale of religious literature was allowed again. Although the Demokrat Parti’s understanding of the secularist character of the state was not significantly different from that of the CHP, a noteworthy divergence was the fact that the Demokrat Parti accepted the existence of autonomous religious organizations and brotherhoods.52 Another noteworthy policy in the period was reversing a

49 Ibid.
50 Sarıbay, Postmodernite, Sivil Toplum ve İslam, 59-61.
51 Zurcher, Turkey, 244.
52 Ibid.
highly controversial policy implemented during the single party regime of the CHP. The CHP government had shifted the language of the call to prayer (ezan) from Arabic to Turkish. The Arabic language call to prayer was made legal again under Demokrat Parti rule.53

After ten years in government, the Demokrat Parti started to take increasingly undemocratic measures. It was ousted with the military coup in 1960, organized by a group of junior army officers, based on the charge of autocracy and leading the country into chaos. The DP government was criticized heavily by the junta government, the Milli Birlik Komitesi (the Committee of National Union – MBK), for using religion for the purposes of a political agenda; yet there was no return to the strict policies of the 1920s and the 1930s. Mehmet Yaşar Geyikdağ argues that most members of the MBK wanted to make Islam a national instrument of the state in order to prevent its manipulation by conservative interest groups and political parties, and aimed at giving Islam a national and progressive image. Efforts were made to undermine Islamist currents by paying increased attention to the building of mosques, the restoration of shrines, and religious education in schools. They tried to propagate a modern, rationalist version of Islam. The curriculum for colleges for preachers was changed to include sociology, economics, and the law. The Directorate for Religious Affairs began publishing “enlightened” sermons, and the Quran was published in Turkish translation. At the same time, the military, similar to the CHP government after the war, guarded itself against the emergence of religious rivals. It maintained the prohibition of the political use of religion, which had been incorporated into the High Treason Law in 1925 and into the Penal Code in 1949, now as an article in the new Constitution introduced in 1961.54

4.3. The Military Coup of 1980 and Onwards

Religious groups and parties had been present and active in political life throughout the 1960s and 1970s, despite the restrictions. Paradoxically, it was only after the 1980 coup, which was carried out by the historically laicist Armed Forces, that Islamist groups emerged as a major political force.

53 Manaz, Atatürk Reformları ve İslam, 123.
54 Geyikdağ, Political Parties in Turkey, 89.
Alarmed by heightened political polarization and the prevailing radical left-wing discourse of the 1970s, the military leaders commenced a policy of depoliticization, which relied on the supposedly stabilizing function of a “religious culture.”

The state’s investment in promoting and controlling religion increased substantially. The number of the Imam Hatip schools increased from 258 to 350 during the three-year military rule. The number of students attending those schools increased substantially. There has also been a rise in the number of the lower grade Quranic schools; before 1980, there were 2,610 such schools, but their number reached 4,715 by 1989. In 1982, the military government made religious instruction a part of the required curriculum in all primary and secondary schools, except for the schools of non-Muslim minorities. Obligatory religious instruction took a confessional attitude and became synonymous with teaching Sunni Islam. In this way, a state-sponsored interpretation of the Sunni creed was made part of the official ideology.

The military government aimed to construct a new regime of legitimation by reading Islamic themes into the official ideology under the title “Turkish-Islamic Synthesis.” The Turkish-Islamic synthesis project aimed at providing the military junta with a moral program intended to mobilize consent for its policies. Development of this ideological outlook was entrusted mainly to a right-wing intellectual establishment organized under the title of Aydinlar Ocağı (Intellectuals’ Heart). As a matter of fact, the Aydinlar Ocağı formulated the Turkish-Islamist synthesis in the mid-1970s in order to counter the rising left. The formulation was based on a symbiotic relationship between Turkish and Islamic identities according to which each element supported and strengthened the other. Accordingly, the Turks could protect their national culture because they adopted Islam; Islam was

56 Ibid., 219-21.
57 Under the 1962 Constitution, even proposing obligatory religious education in a party program could have been reason for outlawing the party.
58 The same period was also marked by the controversy over wearing the Islamic headscarf by university students and by primary and secondary school teachers, though the universities became the crux of the conflict.
60 Güvenç et al., *Türk-İslam Sentezi*, 61.
the religion that gave Turkish culture its essence. In turn, Islam would not be strengthened and disseminated without Turks, who voluntarily adopted Islam and very rapidly became its defenders and vanguard, spreading its message into Anatolia and the Balkans.

Promoting the ideology of the Turkish-Islamic synthesis was accompanied by an enormous contraction of the political space through austerity measures. Focused on security and stability, the military regime envisioned society as an organic and essentially pre-political unit, and tried to displace any understanding of politics as a popular initiative. Politically active segments of the society were isolated as pathological, and countered with the ideal of a nation conceived as a community modeled on the idea of a Turkish-Islamic ummah – nation or community. As argued by Faruk Birtek and Binnaz Toprak,

The idea of the Islamic ummah, a community of believers who are united by the same faith, seems to have set the model for a new sense of community which can consolidate social unity and solidarity and thereby eliminate the conflicts of opposing ideologies.

The aim of the military, certainly, was not to provoke Islamization of the political and legal institutions. The Constitution of 1982 reiterated the provisions safeguarding the secular character of the state. Furthermore, it accorded special protection to the eight “Principle Reform Laws” enacted under Mustafa Kemal Atatürk’s leadership and embodied the principles of Kemalist laicism: establishing secular education, instituting civil marriage, adopting the Turkish alphabet, using the international numerals, introducing the western hat, closing the dervish convents, abolishing religious titles, and prohibiting the wearing of certain garments. The central measure protecting the secular character of the state, namely the Constitutional provision banning the use of religion for political purposes was copied directly from the Constitution of 1961. The main intention underlying the official policy was

61 Ibid.
63 Ibid.
65 Article 19 and Article 24 of the Constitutions of 1961 and 1924, respectively.
66 This constitutional stipulation prohibits the exploitation of religion or religious feelings for the purpose of political and personal benefit. Corresponding laws in the Turk-
eliciting the Islamic loyalties of the population for political stability under an authoritarian institutionalization. According to this “religiously based moral authoritarianism,” the nation came to be understood as a homogenous unit based on a synthesis of the family, the mosque, and the barracks.67

Political, ideological, and cultural space opened for Islam by the program of the military junta, which laid down the ground for increased power and influence of Islamist movements and doctrines. Islamic communities and orders and Islamist groups of various strains greatly profited from the arrangements introduced by the military regime.68 The impact of these policies became visible in the increased significance of Islamism in the 1990s.

4.4. The 1990s and the 28 February Process

The history of Islamism as an independent movement in Turkey starts with the establishment of the Milli Nizam Partisi (National Order Party – MNP) on 26 January 1970. The MNP was the first party expressing the ideology of the Islamist movement commonly known as Milli Görüş (National Outlook). A series of political parties advocating Milli Görüş ideology were founded, were disbanded, and later resurfaced with new names in the decades to come.69 The ideological outlook of Milli Görüş is broadly defined by the following features:


68 Tuğal, Passive Revolution, 9.

69 The first political party representing the Milli Görüş was the Milli Nizam Partisi (National Order Party – MNP), which was founded on the personal initiative of the religious leader of the order, Mehmet Zahit Kotku. The Milli Nizam Partisi was dissolved by the Constitutional Court on 20 May 1971 because it was found guilty of trying to establish a theocratic order in Turkey. Soon after this decision, the party cadres, together with other leading figures of the movement, founded the Milli Selamet Partisi (National Salvation Party – MSP) under the leadership of Necmettin Erbakan. In present day Turkey, political cadres and the electorate of the movement are divided among three political parties: the Adalet ve Kalkınma Partisi (Justice and Development Party – AKP), the Saadet Partisi (Felicity Party – FP) and the Has Parti (People’s Voice Party – HP).
The Milli Görüş ideology posits a fundamental conflict between Western (i.e. Judeo-Christian) civilization and Islamic civilization. The former is ‘false’ (bâtil) in the sense of resting upon force, while the latter is based on righteousness (hak). Western civilization is defined as materialist, oppressive and colonialist, and doomed to extinction. This fundamental opposition to Western civilization has led the national outlook parties to take an extremely negative view of Turkey’s Westernisation process. In their view, the once-glorious Ottoman Empire began to decline and disintegrate when it started to imitate the West. By the same token, they are strongly critical of the secularizing republican reforms.70

In the 1990s, the Milli Görüş movement was represented by the Refah Partisi (Welfare Party – RP). The increasing support for the Refah Partisi was accompanied by a radicalization of its ideological outlook. The turning point for the Refah Partisi was the 1994 municipal elections in which the party won mayoral positions in several cities, including Istanbul and Ankara.71 This upward trajectory was enhanced in the parliamentary elections held on December 24, 1995. The Refah Partisi came in as the first party, winning 21 percent of the popular vote and 158 out of 550 seats in parliament. It became the senior partner of a coalition government with the Doğru Yol Partisi (True Path Party – DYP).72

The Refah Partisi was perceived as the locus of anti-system Islamist opposition by a large segment of the population, including the Armed Forces and the higher ranks of the judiciary. This perception was exacerbated when the Refah Partisi became a coalition partner. Opposition against the government built up, together with increased interventions by the military in day-to-day politics. On 28 February 1997 the military intervened through a declaration by the National Security Council, which identified “Islamist reactionism” as the number one security threat and “recommended” to the government a set of policy measures. The military was not alone in its campaign; on the contrary, it managed to mobilize former President Süleyman Demirel, several NGOs, the major media networks, and large sectors of the people against Islamic reactionism, which accordingly was said to “constitute the chronic, if at times undetectable, malaise of the

70 Hale and Özbudun, Islam, Democracy and Liberalism in Turkey: the Case of the AKP, 5-6.
71 Recep Tayyip Erdoğan was elected mayor of Istanbul.
72 Ayse Kadıoğlu, “Republican Epistemology and Islamic Discourses in Turkey in the 1990s,” 15.
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Turkish polity.” The policy measures of the February 28 process were as follows:

All primary and secondary school curricula were altered so as to emphasize both the secularist history and character of the republic and the new security threats posed by political Islam and separatist movements. Teaching on Ataturkism was expanded to cover all courses taught at all levels and types of schools. The secondary school system for prayer leaders and preachers (imam hatip) was scrapped and an eight-year mandatory school system was introduced. Starting in 1997, appointments of university chancellors were pointedly made from among staunch Kemalists. Teaching programs on Kemalist principles, on the struggle against reactionism, and on national security issues were also extended to top bureaucrats and prayer leaders. Finally, military institutions and personnel were actively involved in administering the programs.

Unwilling to enforce these policies, the Refah Partisi government resigned. The impact of the military’s intervention was sustained by a court case initiated against the Refah Partisi by the Attorney General of the Republic of Turkey. Cadres of the party did not wait for the conclusion of the case before founding the Fazilet Partisi (Virtue Party – FP) on 17 December 1997. As predicted, the Refah Partisi was permanently disbanded by the Constitutional Court on 16 January 1998. Its successor the Fazilet Partisi encountered the same fate in June 2001.

The period from the 1997 intervention until 2001 was marked by a growing rift and mounting tensions within the Milli Görüş movement. On 20 July 2001, the “reformist” wing in the Fazilet Partisi founded the AKP, while the “traditionalists” organized under the Saadet Partisi (Felicity Party – FP). In present day Turkey, political cadres and the electorate of the movement are divided among three political parties: the Saadet Partisi (Felicity Party – FP) and the Has Parti (People’s Voice party-HP), and the AKP.

74 Ibid., 312.
75 The Saadet Partisi was led by Recai Kutan.
Güvenç, Bozkurt, Gencay Şaylan, İlhan Tekeli, and Şerafettin Turan. *Türk-
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ESSAY 1
THE ‘LIBERAL-CONSERVATIVE’ RAPPROCHEMENT IN TURKEY:
THE CASE OF THE LIBERAL THOUGHT SOCIETY

1. Introduction

A significant development in the Turkey of the 1990s was the emergence of liberal doctrines, accompanied by increased influence of liberal ideas and concepts across the political spectrum. The support liberals of various strains extended to the Adalet ve Kalkınma Partisi (Justice and Development Party – AKP) during the better part of its rule has been a confusing upshot of this trend. My main impetus in this article is to understand the converging paths of the liberals with the AKP in the Turkey of the 2000s.

During the earlier years of the AKP government, liberals’ endorsement of the AKP was nearly unequivocal. The AKP’s political language advocating democratization and EU membership, as well as its opposition to the Armed Forces’ dominance in politics seems to have found strong resonance in the liberals’ call for a post-Kemalist constitutional democracy. Subsequently, groups and opinion-leaders representing diverging strains of liberalism became supporters of the party throughout its first two terms in government.¹

In the third term of the government a schism started to emerge among the AKP’s liberal support. Some of the liberal circles and individuals moved to a reproving stance.² They became increasingly critical of the AKP for not delivering on its declared goals. Conversely, support from other liberal strands did not diminish, proving that their relation with the AKP was more than a fleeting affinity based on the evaluation of short-term political conjuncture. My aim in this article is to examine the latter group with a focus on the conceptual grounds underlying their continued support for the AKP.

To further this aim, I focus on the principal articulator of this class of liberalism, a liberal society of ideas called Liberal Düşünce Topluluğu (Liberal Thought Society – LDT. The LDT was established in 1992 by a

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¹ Between 2002 and 2007.
² This groups is commonly known as the advocates of a “Second Republic” in Turkish politics. See footnote 11, General Introduction.
group of intellectuals, announcing their goals as carrying out activities to introduce liberal intellectual tradition, and to help spread liberal values and principles in Turkey.3 In the 2000s, leading members of the LDT publicly voiced their desire for “alliance” with the AKP.4 As I aim to explicate, the reason for this plea rests on certain concepts and modes of analysis advocated by the LDT.

Analyzing the LDT’s place in Turkish politics is significant in several respects. The LDT is among the first groups to develop liberal doctrines that incorporated systematic political content. As will be explicated later, liberal economic policies were defended and practiced in Turkey, in the absence of accompanying political ideas and principles. In fact, the most fundamental structural changes towards liberalizing the Turkish economy were implemented through authoritarian policies of the military junta regime that ruled the country during the first years of the 1980s.5 This tendency started to change in the 1990s, leading to the emergence of internally coherent liberal doctrines, including the LDT. Being the first and the most articulate member of this category, the LDT offers a good case study for understanding this particular brand of liberal thought emerging and taking hold in the context of Turkey.

The LDT is also key to understanding the broader political and intellectual climate in Turkey after the military coup in 1980. In parallel with economic liberalization, liberal ideas and modes of analysis gained increasing significance in public debate during the 1990s and 2000s. What is more, liberals of all strains joined in to assemble a large coalition of diverse social sectors united by a critical stance against Kemalism. In this changing environment, liberal support added credibility to the AKP leaders’ claim to have broken away with their Islamist past, and facilitated the party’s appeal to a larger electorate.

3 “LDT’nin Felsefesi.”
4 The LDT went through a process of internal split, which led to the establishment of Özgürlük Araştırmaları Derneği (Freedom Research Association) in 2015. Mustafa Erdoğan, a prominent figure of the LDT, is among this splinter group which is critical towards the AKP’s policies. See, “Özgürlük Araştırmaları Derneği Kuruldu.”
1.1. The LDT in the Turkish Academia

Liberal strains in Turkey are a newly emerging topic for academic research. Put in other words, the rising influence of liberal thought in Turkey has not been matched by academic investigation on the topic. Inadequate academic attention is even more pronounced in the case of the LDT. Studies of the Society have largely consisted in presentations and self-reflections by its members published in the LDT’s own journal *Liberal Düşünce*. These articles are written with the declared intention of presenting basic concepts, ideas, and thinkers with a view to introducing a largely uninitiated audience to the liberal intellectual tradition.6

Analyses of the LDT from an external point of view are limited to three articles, including the one written by me.7 Simten Coşar’s study discusses a number of “liberal” thinkers and circles during the Republican era, including the LDT.8 Her work provides important insights on the relationship between “Turkish liberalism and democracy”. Her discussion of the LDT is, nonetheless, in brief due to the pronounced focus of her investigation.9

Doğan Gürpınar’s article, published in the LDT’s own publication *Liberal Düşünce*, focuses on the key ideas put forward by the LDT, and on the intellectual trajectories of its most prominent members. He argues that

6 A main source for these self-reflections is the special issues of the Society’s Journal: *Liberal Düşünce*. The first issue of *Liberal Düşünce* (Winter 1996) came out as a special issue entitled “Why Liberalism?” (Neden Liberalizm). Similar discussions continued in successive special issues continuing with no. 28 (Fall 2002), and no. 56 (Fall 2009).

7 The Liberal Thought Society has been the topic of few studies apart from presentations and evaluations by its members. For a general overview, see Coşar, “Liberal Thought and Democracy in Turkey” ; Gürpınar, “Liberteryenizm ve Liberalizm Arasında Liberal Düşünce Topluluğu”; and Denli, “Liberal Düşünce Topluluğu Ya Da Bir Paradoks Olarak Siyaset Arayışı.” For evaluations by the LDT members written for various other publications, see Özipek, “Liberal Düşünce Topluluğu,” and Erdoğan, “Modern Türkiye’de Siyasi Düşünce.”

8 Coşar discusses thinkers such as Ahmet Ağaoğlu (1869-1939), Ahmet Emin Yalman (1888-1972), Aydın Yalçın, while dealing with LDT in general terms as a society of ideas. See Coşar, “Liberal Thought and Democracy in Turkey,” 72-4. On the terminology adopted in this study, these are liberal-inspired thinkers, and belong to the pre-history of liberalism in Turkey.

9 Coşar traces the ideas on democracy, anti-etatism, and individual and the nation-state in the works by these authors.
the Society members have origins in the nationalist and Islamist movements in the 1980s, and their current ideas reflect an ongoing anti-leftist stance.\textsuperscript{10} I diverge from Gürpınar’s conclusions, and claim that the LDT takes Kemalism as the main contender. In my view, the broader alliance of liberals of various strains had been assembled on the basis of an encompassing, yet internally varied, opposition against Kemalism. These distinctive features of the LDT’s arguments leading to a deeper affinity with the AKP will be my main emphasis in this essay.

I claim that the principal grounds for this rapprochement are twofold. The first one derives from the general conservative overtones characterizing the LDT’s liberalism. The second – and significantly weightier – factor is the analysis the Society offers regarding the distinctive features of Turkish politics.

According to the LDT’s understanding, Turkish politics is built around a strong state apparatus run by a distinct cadre of elites consisting of high-ranking civilian and military bureaucrats. As I explicate later in the article, they define this group as a clique acting in accordance with their “state-centered interests,” engaging in top-down regulation of the society. The LDT, thereafter, defines the main axis of political conflict in Turkey as the confrontation between a dominant state represented by the bureaucratic elite and a subordinated society.

As will be seen in Part 3, I claim that the general framework underlying the LDT’s perspective on Turkish politics draws upon Şerif Mardin’s “center-periphery” model.\textsuperscript{11} Mardin’s investigation is based on the main idea that the Ottoman-Turkish political tradition is structured around the confrontation between a strong, highly integrated, and culturally distinct “center” (read the Ottoman ruling elite), and a weak and dispersed “periphery” (broadly, the rest of the society). By building upon – and at the same time modifying – Mardin’s model, LDT members argue that the center-periphery cleavage continues to be the main political dynamic in today’s Turkey. On their view, the center is represented by the high-ranking civilian and military bureaucracy, and Kemalism is the centralizing and culturally homogenizing ideological outlook of this present-day state-

\textsuperscript{10} Gürpınar, “Liberteryenizm ve Liberalizm Arasında Liberal Düşünce Topluluğu,” 41.

\textsuperscript{11} Mardin’s highly influential corpus, spanning almost five decades, on Islam and Islamism in Turkey can in fact be considered as an inquiry in diverse facets of the subject.
elite. I claim that this theoretical ground is pivotal for the LDT’s sustained support of the AKP, since the party is accepted as the representative of the peripheral forces resisting the authoritarianism of the center.

My main source for this article is the *Liberal Düşünce* journal published by the LDT since 1996. *Liberal Düşünce* is the flagship of the Society and the main venue of discussing basic concepts, theories, and concrete analyses of political and social dynamics in Turkey. I make specific emphasis on texts by Atilla Yayla and Mustafa Erdoğan in order to produce a clearer profile of the LDT. In the 2000s, Yayla and Erdoğan had a representative capacity and were the public face of the Society. They contributed to nearly all issues of *Liberal Düşünce*, sometimes with more than one essay, and also acted as editors of the journal. Unlike many other members and fellow travelers, who limit their works to their analysis of the Turkish context or to restricted areas of specialization, Yayla and Erdoğan published systematic studies aiming to promote and formulate liberalism as a system of thought and ideology, both in *Liberal Düşünce* and elsewhere. Their analyses of Turkey constituted a frame of reference for many contributors to the journal.

Nonetheless, this emphasis is not an exclusive focus. I refer to other articles as well in order to give a more complete picture and remain particularly attentive to diverging views and specific topics of inquiry. It is only in the last section that I refer to articles published in mass media such as dailies, since the LDT’s goal of alliance with the AKP was most clearly expressed in those venues. I limit my frame of analysis to texts published the 1990s and the 2000s, during which liberalism in Turkey started to be an influential intellectual tradition. The 2000s carry additional import for being the period in which the basic contours of the LDT-AKP rapprochement crystallized.

The rest of the essay is organized in six parts. Part 2 gives a brief history of liberal-inspired ideas in the Ottoman-Turkish setting until the 1990s. Part 3 deals with Mardin’s center-periphery model as the unifying framework guiding the LDT's views on central dynamics in Turkish politics. Part 4 presents the basic concepts and ideas advocated by the LDT with a view to highlighting the broader contours of its particular construal of liberalism. Part 5 takes a step towards examining those concepts and ideas that figure more directly in the LDT’s arguments regarding fundamental political dynamics in Turkey. Part 6 focuses specifically on the arguments themselves, with a view to discerning the LDT’s positioning in the alliance of political forces. Finally, part 7 deals
with more proximate factors of the political conjuncture in the 1990s and the 2000s facilitating the LDT’s appeal for an alliance with the AKP, and the justifying grounds they present in its defense.

2. Liberalism in the Ottoman-Turkish Political Tradition: A Pre-History

In this part, I give a brief presentation of the “liberal” lineage in the Ottoman-Turkish tradition up until the 1990s. In my view, this was a trajectory of liberal-inspired ideas and policies falling short of coherent liberal doctrines. In this sense, it is more accurate to define this period as the pre-history of liberalism in Turkey. This is also why the initiatives such as the LDT represent a threshold in Turkish intellectual and political history.

Starting in the 19th century, individual Ottoman thinkers came under the influence of liberal views, and a number of societies advocating liberal-inspired ideas were established.12 In an article outlining the lineage of liberal-inspired concepts in the Ottoman-Turkish history, Ahmet İnsel notes that these thinkers and groups made concerted efforts to target the “despotism” of the Sultans, while generally agreeing that liberal economic policies were not viable in the Ottoman setting.13

In this earlier period, liberal-inspired ideas were voiced mostly in relation to religious liberty, with a view to redefining the subjects of the Empire as citizens, all equal before the law regardless of religious membership.14 One

12 In his historical overview Ahmet İnsel mentions individual thinkers such as Mustafa Fazıl Paşa, Ali Paşa, Fuat Paşa, Cevdet Paşa, Namık Kemal, Ahmet Mithat Efendi, and Prince Sabahaddin, who expressed liberal ideas during the 19th century. Note that Paşa is the title used for highest ranking Ottoman military-civilian bureaucrats and that surnames were not used in that period. For İnsel, liberal ideas in this period were voiced by the Ottoman elite and expressed an otherwise elitist attitude towards the masses. İnsel, “Türkiye’de Liberalizm Kavramının Soyçizgisi,” 44.
13 Ibid.
14 The basis of pluralism was the Ottoman millet system, the mode of legal and societal organization based on religious communities that were governed according to their internal legislation. The traditional millet system was premised upon a hierarchical stratification in which Muslims (millet-i hakime) had higher status than non-Muslims (millet-i mahkume). The Citizen Law of 1864 replaced the hierarchical logic of the millet system with equality before the law regardless of membership in religious com-
main concern of intellectuals in this period was to counteract centrifugal tendencies created by emerging nationalisms in the territories of the Empire. Liberal-inspired views were also shaped within the overall goal of “saving and salvaging the state.” As stated by Özal and Sarıkaya, these ideas were elements of the struggle between competing projects towards this overarching aim. It is in this sense that the main incentive for the liberal-inspired groups in question was not to place limits on political authority as such, but to transfer power from the Sultans to the newly emerging modern bureaucracy.\textsuperscript{15}

Younger officers in the Ottoman Army were among the opponents against the autocratic reign of Abdülhamid II. Both the “pro-liberal” and the “radical reformist” officers were constitutionalists and advocated for vesting authority in a parliament. The radical wing, organized under the title of \textit{İttihat ve Terakki Cemiyeti} (the Committee of Union and Progress - İTC), took over power by a military coup on 30 January 1913.\textsuperscript{16} The İTC swiftly declared the liberal-inspired wing, which defended decentralization and expansion of rights and liberties, to be “non-national,” and suppressed their activities.\textsuperscript{17}

Liberal-inspired political parties established during the early years of the Republic encountered a similar fate. \textit{Cumhuriyet Halk Partisi} (The Republican People’s Party – CHP), which ruled the country continuously more than twenty-five years, did not let the dissident ideas to its ideology survive on the political scene. \textit{Terakkiperver Cumhuriyet Fırkası} (Progressive Republican Party – TCF) and \textit{Serbest Cumhuriyet Fırkası} (Free Republican Party – SCF), established in 1924 and 1925 respectively, incorporated liberal economic policies and the expansion of political liberties in their general outlook, while adopting the statist-nationalist tenets of the Republican regime. Both parties soon became unanticipated centers of attraction for opponents of the regime and were abolished within a short period of time.\textsuperscript{18}

\textsuperscript{16} İttihat ve Terakki Cemiyeti (CUP) was founded in 1889 by a groups of radical reformist officers in the Ottoman army. They nonetheless saw the overthrow of autocracy as the first step towards radical social and transformations the constitutional government was expected to carry out. Ahmad, \textit{The Making of Modern Turkey}, 34.
\textsuperscript{17} İnsel, “Türkiye’de Liberalizm Kavramının Soyçizgisi,” 57.
\textsuperscript{18} The \textit{Serbest Cumhuriyet Fırkası} (Free Republican Party – SCF) was established on
Statist-nationalist imperatives also made a deep impact on individual liberal thinkers of the period. As Simten Coşar argues, liberal thinking in the earlier years of the Republic was shaped within the encompassing framework of the “Republican intellectual layout.”

The liberal intellectual of the early-republican era was caught between the inevitable acquiescence to the state on the one end, and opposition to the particular policies of the CHP, on the other. The acquiescence was inevitable since s/he had an organic connection to the state. In other words, the Republican intellectual was attached to the state both in institutional and existential terms, while s/he took on the responsibility on enlightening the public in order to inculcate the national consciousness that was perceived to be vital for modernization.

Each and every school of thought of the period reflected the mark of these dominant ideas and priorities. “Liberals” were no exception to this trend. Coşar argues that this state of affairs led them to compromises with undemocratic measures and subordination of democracy to “higher statist values.” Saving and salvaging the state always took priority in the minds of liberal-inspired intellectuals as well.

A uniquely significant political actor was the Demokrat Parti (Democrat Party – DP), which won a landslide victory in 1950 and formed the first government of the multi-party period. While in government, the DP implemented a political program that was responsive to the cultural demands and sensibilities of the populace, such as expanding the realm of religious liberties. On the other hand, the DP had a majoritarian understanding of democracy, based on accepting the ballot-box as the only source of “national-will.” By the third term of its government, a wide coalition of various social sectors was assembled against its mounting authoritarianism,

direct orders of Mustafa Kemal in 1925 under the leadership of his close associate Fethi Okyar.

20 Coşar, “Liberal Thought and Democracy in Turkey,” 72. A similar argument is developed by Ayşe Kadioğlu, who discusses the formative impact of republican ideas on oppositional discourses by focusing on Islamic discourse. See Kadioğlu, “Republican Epistemology and Islamic Discourses in Turkey in the 1990s.”
21 Coşar, “Liberal Thought and Democracy in Turkey,” 75.
22 Ibid., 82.
23 Zürcher, Turkey: A Modern History, 244.
and the party was toppled and dissolved by a military intervention on 27 May 1960.24

During 1960s and 1970s, in which the Marxist-Leninist ideas dominated public debate and intellectual and academic bodies, the defenders of liberal ideas faded away. The 1980s were the period in which the advocacy of a liberal economy without an accompanying political content reached its height. This decade was the scene of rapid transformation during which the existing economic model was demolished to give way to a liberal economy.25 It was only after the military coup on 12 September 1980 that it became possible to implement a radical program of restructuring launched earlier that year. The military junta became the main driving force of economic liberalization, as was the case in Latin American countries such as Argentina and Chile.26

The route towards liberalization of the economy continued in the following years with significant yet contradictory policies for expanding the realm of rights and freedoms. Anavatan Partisi (Motherland Party – ANAP), founded and led by Turgut Özal, emerged victorious, establishing a single-party government.27 The ANAP was a unique blend of liberalism, nationalism, and statist authoritarianism.28 The party pushed forward the goals of the economic program while displaying an ambiguous stance in other areas. On the one hand, martial law was lifted in large parts of the country, rights and liberties of the individual were expanded, and the right to individual application to the European Court of Human Rights was recognized. On the other hand, the party held an organic conception of society.29 Strengthening the executive and the ideal of non-ideological and technocratic approach to society went hand in hand with methods of problem-solving that sought to circumvent political debate and contestation.30

24 Geyikdağ, Political Parties in Turkey, 89.
26 Keyder, State and Class in Turkey, 192.
27 Gaining 45 percent of the general vote.
28 Party leaders, on the other hand, summed up the Party’s broader outlook as the union of “four strains”: liberalism, conservatism, nationalism, and Islamism. Kalaycıoğlu, “The Motherland Party: the Challenge of Institutionalization in a Charismatic Leader Party,” 45.
29 Bora, “Turgut Özal,” 689-701.
30 The fact that Prime Minister Özal was nicknamed as the “fixer” symbolically summa-
Advocacy of liberal economic policies without coherent political content was the tendency dominating the intellectual plane as well. Coşar discusses works by Aydın Yalçın as part of the lineage of liberal thought in Turkey. Yalçın is a particularly important figure for the LDT, since most of its members were former disciples of him. Coşar argues that:

Like Ağaoğlu, Yalçın, also, is one of the prominent intellectuals who best characterize the liberal ambivalence with the Republican intellectual layout. His and Yeni Forum circle’s extensive support for the 1980 coup d’état confirms this ambivalence. As in the case of Ağaoğlu, this ambivalence should again be read within the parameters of the statist-nationalist paradigm, which almost turns the liberal stance into a preference to capitalism, devoid of a systematic liberal political content. The political content is, in turn, filled with the sanctity of the state and nation as the highest values in themselves.

On the part of liberal intellectuals, Coşar argues, this state of affairs led to compromises with undemocratic measures and subordination of democracy to “higher statist values.”

I concur with Coşar’s assessment, and argue that liberal strains emerging in the 1990s engaged with the state-centered political culture in Turkey by developing a framework of analysis with a view to problematizing the state-society relationship in this particular historical context. I, furthermore, claim that the main concepts and modes of analysis underlying this endeavor can be found in the “center-periphery” model developed and most forcefully represented by Şerif Mardin.

As will be explicated below, Mardin defines the main axis of conflict in the Ottoman-Turkish setting as the confrontation between a strong center and a weak periphery. Mardin’s center-periphery model was already powerful in academic circles starting in the 1970s. In the 1990s, this approach was revitalized and became a reference point for some breeds of liberal political critique; most significantly, the LDT. In this sense, this theory can be seen as the framework within which fragmented liberal ideas and concepts were

rizes the period. See Bora, “Turgut Özal,” 597-8.
31 Aydın Yalçın (1920-1994) was the main theoretician of the Serbest Cumhuriyet Fırkası. He was also among the founders of the Yeni Forum (New Forum) circle, from which the LDT broke away during the 1980s.
32 Coşar, “Liberal Thought and Democracy in Turkey,” 78.
33 Ibid., 82.
merged towards a systematic analysis of politics in Turkey. In the next part I present and discuss this model.

3. Mardin’s “Center-Periphery” Model: A Key to the LDT’s Understanding of Turkish Politics

In his influential article “Center-Periphery Relations: A Key to Turkish Politics?” (CP from here onwards), Mardin argues that the Ottoman Empire had unique characteristics that have an ongoing impact on politics in contemporary Turkey; namely, the structural distinction between a strong and highly integrated center and a heterogeneous and dispersed periphery. Mardin further claims that this state of affairs also accounts for the distinct trajectory of Ottoman-Turkish modernization. I will give in broad outline the general framework of Mardin’s thesis before dealing with the way he explains major historical developments in the Ottoman Empire and Turkey.

In CP, Mardin provides a historical-sociological investigation of the Ottoman-Turkish socio-political structures and their evolution from a patrimonial empire to a modern, secular nation state. His perspective is also comparative, as he analyzes dynamics in this setting against the background of European counterparts. Mardin’s investigation leads to the conclusion that the two models differ in several respects, and have led to two distinct routes to modernization.

To summarize Mardin’s argument in a nutshell, in Europe the relative power of the peripheral forces (the feudal nobility, the cities, the burgers and then later, industrial labor) made it possible that the process of centralization proceeded through “multiple confrontations.” These confrontations, often arbitrated by institutions with legal standing, and the resulting compromises became the driving force behind social integration. As a result, “the center existed within a system of linkages with peripheral elements” in the West. Given the multi-dimensional nature of social confrontations, and their gradual integration to the center, the Western European polity gained a form of flexibility whereby different sections of the society found accommodation in the emerging political society.

34 Mardin, “Center-Periphery Relations: A Key to Turkish Politics?”
35 Ibid., 170.
Analyzing the Ottoman-Turkish case on the basis of the same set of variables, Mardin asserts that the relationship between the center and the periphery took a different form.\textsuperscript{36} The main difference in the Ottoman setting was that the tradition of “multiple confrontations and integration” characterizing Europe was missing. Instead, Mardin claims, the “major confrontation was unidimensional, always a clash between the center and the periphery.”\textsuperscript{37} The patrimonial bureaucratic elite, as representatives of the center, in this context was distinguished in terms of political power, economic privileges, education, cultural codes, and symbolic status. Their relation to the periphery was motivated primarily by the effort to keep this hierarchical structure intact. On Mardin’s account, the center made use of certain strategies to preserve their status, establishing a tradition hindering the emergence of intermediary structures between individuals and political power:

The operation of the bureaucratic core of the state and the control exercised over the economy and society, regulations on the production and trade of food, the limits placed on land ownership, and the strictness with which it tried to enforce social stratification through sumptuary regulations were all designed to maintain the state’s authority over the nodal points of society.\textsuperscript{38}

This attitude, in other words, was the expression of the center’s skepticism towards the periphery, which was seen as a potentially decentralizing force.

Mardin’s depiction of the center’s policies in the cultural realm is somewhat different from the centralizing drive outlined above. He argues that in the realm of culture:

The center pursued a system of decentralized accommodation toward ethnic, religious and regional particularisms on a highly heterogeneous periphery. The center and the periphery continued to exist as two very loosely related worlds, and no attempt was made for a more complete integration so long as this system of loose ties proved workable.\textsuperscript{39}

It is in this sense possible to argue that culture played an asymmetrical role in the respective realms of the center and the periphery. The unity of the center was established by means of an official “high” culture. Martin

\begin{footnotesize}
\bibitem{36} Ibid.
\bibitem{37} Ibid.
\bibitem{38} Ibid., 173.
\bibitem{39} Ibid., 171.
\end{footnotesize}
contends that, this class was “singularly compact; this was, above all a
cultural phenomenon,” whereas the periphery did not display comparable
cultural unification.\textsuperscript{40} 

The center-periphery model, as explicated by Mardin, serves as the
general ground for the LDT’s analyses of the political dynamics in
Turkey. His thesis on the process of modernization may be an even more
important element in terms of the LDT’s frame of thought. Mardin argues
that Ottoman-Turkish modernization, which started in the 19th century,
followed a distinct route and further deepened the cleavage between the
center and the periphery. In his words:

The confrontation between the center and the periphery was the most important
social cleavage underlying Turkish politics and one that seemed to have survived
more than a century of modernization.\textsuperscript{41}

Mardin further argues that the Republican regime assumed “cultural
unification” as a central component of the nation-building process. The
center – now built around Kemalist secularist-nationalist principles –
foraged a hierarchical and coercive modernization project, which, in turn,
furnished resentful sentiments and reaction on the part of the periphery. The
founders of the Republic also inherited the skepticism of the Ottoman state-
elite towards peripheral forces. On Mardin’s view, the Kemalist founders of
the new regime regarded the periphery as bearers of decentralization, thus,
potential threat to the national-secular character of the Republic.\textsuperscript{42}

Mardin’s analysis of the state-society relationship functions as the
general framework figuring in the LDT’s endorsement of the AKP as the
representative of subdued peripheral forces. The LDT’s appropriation of
Mardin’s model, nonetheless, entails modification of his mode of analysis.

Mardin employs the center-periphery model primarily to analyze the
Ottoman Empire and the earlier years of the Turkish Republic, while
stating that after transition to a multiparty regime the rift between the
center and the periphery diminished, even though it continued to be one
of the important “structural components” of Turkish politics.\textsuperscript{43} In contrast,

\textsuperscript{40} Ibid., 173.
\textsuperscript{41} Ibid.
\textsuperscript{42} Ibid., 182-4.
\textsuperscript{43} Mardin acknowledges that the advent of democratic elections after 1945 narrowed
the gap between the center and the periphery largely through economic interactions.
LDT members advocate the idea that politics in contemporary Turkey is built as strongly around the center-periphery conflict as the periods at the focus of Mardin’s investigation. On this basis, they endorse the AKP as a political party articulating a justified reaction of the periphery in the face of undemocratic and top-down attitude characterizing the Kemalist Republic. I will deal with this issue at length later in the article. Before proceeding to this part, I present the basic contours characterizing the brand of liberalism represented by the LDT, emphasizing the conceptual grounds that may dispose the Society towards affinity with the AKP.

4. The Liberal Thought Society: A General Outlook

Note this, you proud men of action, you are nothing but the unconscious tools of the men of thought, who in humble stillness have often drawn up your most definite plans of action.

Heinrich Heine

A group of intellectuals, mainly composed of academics, came together in 1992 to set up the LDT which became a formal association in 1994. It announced its goal as:

[C]arrying out activities to introduce liberal intellectual tradition in Turkey, and to help spread values and concepts such as freedom, private property, market economy, human rights, libertarian democracy, and the rule of law, justice, peace and tolerance.44

In order to further these goals, the LDT started to carry out various activities such as translating works by thinkers considered key to liberal thought; organizing conferences, seminars, and workshops; starting a web page; publishing numerous books and articles; and establishing a center for advising master’s and doctoral dissertations led by Atilla Yayla and İhsan Dağlı.45

Ibid., 185-7.
44 “LDT’nin Felsefesi.”
45 In 1993, the Liberal Thought Society organized symposiums on Hayek in Istanbul and
A striking point in LDT’s profile is that although left-wing individuals have also been attracted to the Society, its main backbone is composed of individuals with right-wing backgrounds. The LDT initially consisted of academics that were active in nationalist-conservative movements in the 1970s, and became part of a circle publishing the journal *Yeni Forum* (New Forum) in the 1980s. Aydın Yağcı was the chief figure initiating the establishment of *Yeni Forum* and building the circle as a center of attraction for young people. Many among the founding members of the LDT were students of Yağcı and contributed regularly to the Journal with articles and in an editorial capacity.

In the 1990s, the *Yeni Forum* circle was positioned on a course reflecting the dominant political atmosphere in Turkey at the time; namely advocating free markets and privatization, while glorifying the state and the nation. For instance, Yağcı defended the military coup of 1980, expressed increased sympathy towards Kemalism, and systematically endorsed an organic view of society. In the 1980s, the founding members of the LDT gradually disassociated themselves from the circle, in expressed rejection of Yağcı’s increasing identification with what they define as “Kemalist Ankara, and in 1994 it organized the first “Symposium on Liberal Thought in Turkey.” The LDT continues to organize the Congress of Liberal Economists, the Congress of Liberal Political Scientists, and the Congress of Liberal Jurists. In cooperation with the Nauman Foundation, the LDT started organizing weekly seminars. In 1995 it started publishing the *Liberal Bülten* (Liberal Bulletin). In 1996 the LDT established its own publishing house *Liberte*, and it began publishing a journal on economics, *Piyasa* (Market), in 2002. See Denli and Elçik, “Liberal Düşünce Topluluğu: Hegemonya Kurucu Bir Think-Tank?”.

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46 In addition to Atilla Yayla and Mustafa Erdoğan, writers such as Kâzım Berzeg, Cüneyt Ülsever, İlhan Dağ, Ömer Çaha, Taha Akyol, Burhan Kuzu, Can Aktan, Vural Fuat Savaş, Mehmet Barlas, Ali Yaşar Sarbay, Kürşat Bumin, Şerif Mardin, Sami Selçuk, Levent Korkut, Niyazi Öktem, Mesut Yeğen, Altan Tan, Yasin Ceylan, Bekir Berat Özipek, Sedat Laçiner, Kemal Gözler, Kemal Karpat, Osman Can, and more occasionally Mümtaz’er Türköne, Etyen Mahçupyan, Ergun Özbudun, Asaf Savaş Akat, Cengiz Çandar, and Gülay GökTürk have contributed to *Liberal Düşünce*. See ibid., 6.

47 *Yeni Forum* was published as the successor of the journal *Forum* that was established in 1959 by renowned figures such as Aydın Yağcı and Turan Güneş. For details, see Erdoğan, “Liberalizm ve Türkiye’deki Serüveni,” 34.


49 Coşar, “Yeni Forum,” 418.
nationalism and statist conservatism.” 50 As argued by Gürpınar, the idea of organizing as a liberal society of ideas emerged as the outcome of this process of disassociation. 51 This splinter group declared that the Yeni Forum’s theoretical and political orientations impaired any prospects for the flourishing of liberal thought. Gürpınar states that the LDT members not only severed their own ties with the circle but also renounced the very idea of “communitarianism” as exemplified in ideologies such as nationalism and socialism. 52 The Society’s frequently expressed dislike towards ideas and groupings they deem “collectivist” or “communitarian” can, in this sense, be also regarded as self-critique directed towards a particular juncture in their personal histories. 53

The LDT describes itself as a representative of “classical liberalism.” The substantive content of this stance is explicated as a “liberty-oriented and individualistic outlook,” and an ideal of the state reduced to its minimal functions. 54 The Society evokes the prestige of the term “classical,” and regards concern with social justice or redistribution as deformation of liberalism and straying away from the original roots. 55 The sources most frequently cited for the LDT’s interpretation of liberalism are Locke’s ideas of social contract and natural law; Scottish Enlightenment, especially Hume and Smith; and the Austrian School of Economics, Rand, Rothbard, Barry, Berlin, Friedman, Bastiat, Kukathas, and Nozick. Nonetheless, more than anyone, Hayek is the name which characterizes LDT’s system of thought.

The LDT calls itself a “society of ideas” and introduces this as a programmatic goal. The term is defined in contradistinction to political movements and organizations. The web site of the LDT puts this view as follows:

The Liberal Thought Society is not actively engaged in politics. It is independent from political parties. It acts not as a political group, but as an intellectual movement. 56

50 Coşar, “Liberal Thought and Democracy in Turkey,” 86.
54 “LDT’nin Felsefesi.”
55 In the introductory texts of the LDT, welfare liberalism is often called as ‘neo-liberalism.’ See Ibid. See also Bülbül, “Locke, Mill, Hayek ve Liberal Özgürlük Düşünecisinin Gelişimi,” 124.
56 Atilla Yayla states that “The LDT does not take decisions binding all members, does
The conviction that “a man of ideas” will be free and far from political activity – “philosophical apolitica” in the words of Arendt – implies the superiority of contemplative thinking over all other human action, including politics. LDT members explain their commitment to this idea with a variety of arguments. The first one is based on concerns about virtue and personal integrity. Accordingly, politics is ultimately about power, and inevitably predisposes people engaging in it to corruption and loss of integrity. Secondly, even if the problem of personal corruption can be left aside, the fact that the political sphere is essentially a realm of compromises, alliances, and simplifications – even demagogy and opportunism – will ultimately assert a degenerating influence on intellectual activity. Thirdly, politics is a second-rate activity due to being a collective sphere of action including an emotional moment. As opposed to “collectivism” which functions by mobilizing emotions, liberalism, being an ideology based on reason and the individual, needs to be positioned in the sphere of intellectual battles.

The LDT regards the content of public policy as more important than the identity of the implementers. In addition, due to the point of view that defines contemplative thinking and political activity in a potentially conflictual relationship, it is argued that the “thinkers” and the “practitioners” be set apart in different cadres. The main goal of the LDT

not give press conferences, issue declarations, organize meetings or demonstrations, or speak in the name of a collective identity. The fact that both formal and informal kinds of membership are possible is also devised in relation as a necessary condition of flexibility.” See Yayla, Fikir Hareketleri ve Liberal Düşünce Topluluğu, 19-23. See also Yayla, Liberalizm, 156-7 and “LDT’nin Felsefesi.”

Man is used by choice due to lack of interest on part of the LDT in issues related to woman and gender.

Arendt, İnsanlık Durumu, 45.
Erdoğan, “Siyasi Ahlak.”
“LDT’nin Felsefesi.” See also Yayla, Fikir Hareketleri ve Liberal Düşünce Topluluğu, 17.

For the LDT, fascism and socialism, are “collectivist” ideologies. The Liberal Düşünce journal allocated issue no. 33 and no. 35 to the topics of socialism and fascism, respectively. See also Yayla, Fikir Hareketleri ve Liberal Düşünce Topluluğu, 46; Erdoğan, “Sol Nedir,” 107-14; and Yayla, Liberal Bakışlar.

Yayla and Mahçupyan, Liberallik Demokratik Tartışması, 17.
In Gramscian terms, the point of view which puts the “wiseman” and the “demagogue,” the philosopher and the man of action within the person in conflict. See Gramsci, Modern Prens, 113.
is described as producing theory and political critique beyond the reach of day-to-day politics that could exert a corrupting influence on the process of contemplation. Policy proposals derived from these theoretical formulations would thereafter be transmitted to a layer of “practitioners” composed of politicians, bureaucrats, and technocrats.\textsuperscript{64} In this way the negotiations and compromises required by practical political activity would take place at a safe distance, so that they do not interfere with the purity of the systems of thought. The often-quoted and repeated argument on the “power of ideas” inspired by Isaiah Berlin is accepted as an expression of the transformative potential of ideas produced above the fray of political conflict.

This approach counter-positions conception to implementation, thinking to acting, and also sets apart reflection and practical transformation temporally. A significant implication of the distinctions proposed is the intellectual disqualification of political activity. The Society positions itself as a provider of politically effective conceptions to be made available for the “practitioners.” In keeping with this goal and with the self-confidence that came with the increased public visibility and significance acquired in the 2000s, the Society declared the intention of functioning as a “think-tank.”\textsuperscript{65} As I will show later, the rapprochement with the AKP, as it is envisioned by the LDT, is based on this vision, and the Society publicly declared the goal of providing theoretical perspective and policy proposals for the AKP.

Despite its explicit distance from political activity, the LDT puts forward a number of ambitious programmatic goals, such as the liberalization of institutions and political culture in Turkey. This aspiration implies much more than establishing liberalism as a successful ideology. What is at stake here is the embodiment of liberal thought in basic institutions; in other words, institutional reforms and concomitant transformation of values and mentalities. The scope and ambition of the proposed goal burdens the Society with the task of formulating the relationship between liberalism as an abstract system of thought and liberal politics.

The LDT’s response to this question can be summed up as “influencing politicians and decision-makers without engaging in politics.”\textsuperscript{66} The

\textsuperscript{64} Yayla, \textit{Liberal Bakışlar}, 46.

\textsuperscript{65} Yayla, “Fikir Hareketleri Üzerine,” 20.

\textsuperscript{66} On the official web page of the LDT, it is declared that the “LDT is not engaged in political activity; it is not affiliated with any political party. The LDT is not a political movement but a society of ideas.” See “LDT’nin Felsefesi.”
LDT’s main goal as a society of ideas is declared as bringing together intellectuals with public visibility and academics from various disciplines. Yayla describes their main strategy as a combination of “intensive growth” and “extensive growth.” Intensive growth is defined as the production of “star intellectuals,” while extensive growth entails intellectual production in all academic fields for dissemination of fundamental liberal ideas and perspectives. The LDT, in this way, seeks to appeal to more demanding layers of academics and intellectuals to help build the Society as a center of attraction. Nonetheless, the ultimate addressees of the analyses and policy proposals made by the LDT are declared to be politicians and public policy makers.

So far, I have outlined the most general contours of the LDT’s liberalism. In the following sections I deal with those positions that have immediate relevance to the Society’s rapprochement with the AKP.

5. On Politics and Democracy: Basic Parameters for Limiting Political Power

According to the LDT’s understanding, politics has a secondary and derivative function, and its place in societal life must be limited accordingly. The priority of the individual and the secondary and derivative role assigned to politics have created a propensity towards viewing most collective efforts with skepticism. Concepts such as the common good, public interest, or popular sovereignty are treated with misgivings and as potential antagonists to the freedom of the individual. For example, Atilla Yayla mentions the ambiguity of the concept of collective interest and claims that the idea can only be formulated as the sum of individual interests, though he deems this formulation as “falling short of adding flesh to the concept”:

This kind of an addition or subtraction cannot be made, even if one could do it in theory; it is not possible in practice. It is a rare instance that everyone agrees on a given topic and it is only in these circumstances that we can talk about the presence of a certain common interest. For example, as mentioned by Spencer, the issue of national defense is one of the rare topics where everyone might agree and one can

68 “LDT’nin Felsefesi.”
claim the presence of a ‘common interest’. It makes no sense to talk about common interest except in a few other exceptional cases.\textsuperscript{70}

The description of democracy most frequently encountered in the writings of the LDT members expresses an understanding that is limited to a vague notion of “political participation” and to the communication of political choices to decision-makers. This idea finds its clearest and most literal illustration in Yayla’s thought system who does not even grant a permanent position to democracy in designing an ideal society:\textsuperscript{71}

Democracy cannot be regarded as a ‘single, universal criterion’ in assessing the human condition and existence. . . Above all, democracy is not the only instrument at the service of the values it is expected to serve. At least there are other instruments which are just as important as democracy.\textsuperscript{72}

Surely, this stance is not about attaching no value at all to democracy. Rather, it reflects a view that ascribes derivative, and thus, limited significance stemming from the essential principles to be protected by democracy. Democracy, thus, appears as only one historically contingent method among many in service of safeguarding these central values and principles; in particular, individual liberty.\textsuperscript{73}

Deliberating on limiting political power is, therefore, a central concern for the LDT. This is a topic pursued with a sense of urgency, also with respect to the state-society relations in Turkey. The LDT’s generic suspicion of democracy and politics can be understood in this framework as well. To outline briefly, the LDT employs three basic and interlinked parameters that also function as the basic values and spheres of life that should be protected against intervention by political power. These are:

1. Private property and free markets
2. Individual liberty
3. The realms of cultural and religion, understood to include the lived traditions of the society

\textsuperscript{70} Yayla, “Liberal Düşünce Topluluğ’unun Doğuşu, Gelişimi ve Geleceği Üzerine,” 45.
\textsuperscript{71} Yayla, \textit{Demokrasiyi Koruma Kilavuzu}, 70.
\textsuperscript{72} İbid.
\textsuperscript{73} Yayla and Mahçupyan, \textit{Liberallik Demokratlık Tartışması}, 17.
Given the aforementioned understanding of politics dominant among the Society’s members, the topics that will be presented in the following sections should be understood to apply to political movements as well. The next three sections are dedicated to this discussion.

5.1. Private Property and Free Markets

The main references for the LDT’s views on free markets and private property are the concept of “spontaneous order,” and the idea that property as a natural phenomenon. Spontaneous order is a concept employed by Friedrich von Hayek in his construction of the free market as an epistemic position. Based on the suggestion that information in the society is dispersed and fragmented, Hayek presents the market as achieving legitimate and effective coordination of different activities by different people, and defines it as a form of relation which does not follow from an integral and rational blueprint.

The LDT’s conceptualization of the market in terms of spontaneous order is coupled with an understanding of private property as part of the natural order of human social life. According to this view, property is not something created legally or politically. Rather, it is a natural and privileged aspect of human existence. The LDT understands private ownership and free exchange of property both as forms of liberty and as the pillars enabling the enjoyment of other fundamental liberties. In consequence, LDT members identify an economic system based on private property and free markets as a major prerequisite for a liberty-safeguarding political order. As exemplified by İhsan Dağlı, removing the organization of economic activity from state control is accepted to be a major instance of fighting concentration of political

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74 See Hayek, Hukuk, Yasama ve Özgürlük: Kurallar ve Düzen.
76 Yılmaz, “Hayek’te Piyasann Epistemik Rolü,” 140.
77 Yılmaz, “Hayek’te Piyasann Epistemik Rolü,” 144. See also Sandefur, “ Özgürlüğün Köşe Taşı,” 51-52; and and Morris, “Mülkiyet Haklarının İktisadi,” 25. My references for this point include translated articles published in no: 53-54 of Liberal Düşünce, since the editorial of the issue explicitly states that these texts are selected to reflect the views endorsed by the LDT. Akin, “Takdim,” 1.
power.⁷⁹ It is on this basis that LDT members advocate placing private property and free markets beyond the reach of intervention by the state, as well as of democratically expressed demands from below.

5.2. Individual Liberty

As for individual liberty, the LDT’s members converge to identify individualism in terms of its “normative, as well as ontological and methodological dimensions.”⁸⁰ Normative individualism is described as taking the individual as the sole subject of rights and liberties, and making the protection of the liberty of the individual a priority. Ontological individualism is defined as limiting the essential subject status to the individual, and excluding groups, communities, and other collectivities. Methodological individualism is defined as taking the individual as a point of departure for social analysis.⁸¹

It is my contention that the LDT’s conception of individualism is, ultimately, submerged into a discussion of the claims that communities and organizations have against state intervention. This is the point where the members of the LDT make one of their extremely rare references to John Rawls. In his later works, Rawls concentrated on the concepts of pluralism and tolerance, as opposed to “comprehensive” understandings of liberalism which aim to regulate all social fields in line with liberal doctrines.⁸² Mustafa Erdoğan adopts this new understanding (or emphasis) by Rawls, and states that the application of liberal principles must be limited to the basic institutional structure of the society. Therefore, if they wish so, individuals will be able to lead their social, familial, and associational life in line with non-liberal beliefs or world views.⁸³

One of the biggest advantages of Rawls’s approach is having a lucid proposition for how a liberal regime can be supported and maintained by “non-liberal” doctrines. What is particularly significant for Erdoğan, however, is drawing as thick a line of demarcation as possible against

⁷⁹ Dağlı, “Kemalizm İle Nereye Kadar?”; Sandefur, “Özgürlüğün Köşe Taşı.”
⁸¹ Yayla, Fikir Hareketleri ve Liberal Düşünce Topluluğu, 9-17.
⁸² Rawls, Political Liberalism.
state intervention into these spheres with little regard to the actual content of values and principles regulating them. He posits social, familial, and associational life as the setting in which the individual enjoys and realizes her liberty. Political intervention and design in these areas, consequently, is rejected as infringements on the freedom of the individual.84

A similar perspective is illustrated by Yayla’s discussion of the abortion issue. Yayla, who actually places a stronger emphasis on the individual than Erdoğan, argues that having an abortion is a matter of individual choice, and any relevant debate should be among the immediate circle of family and friends.85 Yayla does not deal with the question of upon which criteria legal arrangements on the issue should be based. Neither does he provide an argument adequate to infer any conclusions. Yet he is clear in emphasizing that such matters are “deeply private” in nature and must be shielded from any kind of “ politicization” that would entail removing the normative shield around an individual right and, potentially, expose it to state interference.86

The LDT, in this sense, endorses a notion of individual liberty in which the state is identified as the main threat. What is missing in this picture is the relationship between values entrenched in these “civilian” domains of life and possible areas of conflict with the basic principles of a liberal public-political order. A similar sense of urgency colors the LDT’s discussions on culture, tradition, and religion.

5.3. Culture, Tradition, and Religion

Developing a critique of the state-society relationship has been among the initial steps taken towards systematic liberal political critique in Turkey. The LDT’s conceptualization of culture, tradition, and religion represents an example of this stance. According to the LDT, the cultural life of a society—including its institutional embodiments, related ways of thought, behavior, and mindsets—has its own dynamics. Erdoğan articulates this idea by stating that:

86 Reversing a well-known slogan of the feminist movement: for the LDT, the personal is not political.
These areas of life are ‘continuous’ in nature. The emergence of new attitudes and mentalities should be closely linked with the deep-rootedness of the existing institutions and practices.¹⁷

Even though the LDT holds a generally reformist attitude on political and legal institutions, the realms of culture and traditional and religious ways of life are carefully excluded from the reach of such ambitions. This stance is expressive of the unique characteristics attributed to these spheres and the basic conviction that they have their own regularities and rhythms of continuity and change.¹⁸ Reformist intentions in these realms are considered to be downright harmful.

This standpoint reflects certain conservative overtones. The LDT’s members develop no critical perspective on oppressive cultures, traditions, and religious ways of life. The lack of elaboration on the issue becomes all the more significant considering LDT members’ frequently voiced ideas on the absence of a liberal culture in Turkey. Despite this diagnosis, much of their theorizing on the subject seems to be motivated by the aim of criticizing the centrality of the state in Turkish political culture. Arguments on the topic are pronounced to support a broader aversion against designing the society according to a certain “goal,” and often in the context of a firm critique of the state tradition in Turkey.⁹⁹

The most important extension of this argument is a systematic critique of Kemalism and the modernization project pursued by the Kemalist cadres. The subject is tenaciously brought up in the LDT’s journal Liberal Thought, and is among the rare subjects that most every member of the Society has written or uttered something about. In my view, arguments developed on this topic weigh most significantly in the LDT’s analysis of the central dynamics and actors in Turkish politics. In the next section I deal with more specific theses of the LDT on the state-society relationship in Turkey, and with the particular place they assign to Kemalism in this context.

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¹⁷ Erdoğan, “Türkiye’de Sivil Toplumun Gelişmesi İçin Devlet Değişmeli,” 190.
⁹⁹ Ibid., 7.
6. Kemalist Modernization: Continuity and Rupture

The LDT members claim that politics in Turkey is structured around a strong and centralized state represented by the “military-civilian” elite. To summarize the LDT’s arguments:

1. The military-civilian elite consist of high-ranking officers in the Armed Forces, high level judges and attorneys, and in particular, Supreme Court justices.
2. Their power is status-based, and derives from the key positions they hold in the state.
3. The cultural and ideological make-up of the group is Kemalism, adherence to the official secularist doctrine, and veneration of Western culture.90

The LDT’s members relate the aforementioned nature of politics in Turkey to the heritage of Ottoman state tradition. They, nonetheless, elaborate on novel factors, marking the Republican era as a pronounced rupture. I analytically separate these two instances of continuity and rupture for the purpose of clarification.

The facet of continuity, for the LDT, rests on the state tradition characterizing political life in the Ottoman-Turkish setting. On this perspective, the main political cleavage in Turkey does not follow the line of confrontation between classes or political ideologies as it is the case in the West.91 Most every major conflict is, instead, related to the centrality of the state and the subordinated status of the society.

The facet of rupture, on the other hand, is based on the idea that the Kemalist project of modernization both modified and intensified this tradition. The cultural aspect of modernization during the Republican era is key to this argument. Yayla argues that while the Ottoman bureaucratic elite did not attempt to transform the culture of the periphery, Republican cadres pursued a policy of total transformation aiming to install a secular national

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90 It is important to note at this point that the LDT follows a firmly entrenched convention in Turkish political language by making a distinction between the state and the government. This distinction holds the state to be of a continuous nature, with relatively established traditions and predispositions. The government, in contrast, is temporary and variegated.

91 For an illustration of this argument, see Mustafa Erdoğan, “CHP’ye Dair,” 123.
identity and a westernized way of life. Put more overtly, he states that the Kemalist goal of creating a “new society and new man” gave the regime an authoritarian character.

At this point I would like to revisit Gürpınar’s argument on the ideological positioning of the LDT as an antagonist of the left. In my view, it is possible to identify two facets of the LDT’s stance. On a universal plane the LDT’s brand of liberalism is indeed construed vis-à-vis Marxist and other broadly socialist ideologies. On the local level, however, Kemalism is pointed out as the main adversary, embodied and still entrenched in state institutions. Secondly, both the radical/Marxist left and Kemalism are criticized and rejected on the grounds that they are both “Jacobin”-homogenizing-centralizing visions of top-down transformation; through coercive use of state power if need be. In this sense, Gürpınar’s and my arguments are not necessarily incompatible, provided that we emphasize the formalistic aspects of these ideologies rather than the substantive content of their respective visions.\(^92\)

Opposition to Kemalism is located centrally in the LDT’s political analysis and critique. It is therefore important to explicate tenets of Kemalism as interpreted by the Society. In the next section I deal with more specific aspects of this opposition, which forms the closest point of contact between the LDT and the AKP.

6.1. Kemalism and “Bureaucratic Dominance”

The LDT’s members define the Republican era as the rule of a bureaucratic cadre seeking to design the entire society by using the legal, political, and bureaucratic means at their disposal. One significant factor in this respect is the intervention capacity of the modern nation state commanding rational bureaucracy, centralized education, and other means of social engineering.\(^93\)

An incomparably more important factor, however, is the official ideology of Kemalism. Kemalism is mainly regarded to be an outlook or approach combining elements such as positivism, French anti-clericalism, a dogmatic

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93 Özipek, “Gayri Müslümanların İnsan Hakları Sorununu Tartışmak: Kaygılar ve Sorular,” 122.
and vulgar understanding of scientism, laicism, faith in progress, and solidarity. In the words of Bekir Berat Özipek, Kemalism reflects:

A Cartesian rationalist or ‘constructive rationalist’ approach reflecting belief in the possibility of constructing an ideal world modeled on one’s own ‘perfect’ projects from above, if necessary forcefully.94

For Özipek, such notions enabled pursuit of ambitious goals of radical reconstruction, during the establishment of the new regime, and functioned as the main pillars upon which the project of social engineering was built.95

According to the LDT, Kemalism—as an outlook or perspective—established a point of reference for the state-elite in their venture of radical transformation of society through coercive use of state power. For Ahmet Helvacı the foundation of the Republic of Turkey represents a major breaking point. He traces the role of the civilian and military bureaucracy, and categorizes the Ottoman Empire and the Republican era as distinct periods in terms of the particular forms that state dominance over society takes. Helvacı reaches the conclusion that while the Ottoman Era can be summarized as “sacred state versus servant people,” the Republican Era is characterized by “state versus people.” Put in his words, the Kemalist bureaucracy in the Republican era is defined by the “passion to put the society in order.”96 To LDT members, “bureaucratic dominance” is the primary concept developed to explicate this claim.

According to the LDT’s rendering, “bureaucratic dominance” in Turkey pertains to the status and the role of the state-elite. The concept entails the existence of a bureaucratic class identifying itself completely with the preservation and maintenance of the state.97 This group enjoys a great deal of autonomy vis-à-vis civil society, and pursues a policy based on its own “state-centered interests developed independently of society.”98 Erdoğan argues that the bureaucratic class in the Republican era has “habitually

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94 Ibid., 127.
95 Ibid.
designated goals for the society.” He claims that their status as a body entitled to such privilege is, in turn, legitimized through glorifying the state as a “sacrosanct” entity:

What the elite means by the ‘State’ does not correspond to a particular apparatus or institution, but to a ‘transcendental’ entity independent of and above the society; a ‘sacred’ domain. This entity is written in capital letters, just like Allah.99

The LDT is publicly recognized to be a stern critic of Kemalism. The concept of bureaucratic dominance seems to introduce a broader perspective on which the role of Kemalism is somewhat relativized. In this framework the privileged status of the state-elite figures prominently, which, in turn, injects a certain flexibility and adaptability into the doctrinaire contents utilized by the state-elite.100 Yürüşen argues that the Turkish tradition of bureaucratic dominance implies that even the most radical ruptures can, ultimately, be welcomed so long as the privileged position of the bureaucratic class is not challenged.101

This group sees its survival in terms of continued power in the state even though the apparatus itself can go through the kind of change required for its perpetuation. Political and institutional reforms could be adopted so long as the privileged position of bureaucratic cadres within it remains unchallenged.102

On this view, the main impetus for the state-elite has been elevating their particular interests beyond the reach of demands for change.103 Yürüşen points out the earlier years of the Republican regime—between 1922 and 1935—as the period in which this goal was decisively pursued.104 He argues that the bureaucratic class gained exceptional vitality by the end of this period, and ensured that their privileged status was entrenched in the institutional structure:

Each and every modern institution was structured in accordance and harmony with this goal, and its underlying mentality was transmitted to all members of the

101 Ibid., 36.
102 Ibid., 37.
103 Ibid., 36.
104 Ibid., 40.
bureaucratic class with a special sense of mission. . . In the aftermath, bureaucratic dominance was pursued and maintained in accordance with the sensibilities of this class; just like it was the case throughout the Ottoman Empire.105

The unifying principle of bureaucratic dominance, on this account, is not Kemalism as such but the goal of maintaining the dominant position of the state, and the privileged status of the bureaucratic elite in it. Even though the LDT’s opposition to Kemalism is a major aspect of their general outlook and public visibility, flexible pursuit of self-interest appears to be identified as the deeper logic.

The bureaucratic dominance in the LDT’s thinking is studied with respect to two variations: the total bureaucratic dominance which reigns in the single-party regime, and “bureaucratic tutelage” as the predominant version which continues after the transition to a multi-party system. I will try to draw these two contours to elaborate on basis of the LDT’s critique of Kemalism.

6.2. The Single-Party Regime: Total “Bureaucratic Dominance” of Politics

Along with the years under junta rule, the LDT considers the single-party regime as the period epitomizing the Kemalist process of modernization in its purest form.106 The regime in this period is seen as one allowing no genuine participation or representation of the periphery. In the absence of legitimate channels of opposition, the argument goes, the state was employed as an apparatus in order to radically transform the social and cultural fabric of the society in accordance with Kemalist priorities.107 Erdoğan states that:

The earlier years of the Republic is the era in which the passion to put the society in order reached its zenith, and the society has been almost entirely engineered by the state in accordance with the principles of the official ideology.108

105 Ibid., 41.
107 Erdoğan, “Islam in Turkish Politics: Turkey’s Quest for Democracy without Islam,” 106.
108 Erdoğan, “Türkiye’de Sivil Toplumun Gelişmesi için Devlet Değişmesi,” 106.
Moreover, any comparison made between the Ottoman Empire and the Republic is concluded in favor of the former. Yayla contends that the Ottoman Empire of the 19th century was the scene of bourgeoning associational life, as well as gradual steps towards modernizing the Ottoman political structure. He points out that reforms such as the Citizenship Law in 1864 were attempts at political modernization while keeping the pluralistic structure intact.\(^{109}\) The Republican era, for him, signifies the termination of this process by the homogenizing logic of Kemalism, thus causing major impoverishment and a change for the worse.\(^{110}\)

6.3. The Pendulum Swing of Democracy in Turkey: “Bureaucratic Tutelage”

“Bureaucratic tutelage” is a catch-phrase frequently used by the LDT members to denote the power of the civilian-bureaucratic elite on Turkish politics. I now analyze the specific meaning assigned to the term as an instance of the “bureaucratic dominance” thesis.

I argue that the LDT employs what I call the “pendulum swing model of democracy” to understand the political history of Turkey during the multi-party regime.\(^{111}\) To summarize using Mardin’s terminology, a measure of accommodation of the periphery’s demands is provided for by political parties and free elections, whereas successive military interventions (in 1960, 1971, 1980 and 1997) are instances of Kemalist restoration.

\(^{109}\) For the Ottoman \textit{millet} system, see footnote 15 above.

\(^{110}\) Yayla, “Kemalizme Liberal Açidan Bakınc”, 11. This stance—also shared by the majority of the LDT members—is indicative of a departure from Mardin’s theorizing, for Mardin identifies certain aspects of the modernization process that led to intensification of the center-periphery conflict also in the Ottoman setting. The LDT, on the other hand, pronounces the Republican era as a more manifest rupture.

\(^{111}\) The central-right parties, starting with the Demokrat Partisi of the 1950s, are accepted to be the principle political actors articulating the demands and interests of the periphery. The fact that parliamentary history in Turkey was dominated by central-right parties and that the military coups took place during central-right governments is cited to support this claim. Erdek, “Türkiye’nin AB’ye Tam Üyelik Sürecinde Sivil-Asker İlişkilerinin Genel Görünümü,” 286; Erdek, “Türkiye’de Sistemsel Kriz ve Siyasal Yansımının Analizi,” 97.
Bureaucratic tutelage can also be seen as a concept used in order to draw attention to the limits of this accommodation. Military introduced constitutions, constitutional modifications, and institutions such as judicial review are given special import as instruments utilized by the state-elite to hold the periphery under control.\textsuperscript{112} Mehmet Turhan declares these institutions to be little more than vehicles in the elite’s struggle to bias the political field against those who have to rely on the ballot-box in order to have their voice heard. In his words:

The judiciary is a means of sustaining bureaucratic tutelage over politics after the armed forces withdraw into their barracks.\textsuperscript{113}

The Turkish Constitutional Court established in the aftermath of the 1960 military intervention and furnished with the power to annul legislation and disband political parties, is given a pivotal role in this context.\textsuperscript{114} In the words of Turhan:

The Constitutional Court is an entrenched position of the Kemalist elite, and ever since the periphery gained representation in party politics, the Courts have been employed to curtail the power of the parliament to transform the existing legal framework. In this way, the constitutional frameworks introduced by military regimes have been maintained against parliamentary majorities representing demands for change from below.\textsuperscript{115}

The \textit{Refah Partisi} disbanding case and the case on the banning of Islamic headscarves in universities can be named as the two main examples of what

\textsuperscript{112} Turhan, “Anayasa Mahkemesi, Hak ve Özgürlükler,” 215-27.
\textsuperscript{113} Ibid., 219.
\textsuperscript{114} The 1961 Constitution marks a turning point in the constitutional history of Turkey by virtue of bringing the assembly government system to an end, and by introducing a pluralist model of checks and balances. The 1961 Constitution established a bi-cameral parliament consisting of the National Assembly and the Republican Senate, a powerful and independent judiciary enhanced with measures regarding the security of judges. A liberal framework for the protection of civil rights and liberties, and non-majoritarian institutions, such as the National Security Council, the State Planning Organization, and the High Council of Judges were also part of this radical reconstruction. Gençkaya and Özbudun, \textit{Democratization and the Politics of Constitution-Making in Turkey}, 13-15.
\textsuperscript{115} Turhan also identifies both constitutions as “ideological” and vesayeti (paternalist) documents, unlike the constitution of 1924. See Turhan, “Anayasa Mahkemesi, Hak ve Özgürlükler,” 219.
The LDT calls “political battles fought with legal means.”\textsuperscript{116} For the Society, the Turkish Constitutional Court operates with a view to insulating military-made constitutions from modifications by parliamentary majorities, and illegitimately narrows down the political sphere by disbanding political parties.\textsuperscript{117}

To summarize my discussions so far using Mardin’s terminology, the LDT holds the following views of the center and the periphery in Turkey:

<table>
<thead>
<tr>
<th>THE CENTER</th>
<th>THE PERIPHERY</th>
</tr>
</thead>
<tbody>
<tr>
<td>The state-elite</td>
<td>The people</td>
</tr>
<tr>
<td>Kemalist, laicist</td>
<td>Islamic</td>
</tr>
<tr>
<td>Western way of life</td>
<td>Traditional-Islamic way of life</td>
</tr>
<tr>
<td>Appointed civilian and military bureaucrats, not responsive to the electorate</td>
<td>Elected representatives in the parliament, responsive to the electorate</td>
</tr>
<tr>
<td>Armed Forces and the Supreme Courts</td>
<td>Elections and the Parliament</td>
</tr>
<tr>
<td>Maintaining the status quo</td>
<td>Pro-change</td>
</tr>
<tr>
<td>Bureaucratic dominance/tutelage</td>
<td>Majoritarian democracy</td>
</tr>
</tbody>
</table>

The LDT takes the center as epitomizing the idea of constructive reason, aggressive social engineering, and political authoritarianism. Increased political representation of the periphery, on the other hand, is associated with flourishing dynamics of the society, and as a countercurrent against the oppressive policies of the Kemalist state-elite. The LDT cites policies such

\footnotesize{\textsuperscript{116} Ibid.}

\footnotesize{\textsuperscript{117} The LDT’s skepticism towards judicial review is not a generic stance, and it is not the idea of judicial review as such that is being rejected. Turhan describes judicial review as an important institution for hindering degeneration of political power and for safeguarding basic rights and freedoms against the infringements of political authority. Turhan, “Anayasa Mahkemesi, Hak ve Özgürlükler,” 219. Similar views are also expressed in Zühtü Arslan, “Anayasa Mahkemesi’nin Siyasal Partiler Politikası: Ve Çağında Ya-Ya Da’cı Yaklaşımın Anakronizmi Üzerine Bir Deneme,” 7.}
as moving away from *etatist* economic policies, advocating pro-market measures, expanding the realm of liberties, as well as shifting towards a more moderate implementation of secularism, as developments parallel to increasing political representation of the periphery.\(^\text{118}\)

The LDT regards the political traditions finding expression in conservative and center-right parties to be the political actors with the intention and the capacity to challenge the tradition of bureaucratic dominance/tutelage. This tradition, for the LDT, is represented by the *Demokrat Parti* in the 1950s, the *Anavatan Partisi* in the 1980s, and finally by the AKP in the 2000s. Nationalist and Islamist parties (including the *Refah Partisi*), which have a comparatively limited and fluctuating electorate, have neither been given a central role nor discussed in detail, even though they stand on the latter side of the center-periphery divide. This being the case, the LDT finds itself a fellow traveler of the AKP.

### 7. Search for a Political Subject: The LDT’s Vision of a “Liberal-Conservative” Rapprochement

The absence of a liberal-individualist culture in Turkey has been a favorite theme in the LDT’s agenda ever since their opening declaration.\(^\text{119}\) The Society’s members have claimed that individual liberal institutions have been introduced in a selective and eclectic fashion, and suffer from insufficient and frail legitimacy. The idea that liberalism has emerged as a latecomer, fighting against an illiberal status quo has led members of the LDT to regard the transformative potential of a liberal political program to be rather limited.\(^\text{120}\)

Dismal political support received by the liberal political parties established in the 1990s became further evidence for this claim. The *Yeni Demokrasi Hareketi* (New Democracy Movement – YDH) founded in 1994 received 0.42

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\(^{120}\) Erdoğan, “Benim Gözümde Liberal Düşünce Topluluğu,” 25-34.
percent of the vote in the 1995 general elections.\textsuperscript{121} The \textit{Liberal Demokrasi Partisi} (Liberal Democracy Party – LDP) founded the same year remained at a 0.42 percent in the 1999 elections.\textsuperscript{122} The Society established relatively closer contact with the latter party at the time it was launched, yet soon realized the limits of its electoral potential.

According to the LDT, the 1990s represent the birth of various strains of liberal thought proper in Turkey. I concur with this argument, and add that this was also the time when liberal groups realized that the future of liberalism in Turkey was dependent on a larger coalition of forces. As will be explicated below, the Society’s members expressed the view that liberal theses can have higher chances of succeeding in alliance with conservatism.\textsuperscript{123}

On the other hand, the LDT members also argued that this particular state of affairs accounting for the weakness of liberalism in Turkey can, paradoxically, be a source of strength, especially at certain particular junctures. Erdoğan suggests a course of affinity according to which:

\begin{quote}
As the state, which is already detached from the society from an economic, cultural and legal perspective, becomes more and more oppressive, the society gets closer to the language of liberalism.\textsuperscript{124}
\end{quote}

The main assumption Erdoğan makes is that the sectors of the society victimized by authoritarian Kemalist policies have started to develop an inclination or a welcoming mindset for liberal ideas. What is implicitly expressed in this statement is the idea that the conservative sectors of society have opened up their conceptions of the world to internal liberalization by adopting basic liberal ideas and values.

When seen from the perspective of the political analyses developed by the LDT, a call for a liberal-conservative rapprochement is needed for hegemonic positioning of liberalism in the Turkey of the 2000s. The 28 February process stands out as the context which gave the Society the standing to envision a clear-cut alliance. In this period, the LDT launched...

\textsuperscript{121} Under the leadership of Cem Boyner, the president of the Turkish Association of Industrialists and Businessmen.
\textsuperscript{122} Under the leadership of businessman Besim Tibük. The party was not able to participate in the 1995 elections.
\textsuperscript{123} For instance see Arslan, “Türkiye’de Liberal Düşüncenin Önündeki Engeller,” 234.
\textsuperscript{124} Erdoğan, “Liberalizm ve Türkiye’deki Serüveni,” 37.
debates on a variety of topics—including secularism, democracy and the rule of law, freedom of religion and conscience, and the disbanding of Islamist political parties—which significantly increased its public visibility.

LDT members pronounced the idea that the 28 February process is the juncture in which this broader tendency started to acquire flesh and blood. In the words of Erdoğan:

The periphery, characterized by conservatism and the dominance of a variety of Islamic ways of life, resorted to the conceptual toolkit of liberalism to express the trauma of the 28 February process.125

The emergence of the AKP as a powerful political actor pronouncing a “conservative democrat” outlook can be named as another significant factor. Despite their roots in Islamist movements, top cadres of the party have denied any Islamic credentials. From the beginning, the AKP tried to model a political identity for itself based on the advocacy of a free market economy with minimal state intervention in the economic realm, democratization and liberalization in political life, and conservatism in social life.126

The AKP’s self-representation as a conservative-democratic party found resonance in the LDT. The Society’s members did not share the opinion held by the party’s opposition that the AKP had a disguised agenda of establishing a sharia regime. After the AKP came into power in 2002, LDT members commenced their pursuit for an alliance. This aim was given voice in the columns written by members of the LDT in dailies with Islamic sympathies such as Zaman, Yeni Şafak, and Star.

In an article published in the Liberal Düşünce journal, Ömer Çaha argues that the affinity of liberalism with conservatism is an issue with relevance beyond the specific setting of Turkey. He describes the relationship between these two ideologies as something more than mere alliance, and stresses that this as a “relationship of fraternity” or “a kind of symbiosis where conservatism can only survive through getting closer to liberalism.”127 Çaha points at Hayek as the pioneer leading the alliance of these two ideologies, and describes the common basis for liberal and conservative politics as follows:

125 Ibid.
127 Çaha, “Muhafazakâr Demokrasi Liberal Demokrasinin Kardeşidir.” A similar view is expressed by Karakaş, “Muhafazakalarlık ve AKP.”
When we consider the developing conservative politics in Europe and the United States, we realize that issues such as the protection of the family, importance attached to religious and traditional values, fostering of the feelings of charity and solidarity and the preservation of a community-based social fabric are included among the sensitivities of conservative democratic politics.\(^{128}\)

Çaha’s argument can be read as a pronouncement on the brand of liberalism endorsed by the LDT, and the “fraternity” of this particular interpretation with conservatism. More straightforward pleas for alliance, however, have been voiced using specific arguments concentrated on the case of Turkey. Yayla declares his “magical political formula” building on an evaluation of Turkish political history, and asserts that the leaders of conservative political movements have been—at least partly—inspired by liberal ideas and have reflected them in political directions they have taken:

This is what has been repeating itself with the Demokrat Parti, the Adalet Partisi, the Anavatan Partisi and ANAP and now with the AKP. As the liberals are strong and the AKP is weak in the field of ideology, the AKP ends up benefitting in this area. The AKP compensates for its ideological gaps and builds a sounder and more meaningful ground for its activities. The liberals are weak in the social plane where the AKP is strong. That is the area in which liberals benefit from their relationship in terms of expanding their social base. In other words, their contacts with the AKP create a win-win situation.\(^{129}\)

What Yayla voices here is a testimony to his conviction that liberals in Turkey have to rely on non-liberal political parties to be able to put their ideas into practice. Yet, the route he proposes is not a process of hybridization between the two ideologies or mutual interaction in which liberalism may hold the weightier position. What is suggested here seems to be a reinstatement of the LDT’s programmatic targets in a concrete historical context, and with greater clarity. Namely, liberalism will preserve its purity as an abstract system of thought while conservative groups will be attracted to it mainly through their own elite and political leaders. In this context, conservatism seems not to be taken as a distinct ideology or intellectual system, but rather reduced to a sociological quality of large masses in Turkey.

The political vision of the LDT was, thus, based on building a link between liberalism as an abstract thought system and a largely conservative

\(^{128}\) Çaha, “Muhabafazakâr Demokrasi Liberal Demokrasinin Kardeşidir.”

\(^{129}\) Yayla, “AK Parti’nin Liberallerle Zor Ama Zorunlu İlişkisi.”
constituency by appealing to the leading cadres of the AKP. In the envisaged alliance, the LDT members sought to position themselves as an intellectual caste producing political analysis and policy proposals in organic relation to the AKP, also giving conceptual structure and coherence to its policies. The weakness of the contribution to be made in terms of numbers or electorate did not seem to weaken the Society’s hope for a hegemonic positioning in the alliance. In line with their conviction regarding the superiority of the “power of ideas” to mass movements or activism, the LDT seemed to have conceived or imagined the targeted liberal-conservative rapprochement as a liberal-led coalition.

8. Conclusion

In this essay, I focused on the LDT as a central representative of the liberal strains emerging in the Turkey of the 1990s. My main aim was to analyze the underlying concepts and modes of analysis that led the Society to endorse the AKP, and to promote a “liberal-conservative rapprochement.”

My discussion on the LDT’s broader outlook has shown that the Society advocates a species of liberalism that has conservative overtones. According to their understanding, culture and religion are unique spheres of social life, and they should not be the subject of radical transformation projects, even reformist ambitions.

Bringing forward the LDT’s arguments on the social and political dynamics in Turkey was the next task I pursued. I find that the Society’s members analyze the historical experiences in the Ottoman-Turkish setting in terms of a conflict between the center and the periphery. In this view, the center in the Republican era is represented by the Kemalist state-elite, who enjoy authoritarian control over institutions. The Armed Forces and the judiciary are key to maintaining their status and privileges. The demands of the people have been curbed, and their capacity to resist has been infringed upon through military interventions and various legal measures. Representatives of this privileged cast have always favored authoritarian means and narrow and ineffective democratic mechanisms to resist change unfavorable to their position. In contrast, the LDT defines the periphery as the population at large that has only elections and other democratic mechanism at their disposal. They compete through the ballot box and, consequently, through expanding democratic politics against the undemocratic grid of the state-elite.
According to the LDT, the conflict between the center and the periphery is, at the same time, a cultural struggle. The concept of center is also indicative of a particular cultural ideal. In this view, Kemalism has functioned as the reference for the state-elite. They have, accordingly, favored the Western cultural model, and used their hold on state institutions to impose this cultural outlook on the rest of society. The LDT’s conceptual discussion of the cultural sphere has a direct bearing on this analysis. The Society ardently rejects top-down projects of cultural transformation, while Kemalism is defined as an ideological outlook incarnating precisely this sort of resolve.

LDT members thus identify the state-elite and the official ideology of Kemalism to be the primary threat to the values they hold dear. The “subdued” periphery, on the other hand, is accepted as the groups with an interest in challenging the oppressive status quo, and hence, the potential bearer of democratization and liberalization in Turkey. In their view, this democratic potential has pushed its initiative through center-right parties that held the majority during the better part of democratic political life in Turkish history, currently represented by the AKP. On this conceptually set ground, the LDT regards rapprochement with the AKP as a way of channeling this disposition towards inhabiting a liberal layout.

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The ‘Liberal-Conservative’ Rapprochement in Turkey


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ESSAY 2:
A LIBERAL PERSPECTIVE ON ISLAM AND SECULARISM IN TURKEY: REFLECTIONS ON THE LIBERAL THOUGHT SOCIETY

1. Introduction

The process of modernization has been accepted as the key to having an adequate understanding of Turkish politics. Modernization in the Ottoman-Turkish setting partly overlapped with the transition from a major Islamic empire to a secular nation-state. For this reason, secularization has been a pivotal dimension of this transition, as well as a major topic of controversy throughout the better part of the Republican era. The issue of secularism and Islam has been brought back onto the agenda with a renewed sense of urgency during certain periods of political polarization and turmoil. The 1990s were a period in which such discussions reached a new height. Increased power of Islamist movements in general, and the rise of the Islamist Refah Partisi to power in particular, revitalized the decades-long conflict on the matter.

The 1990s were also the period in which liberal doctrines and broadly liberal influence on Turkish political and intellectual life were on the rise. The Liberal Thought Society (Liberal Düşünce Topluluğu – LDT) analyzed in this essay was established and increased its public visibility during this decade. The LDT received attention and prominence in intellectual debate largely by way of launching and joining in debates on a variety of topics related to secularism and Islam in Turkey.¹

As I discuss in Essay 1, ever since its establishment in 1992, the LDT has maintained a steady course as an opponent of the Kemalist project of modernization.² The pivotal place of secularism in the Republican vision has been recognized by the LDT, and the issue has played a key role in the analyses

¹ In Essay 1 of this compilation, “The ‘Liberal-Conservative Rapprochement’ in Turkey: the Case of the Liberal Thought Society,” I provide a general discussion of the LDT’s brand of liberalism, and examine the concepts and modes of analysis underlying the Society’s assessment of the broader dynamics characterizing Turkish politics.
² See Essay 1 in this compilation.
and critiques developed by Society members. As noted in Essay 1, liberal thought in general and the LDT in particular have received scant academic attention. Existing research on the LDT does not deal with the Society’s stance on Turkish laicism. This article will be the first study on the topic.

My aim in this essay is to describe and analyze the arguments put forward by the LDT on the dynamics characterizing the relationship between official secularism and Islam in contemporary Turkey. First, I argue that the LDT’s assessment on the topic is built upon the founding idea that the official understanding and practice of secularism in Turkey has been based on skepticism, even hostility towards Islam. On a more specific level, I claim that the LDT members diagnose the official position as a radical policy of excluding Islam from multiple spheres of life. I term this as the LDT’s “thesis of exclusion.”

Second, I claim that the LDT’s analysis of secularism and Islam in Turkey is also informed by an unannounced attitude. Despite multifaceted involvement in related debates, LDT members have avoided discussing the programmatic goals and visions of Islamic movements and parties. The LDT’s attitude has been characterized by systematic disregard for the substantive content of the doctrines endorsed by these groups. In my view, the LDT’s analysis of secularism and Islam in Turkey is also informed by this unannounced “pattern of avoidance.”

The essay consists of two parts. In the first part, I present and examine the general framework of analysis developed by the LDT on official secularism. My focus will be exploring the way Society members substantiate the argument of exclusion. In the second part I focus on the Refah Partisi dissolution case as an illustration of the LDT’s exclusion thesis, and to reflect on the way the pattern of avoidance figures in the analysis.

2. “Laicist State versus Islamic Society”: The Thesis of Exclusion

For the LDT, official secularism, or laicism, in Turkey is a “pathology” that has a negative impact on the society. As it is frequently claimed by its prominent figures, a primary ambition of the LDT has been to develop a coherent liberal framework to inform public debate on the official understanding and practice of secularism in Turkey, as well as on other matters of public interest. LDT members start by defining what they endorse as “secularism proper” from their liberal perspective, and they criticize the official understanding and practice of secularism in Turkey based on that criteria.
To give a composite definition, “secularism proper” for the LDT is an institutional arrangement in which fair accommodation of religious liberty and plurality is a primary concern. It is this accommodation that the LDT believes is missing in Turkish laicism. More specifically, the Turkish brand of secularism (or laicism) is identified as the main antagonist of religious liberty, and is criticized for generating systematic infringements of the very rights it is supposed to safeguard. This stance finds a clear formulation in the words of Hasan Yücel Başdemir, who posits that “official laicism in Turkey is in constant discord with religious liberty.”

LDT members’ systematic use of adjectives such as “radical” or “totalitarian” to describe Turkish laicism can be seen as a way to assert and emphasize the “pathology” they associate with it. The LDT’s evaluation of the institution of laicism in Turkey follows their broader critique of Kemalism as an “ideological outlook” venerating positive science, reason, and Western culture as fundamentals of modernity, and legitimizing top-down transformation of the society to achieve this goal. Accordingly, the nation-building process informed by these guidelines became a trajectory of homogenization in plural areas, including the way Islam was interpreted and practiced. In what follows, I classify the LDT’s views into two sets of arguments.

The first set of arguments put forward by the LDT pertains to the extent and scope of the official exclusion of Islam. LDT members maintain that Islam has been the target of the most extensive and radical interventions carried out by the Kemalists. In their view, installing a national identity based on a “rational-secular culture” has been the prevailing core of the Kemalist ethos. Accordingly, laicism has been employed to eliminate Islamic expressions in the realms of politics, civil society, culture, and

4 Adjectives such as ideological, radical, and totalitarian appear in virtually each and every article or commentary on the topic. Discussed in relation with Kemalism, these words sometimes are used as classifications of secularism. For examples of the latter, see Arslan, “Jüristokratik Demokrasi ve Laiklik: Türk Laikliğinin Siyasal İnşlevi Üzerine,” 47.
5 See Essay 1 in this compilation.
the like. The aim of the policies of exclusion is, in turn, explained as to remove Islam’s influence in society, to dislocate Islam as a source of social allegiance, to suppress and delegitimize public manifestations of Islam, and to hinder flourishing of an autonomous religious life.

Laicism in Turkey has often been described as an institutional separation between the spheres of religion and the state. On the most basic level, this definition refers to the abandonment of Islam as the basis of sovereignty, and as the organizing principle of basic institutions. This principle is applied through official policies such as the abolition of the khalifat and the sharia courts. The LDT’s critique of Turkish laicism is founded on the idea that what was implemented by the Kemalists was not a separation proper. As illustrated in the words of Zühtü Arslan, LDT members contend that official secularism, in fact, establishes a “fundamental asymmetry;” that is, while no religious influence in state matters was considered acceptable, religion was kept under strict control of the state. Official policies such as education of religious functionaries and founding divinity faculties are cited to argue that the ultimate target of the Kemalists was to establish state “monopoly” on the interpretation and dissemination of Islam. Arslan further argues that this asymmetrical character of the state-religion relationship has often been misrecognized. He writes that:

Demolishing the institutional structures of religion in society and in the incessant exclusion of Islam from politics has created the false impression of separation of religious and state affairs. In this way, the fundamental asymmetry between these presumably detached elements have been concealed and rendered invisible.

Arslan asserts that the regime’s belligerent policies of excluding Islam have created the false impression of an institutional separation proper. Ahmet Helvacı makes a similar point, arguing that the Kemalist attitude amounts to “counter positioning the laicist state against an Islamic society.” Official secularism, in other words, is defined as a project of de-Islamization, which

8 Ibid.
9 Ibid.
is imposed upon a population whose beliefs and ways of life are largely informed by Islamic values.11

As I explicate later, LDT members relate laicist intervention to the Kemalists’ deep-seated skepticism or hostility towards Islam. Their arguments on this adverse attitude can be itemized as follows:

1. LDT members claim that the Kemalists have regarded traditional Islam as incompatible with modern-secular society. Accordingly, the founding cadres of the Republic held a holistic understanding of Western civilization, and advocated a wholesale adoption of its cultural aspects. Islam, in this picture, was considered to be an obstacle in the path of reaching the standards of “contemporary civilization.”12

2. LDT members contend that the Kemalists simultaneously saw Islam as a threat. Islamic associations, communities, and movements were regarded as the loci of “reaction and bigotry,” and their activities were subsumed under the title of establishing a sharia state.13

3. LDT members assert that the Kemalists have had a condescending attitude toward cultural codes, sensibilities, and ways of life associated with Islam. The Society’s members define Turkish modernization as a project in which the Islamic attachments of the society were rejected, ignored, or suppressed. The LDT’s argument implies that the dominant status of the state-elite was associated with a claim to cultural “distinction,” and fostered a sense of entitlement leading to assaults upon Islamic mores, customs, and traditions. To substantiate this claim, LDT members cite examples such as the “hat laws” of 1925, adoption of the Latin alphabet, the Islamic headscarf


12 Erdoğan, “Sivil Özgürlük Olarak Din ve Viçdan Özgürlüğü,” 45. See also, Özipek, “Gayri Müslümanların İnsan Hakları Sorununu Tartışmak: Kaygılar ve Sorular,” 128.

13 “Reaction and bigotry” is a depiction of Islamism frequently used by Kemalists.
In sum, the LDT advocates the view that Kemalists have posited Islam’s incongruity with the political and cultural standards of “contemporary civilization” and have designated it as the prime target of official intervention. The second set of arguments the LDT puts forward to establish the centrality of laicism for the Kemalist vision relates to its use in justifying the broader aims of the Republican project. For the LDT, the process of secularization in the Republican era is not simply one component among others. LDT members assign a pivotal role to laicism as the primary driver of the anti-pluralist tendencies of Turkish modernization. They argue that the excuse of “safeguarding laicism” has been used as a pretext to justify the state-elite’s more comprehensive agenda. More specifically, they assert that the urgency associated with “safeguarding laicist foundations of the regime” has been used to suppress Islamic expression in politics, and to insulate the status quo against democratically articulated demands.

Successive interventions by the Armed Forces into political life occupy a privileged role in the LDT’s line of reasoning. As I have argued elsewhere, the Society analyzes Turkish political history in terms of a “pendulum swing” between periods of democracy and military interventions. The official attitude towards Islam occupies a central place in this approach. LDT members contend that these successive ruptures reflect the state-elite’s reaction against the alleged “drift away from the secular foundations of the regime.”

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14 These views are often voiced in comparative accounts of the single-party regime and the rule of the Demokrat Parti, which came to government in the first elections following the transition to a multiparty regime. Ceylan, “Türkiye’de Din ve Devlet Arasındaki Çatışma,” 108, 118; Başkan, “Başörtüsü Sorunu ve Meşrulaştırılamayan Yasakçılık,” 112-4.
15 Yayla, “Kemalizme Liberal Açıdan Bakınca,” 7. See also Erdoğan, “Sivil Özgürlük Olarak Din ve Vician Özgürlüğü,” 45. Erdoğan repeats the “laicism as a tool of a social engineering project” formulation in “Fazilet Partisi’ni Kapatma Kararı Işığında Türkiye’nin Anayasa Mahkemesi Sorunu,” 38.
In my view, the Society’s analysis of military interventions in Turkey as manifestations of a homogeneously applied program begs scrutiny. The 28 February process is among the topics discussed at length by LDT members, and it serves as a model that is generalized to analyze other military interventions in the Republican history. This stance, in my view, is misleading, especially in dealing with the 1980 coup. Political scientist Menderes Çınar compares respective characteristics of the 1980 coup and the 28 February process in the following words:

Compared to the first intervention [referring to the 1980 coup] at the institutional level, this time the military intervened at the public opinion making level, marking the beginning of the tradition of directly addressing the people in the same manner as a political party.

The 1980 coup is also distinct in presenting a far more complicated attitude towards Islam. To recap briefly, Islamism was merely an auxiliary concern for the leaders of the 1980 coup. All political parties (including conservative and social democrat mass parties) were disbanded with the aim of radical reconfiguration of the political sphere and its major actors. The justificatory reasons given by the Armed Forces also primarily targeted the then-ongoing clashes between radical leftist and nationalist groups. More significantly, the junta regime that ruled the country between 1980 and 1983 pursued a different policy line with regard to Islam. State investment in promoting the Sunni creed increased substantially, as illustrated in policies such as increasing the number of lower and higher-grade Islamic institutions of education, and introducing obligatory Islamic instruction into the curricula in primary and secondary education.

An influential line of theorizing takes the 1980 coup as a unique juncture in the history of laicism, and as a turning point for the rise of Islamism in Turkey. In this view, the junta regime programmatically incorporated Islamic elements into the official ideology and commenced a policy of

74. See also Essay 1 in this compilation.
17 See Essay 1 in this compilation.
19 Ahmad, The Making of Modern Turkey, 1.
20 This policy was in sharp contrast to the policies of the preceding period, for under the 1961 Constitution, even proposing obligatory religious education in a party program could be reason for permanently disbanding a party.
depoliticization, which relied on the supposedly stabilizing function of an “Islamic culture” against political polarization and the prevailing radical left-wing discourse of the 1970s. In contradistinction, the 1980 coup occupies no distinctive place in the LDT’s treatment of official secularism. Society members apply a uniform mode of explanation based on the thesis of exclusion.

The LDT’s assessment of the constitutions introduced by junta regimes can also be seen as an extension of the argument of a homogenous policy line. The 1961 and 1982 constitutions and the mechanism of checks and balances institutionalized by these constitutions are declared to be instruments expressing the hostility the state-elite harbors towards Islam. According to Mehmet Turhan, these mechanisms have consistently functioned to deter challenges against the ideological core defining Turkish laicism. Berat Özipek argues in a similar vein, and locates laicism at the heart of the way the Turkish Constitutional Court operates. According to the view the authors share, the Turkish Constitutional Court relies on an ideological understanding of secularism to nullify parliamentary legislation relevant to religious liberty and to disband Islamic political parties. On that basis, the authors declare that the Turkish Constitutional Court is both a party to the power struggle and a central instrument in that struggle. In Özipek’s words:

21 Ahmad, The Making of Modern Turkey, 219. This stance is exemplified in the work of Faruk Birtek and Binnaz Toprak, who state that the idea of the Islamic ummah, a community of believers who are united by the same faith, seems to have set the model for a new sense of community. Birtek and Toprak, “The Conflictual Agendas of Neo-Liberal Reconstruction and the Rise of Islamic Politics in Turkey,” 192.

22 In contrast to the extensive treatment of the 1997 intervention known as the 28 February process by the LDT members, the 1980 coup is merely a footnote in terms of its meaning and significance, as well as the quantity of writing dedicated to the topic.


25 Özipek, “Gayri Müslümlerin İnsan Hakları Sorununu Tartışmak: Kaygılar ve Sorular,” 128.

26 Turhan argues that the Turkish Constitutional Court transformed itself into an actor in the political arena, and the ability of the parliament to pass legislation that actually comes into force has been severely diminished. See Turhan, “Anayasa Mahkemesi, Hak ve Özgürlükler,” 218.
Laicism is an instrument for the higher echelons of the judiciary. The Constitutional Court uses a totalizing and ideological understanding of secularism as the central pillar of anti-pluralist stance and as a mechanism of social engineering.27

Official secularism in Turkey is, thus, portrayed as a means for establishing and legitimizing the state’s dominance over society, which gives it its pathological character. For the LDT, it appears that laicism is more a principle of state organization than a principle for accommodating religious liberty and plurality; and upholding the former is in essential incompatibility with safeguarding the latter.

Another major theme in the LDT’s theorizing of Turkish laicism is the claim that official efforts to limit the role of Islam in society have largely failed. I term this the “Republican failure thesis”. In what follows, I proceed with that aspect of the Republican failure thesis that is directly relevant to the rise of Islamism in the Turkey of the 1990s.

3. “Republican Failure” and the “Return of the Repressed”

For the LDT, the Republican project is an endeavor with limited success. What I term the “Republican failure thesis” denotes the inability of the state-elite to build allegiance for the laicist ethos. In the words of Atilla Yayla, the Kemalist regime failed to generate genuine and long-standing change in this respect. He sees no noteworthy alteration, no transformative social change in Islamic attachments of the society, and no successful building of consensus on laicist policies.28

The LDT advocates the view that Kemalist policies failed to transform the meaning and significance of the Islamic attachments of the populace. The claim, in other words, is that legal and institutional changes in relevant areas fell short of installing a new infrastructure of social relations. This argument is intimately related to the specific characteristic assigned to the realms of culture and religion by the Society. LDT members regard culture and religion as distinctive spheres of collective experience. This position entails that change in these spheres takes place in the form of organic evolution. Consequently, culture and religion are seen as unique spheres

27 Özipek, “Gayri Müslümanların İnsan Hakları Sorununu Tartışmak: Kaygılar ve Sorular,” 127.
of social existence in the sense of having the propensity to resist projects of radical transformation from above.\(^{29}\) What I term the LDT’s thesis of “republican failure” is closely related to this analysis.

For the LDT, Islam in Turkey is first and foremost an element of culture and civilization. It is commonplace for LDT members to argue that Islam in present-day Turkey is not merely a phenomenon relevant to individual faith, but has enduring bearing on societal relations, and established mores, practices, and mindsets. Islam, in other words, is seen as an integral component of Turkey’s social and cultural fiber, despite the Kemalists’ efforts to eradicate its influence. According to Erdoğan, Islam in Turkey is beyond being limited to a system of belief embraced by the largest part of its population. It is also a culturally embedded way of life materializing in various institutions, traditions and mentalities.\(^{30}\)

The continued significance of Islam as culture and an element of civilization is in turn placed centrally to support the thesis of failure. The LDT posits that there still exists a solemn base of Islam in Turkey, despite decades-long policies of exclusion. The rise of Islamist political currents in the 1990s is also related to this foundation. Speaking of the increased political significance and visibility of Islam in these years, Erdoğan writes that:

Islam’s visibility in public and political spheres is not a surprising phenomenon. As long as Islam is not suppressed by legal and political means, it necessarily will be reflected in the Turkish political arena. To put it differently, although the non-visibility of Islam in Turkish politics during the early Republic (pre-1950) was the case, this was not because Islam had no societal basis but because it was not allowed to express itself in politics. In this context, what is called the ‘rise of Islam’, ‘Islamic revival’, or ‘political Islam’ is, in fact, simply suppressed Islam, coming to the surface through the relative democratization of polity and autonomization of civil society.\(^{31}\)

Erdoğan’s argument is a clear illustration of the LDT’s line of reasoning. In the view widely held in the LDT, Islam’s rising influence in the 1990s is the reemergence of this deeply entrenched cultural and civilizational element. Erdoğan’s account reveals an undifferentiated treatment of Islam’s significance as a belief and culture on the one hand, and as the reference

\(^{29}\) See Essay 1 in this compilation. See also Yayla, “Kemalizme Liberal Açdan Bakınca,” 7; Yayla, “FP’nin Kapatılması ve Türkiye’nin Cari Sisteminin Çıkmazları,” 66.

\(^{30}\) Erdoğan, “Islam in Turkish Politics: Turkey’s Quest for Democracy without Islam,” 104.

\(^{31}\) Ibid.
for politically pertinent doctrines and movements on the other. This is a significant omission that touches upon another generalized position held by LDT members: the relationship between what “returns” and what was “repressed” in the first place remains unexplored.

The systematic nature of this standpoint among the LDT’s members is also reflected in the fact that the concept of “Islamism” is hardly ever used.32 The distinction between Islam/Islamism and Muslims/Islamists is fairly established in academic literature. Islamism often refers to scripturally oriented, mobilizing doctrines or movements, which aim to make Islam central to public and political life of a society.33 Islamism is also defined in relation to the modernization of Muslim societies or the socioeconomic and cultural tensions generated by modernity in these settings.34 Accordingly, various strains of Islamism are characterized as social and political forces developing in relation to existing political fields, or as social movements expressing themselves within Islamist discourse, but with varying content and political implications. These movements and doctrines invoke novel Islamic repertoires and frames of action, often claiming that their contemporary interpretation is “Islam” in its revitalized and authentic form.35 Despite the emphasis on the fundamental sources or pristine origins of Islam (such as the Golden Age of the Muslim community under the leadership of Prophet Muhammad), Islamism entails reinterpretation and transformation of established ways.

Islamism is also an analytical tool with an established place in analyzing Turkish politics. The concept is used in reference to those movements and their broader ideological outlook, which emerged in the Ottoman Empire of the 19th century, and continued in various incarnations throughout the history of the Republic. What is significant for the subject at hand is that these more scripturally oriented doctrines differ from—and aim to modify the interpretation and practice of—the lived tradition of Islam.

32 It is important to note that Islamists in the 1990s also avoided using these concepts; they rejected the label of Islamist and instead called themselves Muslims.
33 To mention a few examples of work investigating Islamism, and how it is different from the religious faith of Islam, see Bassam Tibi, Islam and Islamism, and Peter R. Demant, “Islam vs. Islamism: The Dilemma of the Muslim World.”
34 In parts of the Muslim world, this context includes factors such as colonialism and foreign invasion, or a geopolitical context imposed by a chief outsider enemy. See Rajee, Islamism and Modernism: The Changing Discourse İn Iran.
35 Ismail, Rethinking Islamist Politics: Culture, the State and Islamism.
Literature on Islamism in the Ottoman-Turkish political tradition shows that attempts at articulating Islam as a doctrine guiding political mobilization has worked against the established Islam.\textsuperscript{36} Put more specifically, the more Islam was assigned political meaning and significance, the more its substantive content was modified. Islamist movements and doctrines emerging in the 1990s were no exception to this trend. According to the general consensus in the literature on the topic, Islamism in the 1990s presented itself as alternative to both Kemalism-laicism and the traditional forms of religiosity.\textsuperscript{37} Calls for returning to the “true spirit of Islam,” in this respect, entailed modifying the existing Islamic ways according to an idealized vision.

In contrast, the LDT’s explanation of the rise of Islam’s significance in the 1990s reflects the idea of continuity between Islam and Islamism. The Society’s members do not differentiate Islam as an element of Turkish culture from those politically mediated forms demanding public and political significance. In consequence, the place and significance of Islam from the perspective of establishing a constitutional democracy is dealt with by evoking this undifferentiated foundation. In the words of Erdoğan:

> It is not possible to consolidate democracy in Turkey by casting out the Islamic factor and curbing its political, social, economic and cultural manifestations. Islam should be accepted as an essential component for an attempt towards building a liberal democratic regime, and securing legitimacy for its institutions.\textsuperscript{38}

Erdoğan mentions manifestations of Islam in various spheres of social life without explicating these individual spheres or their interrelationships. Nowhere in his account is it possible to find any indication regarding the particular forms and contents associated with these Islamic expressions. This stance is in fact far from being a detached evaluation but one that stands as a pillar of the LDT’s assessment of laicism and Islam in Turkey. Put concisely, it is a generalized attitude among Society members to keep away from discussing substantive features of Islamic culture, movements, doctrines, and parties in Turkey. Instead, they focus their attention on making a case for the illegitimate and “pathological” nature of Turkish laicism.

\textsuperscript{36} Berkes, The Development of Secularism in Turkey, 202.
\textsuperscript{37} There are numerous examples of this stance. For a discussion from the perspective of an Islamist woman, see Aktaş, Bir Hayat Târzi Eleştirişi: İslâmcılık, 94-129.
\textsuperscript{38} Erdoğan, “Islam in Turkish Politics: Turkey’s Quest for Democracy without Islam,” 104.

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The unequivocal expression of this pathology, for the LDT, is the way Islam has been treated in the better part of the Republican history. The two spheres of exclusion frequently discussed by LDT members are the spheres of civil society and of politics. In the following sections I pursue my discussion by way of analyzing a representative case for each sub-topic. It is important to note that the arguments I categorize under the subtitles of “civil society” and the “state” are closely interrelated.

4. The Sphere of Civil Society: The Case of the Tarikat

With regard to civil society, the LDT puts forward the claim that the founding Kemalist cadres aimed to dislocate the influence of religion in the associational life of the citizens. A historically significant policy decision in this area discussed by the LDT is the closing down of the tarikat or Islamic orders by the single-party regime in 1925. Tarikat—plural for tarik, literally “path”—were influential institutions embodying diverse and mainly heterodox ways of interpreting and practicing Islam in the Ottoman Empire.

The disbanding of the tarikat took place after the Şeyh Said revolt in Eastern Turkey, which was led by a prominent religious leader. The government took strong measures, among them the closing of all the tarikat, and the forbidding of their activities.39 This was one of the most controversial policies adopted by the newly established regime, and continues to be a topic of public debate to this day. I choose to focus on this particular issue since it provides valuable ground for teasing out the characteristic illustrations of the LDT’s stance on the associational dimension of exclusion. Before proceeding with the details of the discussion, I will give a short outline of the tarikat in Ottoman Empire.

Throughout the Ottoman History tarikat existed alongside with the state-incorporated orthodoxy represented by the cast of religious scholars, the ulama. Tarikat stood as significant collectivities that claimed to represent the genuine and true form of achieving moral and religious purification.40 In

39 In 1925, tekke and zaviye were closed down, and tarikat were banned. In spite of that, tarikat continue to function informally to this day. After the founding of the Republic, the Caliphate and Islamic courts were abolished, tombs and shrines were closed, and mystical orders were banned. See Keyder, State and Class in Turkey, 86.
40 İnalcık, “Tarihsel Bağlamda Sivil Toplum ve Tarikatlar,” 87.
this heterodox tradition, scriptural knowledge was underplayed in relation to learning derived from interaction with mentors (pir or mursid) who lead the way.41

Sunni Islam formulated and disseminated in the palace system by the ulama relied on its position as state religion to secure prevalence over the heterodox cults, sects, and mystical orders, and over the Shia.42 Nonetheless, the central authority provided substantial flexibility in terms of religious practices within its borders. Religious heterodoxy was tolerated as long as it posed no threat to the political center.43 Historian Halil İnalcık underlines this point arguing that:

Even though the central authority was immensely powerful, the Ottoman political establishment did not attempt to change or direct the social fabric but articulated existing diversity into the web under the political authority. Preserving traditional institutions, values and laws was a significant policy imperative.44

The tarikat has been a topic of interest by scholars from a variety of disciplines, and their place in the economic, social, cultural, and political life of the Ottoman Empire is relatively well-documented.45 Mardin highlights the social functions played by the tarikat as follows:

In the Ottoman Empire tarikat played a major role as purveyors of local social services, as centers where the authority of lodge elders was used to sort out various local problems and also as educational facilities as well as channels between the rural population and the government.46

Heterodox practices of the tarikat functioned at the basis of the reaya’s everyday life, satisfying the spiritual and the social needs of many Muslims.47 The discontents and desires of the reaya were also manifested through the tarikat’s functioning as ideological outlets, and providing a language of

41 Manaz, Dünya’da ve Türkiye’de Siyasal İslâmcılık, 473.
43 Berkes, Teokrasi ve Laiklik, 17.
44 İnalcık, “Tarihsel Bağlamda Sivil Toplum ve Tarikatlar,” 91-2.
45 For a condensed summary, see Ibid., 80.
46 Mardin, Religion and Social Change in Modern Turkey, 185.
47 Reaya: the tax-paying subjects of the Ottoman State that make up the majority of the population.
expression. However, the *tarikat* remained short of envisioning an alternative to the existing political system, and mostly remained within its premises.⁴⁸

The controversy on the *tarikat* and their activities was revitalized as a debate on civil society in the 2000s. LDT members joined the debate, and argued that the *tarikat* be accepted as elements of associational life of the citizens, and accorded legal standing as such. Their perspective is partly based on assessing the consequences of the ban on religious and social life, and was formulated as an integral dimension of their broader critique of Kemalism.

Religious plurality and diversity of interpretation within Islam are major concerns in the LDT’s contributions to the *tarikat* debate. In their view, official secularist policies have targeted Islam’s organizational basis in society, and have curbed those institutional structures embodying plural interpretations and practice. They, consequently, identify the most discernible impact of the *tarikat* ban as severe reduction of internal plurality within Islam.⁴⁹ Bilal Sambur expresses this stance as follows:

> In order to impose an understanding of religion in harmony with the official ideology, Kemalists demolished heterodox Islamic organizations and erected institutions such as the Directorate General of Religious Affairs (*Diyanet İşleri*). Kemalists imposed an official understanding of religion in the name of social harmony created an Islam of ‘bureaucratic command,’ leaving no room for non-conforming and heterodox belief.⁵⁰

As a matter of fact, a state-incorporated religious institution is not a unique Kemalist invention, but was a central pillar of the Ottoman political establishment as well. The *Ulama* in the Ottoman Empire can be seen as the functional equivalents of the Republican institutions mentioned by Sambur. As part of the bureaucratic elite, the *ulama* were responsible for most forms of education and justice, and were appointed and could be dismissed by the Sultan.⁵¹

The distinct feature underlined by LDT members is that the Ottoman Empire accorded space to heterodox belief and their organizational embodiments, so long as they did not directly challenge political authority. The target of the LDT’s critique is, therefore, not the tradition that is

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⁴⁸ Lewis, *İstanbul and the Civilization of the Ottoman Empire*, 152-3.
⁵⁰ Ibid., 44-5.
⁵¹ Arjomand, “Constitutions and the Struggle for Political Order,” 15.
inherited but the unique interpretation of it by the new regime. According to Ali Yaşar Sarıbay, official secularism in the Republican era brought about unprecedented exclusion and control of the lived Islamic tradition, and expressions of popular religiosity. He identifies the distinguishing character of the Republican period as the modification of the Ottoman tradition of political domination of the spiritual in a way that reduced previously existing multiplicity to a singularity of interpretation and practice. Sarıbay’s claim is complemented by Bilal Sambur, who maintains that the traditional pluralist make-up consisting of the tarikat and other Islamic communities were levelled to the advantage of a centralized interpretation tailored to fit state-centered imperatives.

As the discussion demonstrates, LDT members take issue with what they see as turning the officially incorporated Islamic establishment into a monopoly. According to Sambur’s formulation, the founders of the Republican regime did not tolerate Islam outside the lines of demarcation set by the state and, accordingly, demolished the institutional basis of Islam in civil society as well.

As outlined above, the role of the tarikat in the Ottoman social structure was not limited to religious function in the narrower sense of interpretation and practice. LDT members also deal with the multiple roles played by the tarikat and the present-day effects that followed from their abolition. The views pronounced by Society members are in close proximity with the findings of historical research on the tarikat. Sambur states that the tarikat functioned as venues of “socialization, identity formation, and social solidarity for the disciples (mürid),” as well as sites of “organizing collective initiative.” In his view, the ban on the tarikat inflicted damage on the social fabric in all these areas.

Yaayla’s formulation gives a more precise explanation to a related claim. He locates the question in the broader framework of the “strong state versus weak civil society” model, which he sees at the all-encompassing foundation of the Kemalist mindset. The tarikat ban, in Yayla’s view, can be seen as

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52 Sarıbay, Postmodernite, Sivil Toplum ve İslâm, 59-61.
54 The clearest formulation is provided by Yayla in “FP’nin Kapatılması ve Türkiye’nin Cari Sisteminin Çıkmazları,” 66-7.
55 Sambur, “Türkiye’de Din Özgürlüğü, Laisizm ve Resmi İdeoloji,” 44.
part of this totalizing worldview, which is motivated by hostility towards pluralism and flourishing associational life. He consequently draws the conclusion that the official crackdown on religious institutions manifests the intention to destroy any intermediary structures, leaving citizens exposed to state intervention and design as atomized subjects.\(^{57}\)

The arguments put forward by the LDT members so far can be summarized as follows:

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<th>THE REPUBLIC OF TURKEY</th>
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<td>The state Religious institutions</td>
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<td>Plural religious institutions/Room for Islamic heterodoxy.</td>
<td>State monopoly of religious institutions/Centralized institutions as means of social engineering.</td>
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<td>Religious pluralism</td>
<td>Tarikat and sufi activity, alongside officially incorporated orthodox Islam.</td>
<td>No institutional room for Islamic heterodoxy.</td>
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<td>Substantial pluralism</td>
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Yayla puts forward an argument with a sharper edge, and argues that the Kemalists pursued an intentional edifice of erasing Islam from individual conscience. His distinguishing acutely strong claim is also reflected in his choice of the term “totalitarian secularism” to identify the official practice in Turkey. According to Yayla, the totalitarian tone of Turkish laicism is expressed more accurately in the formulation of the “separation of religion from worldly affairs.” He argues that:

There exists an extensive array of influences religion can have on the life of the individual to be extending from forming moral stances, shaping the way people relate to others, to political attitudes and choices in order to establish just how deeply rooted religious reasons and motivations could be. It is virtually impossible to abstract matters of conscience from their expressions in various aspects of social life. The exclusion of religion from such an extensive catalogue of societal realms will imply engineering the individual conscience as well.\(^{58}\)

\(^{57}\) Ibid.

\(^{58}\) Ibid., 66-8.
For Yayla, the illegitimacy of such a goal is beyond any uncertainty. He further aims to cast doubt on the plausibility of implementing such a project, short of using measures designing the individual conscience. He asserts that such extensive exclusion of Islam from social life can be implemented only through totalitarian tactics. The goal of building a social life “unfettered” by religion, in his view, would mean erasing religious reasons and motivations and replacing them with non-religious incentives. He argues on this basis that the Kemalist regime aimed to eradicate religion from an extensive set of interactions and dealings, including individual conscience, and at times displayed characteristics akin to “atheist dictatorships” such as Albania or the Soviet Union.59

For the Society, “radical” or “totalitarian” secularism pursued by Kemalist cadres stands out also by outlawing religious expression from politics. This is a significant argument Society members have written extensively about, especially in the aftermath of the 28 February process ousting the Refah Partisi government. I will analyze this sub-topic in detail by focusing on the Refah Partisi dissolution case.

The LDT’s attitude of avoiding discussing the substantive context of the doctrines endorsed by Islamic movements and parties becomes more evident in the LDT’s stance regarding the politically charged topic of the 1990s and the early 2000s. The Refah Partisi dissolution case is an important example in this respect. In the last part of this article I deal with the arguments the LDT puts forward in the context of the Refah Partisi case. The aim of this part is to explicate the way the exclusion thesis is substantiated in this context, and to explore possible additional arguments the LDT could have offered. I also aim to follow the traces of the pattern of avoidance with a view to see its expressions in this particular topic.

5. The Sphere of Politics: The Refah Partisi Dissolution Case

As discussed above, explicating the specifics of the official policies of exclusion is central to the mission undertaken by the LDT. Society members have taken this task seriously, and have dealt with various aspects of the question. The dissolution of Islamist parties is among the concrete cases discussed and analyzed by LDT members. I focus on the Refah Partisi case

59 Ibid.
in order to explicate the LDT’ stance on the topic.60 The reason for this focus derives from the fact that the Refah Partisi was the primary Islamic actor in the uniquely polarized atmosphere of the 1990s, and the target of what came to be known as the “semi-coup” or the 28 February Process. The Refah Partisi was also special in terms of its electoral support. The 21 percent that the Refah Partisi party attained in the 1995 general elections was until then the highest percentage of the vote received by an Islamist party in Turkish political history.

On 21 May 1997, the Principal State Counsel at the Court of Cassation applied to the Turkish Constitutional Court to have the Refah Partisi dissolved on the grounds that it was a “center” of activities contrary to the principles of secularism.61 On 16 January 1998 the Constitutional Court ruled to permanently disband the Refah Partisi, and to temporarily prohibit five of its most prominent leaders, including Necmettin Erbakan, Şevket Kazan and Ahmet Tekdal, from political activity for a period of five years.62

60 The Refah Partisi was the senior partner of a coalition government from 1995 until the 28 February intervention in 1997. The Turkish Constitutional Court permanently disbanded the Refah Partisi in 1998. In anticipation of the outcome, cadres of the Refah Partisi had founded the Fazilet Partisi (Virtue Party – FP) on 17 December 1997. The Fazilet Partisi encountered the same fate and was dissolved on 22 June 2001.

61 According to Article 69/3 of the Constitution, the dissolution of political parties is decided finally by the Constitutional Court, following the filing of a suit to that effect by the Office of the Chief Public Prosecutor at the Court of Cassation. The Constitution enumerates certain prohibitions that could lead to the dissolution of political parties. The relevant regulations say that a political party may be permanently disbanded provided if:

- The statutes and program of a political party are contrary to Article 68/4 of the Constitution.
- A political party becomes an undertaker of actions contrary to Article 68/4 of the Constitution.


The Constitutional Court has not used its authority sparingly. Turkish political history has in fact been a graveyard of Islamist and other political parties. The Constitutional Court has dissolved twenty-eight political parties since it began its activities on 22 April 1962. See Belge, “Friends of the Court,” 661-2.

The case was taken to the European Court of Human Rights (ECtHR) on the grounds that the measures authorized by the Constitutional Court were in violation of the applicants’ freedom of association under Article 11 of the European Convention on Human Rights (ECHR).

In the next sections I focus on the Refah Partisi case at the ECtHR. My reasons for this focus are twofold. First, the LDT’s assessment of the domestic case mostly reproduces their broader views on official secularism, and is closely related with their critique of Kemalism. I have already given a general analysis of the LDT’s position on these dimensions of the topic, and there are few or no additional insights to be gained by focusing on the domestic case. However, the arguments developed by the LDT on the ECtHR’s judgment prove to be illuminating on points not brought up in the discussions of the domestic ruling. Secondly, the LDT’s discussion of the ECtHR judgment also brings about some finer details to the LDT’s analysis, since, as we will see below, the ECtHR is seen a relatively likeminded adversary from the perspective of the Society.

Before moving to discuss the LDT’s position on the Refah Partisi case, I briefly describe the political atmosphere and the controversy on Islam and Islamism dominating the 1990s. This short section introduces an Islamic concept that played a central role in the domestic controversy on the topic in order to help explicate the context in which the LDT’s arguments have been developed.

5.1 The Refah Partisi and the Takiyyah Debate

The Refah Partisi judgment of the Turkish Constitutional Court states that the party had the long term aim of establishing a sharia regime based on a plurality of legal systems and pursued activities aimed at bringing the democratic order to an end.63 The conclusion of the Turkish Constitutional Court was, in fact, illustrative of the opinions widely held by some segments of the population in the Turkey of the 1990s. This opinion had further bearing due to the fact that mobilization of public opinion against the Refah Partisi was a significant part of the 28 February Process.64 In the highly polarized political atmosphere of

63 TCC, Refah, paras. 21-3.
the period, concerns regarding Islamist challenge to the regime were voiced frequently in mass media and public debate in general. A significant concept employed in these debates was the Quranic term takiyyah.

Takiyyah is derived from the word waqa in Arabic and broadly means “to shield oneself.” The term refers to the permissibility of concealing or denying one’s true faith under threat and danger. By extension and depending upon the circumstances, takiyyah may be used for the protection of a community as well.\textsuperscript{65}

The takiyyah-centered debate in Turkey took place as a controversy on whether the Refah Partisi was committed to basic democratic principles and constitutional essentials or whether its cadres were in fact up to a pretense so long as it was beneficial for their ultimate cause to do so. Put differently, it was a modus vivendi debate questioning whether the Refah Partisi’s declared commitment to play the democratic game was a principled endorsement or merely a tactical step based on prudential reasoning alone. Kemalist segments of the society were convinced that the ultimate aim of the Refah Partisi was to topple the regime, and to establish a sharia order; any apparent adherence to democracy was just a stepping stone for this concealed agenda. The Refah Partisi, in this view, was building up its strength and preparing for a shift in the balance of power with the intent then to abandon this provisional stance.

This assessment was also coupled with a sense of emergency regarding the imminence of the threat and the actual capability of the Refah Partisi for actualizing its “ultimate goal.” It was argued that the establishment of the Refah Partisi government opened up of a realm of opportunities to put this hidden agenda into practice, making the danger immediate in a way that was unprecedented in the history of the Republic. In a sense, the highly polarized political atmosphere of the 1990s was effectively treated by some as a state of constitutional crisis or a state of emergency. Once again, and with exceptional intensity, the question regarding secularism and Islam was on the political agenda.

\textsuperscript{65} “Taqiyyah: Religious Doctrine.”
5.2 The Turkish Constitutional Court versus the ECtHR

The LDT, as a group and also in the person of some of its prominent members, joined the public debate that started to take shape a while after the political turmoil gradually died down. Elaborate analyses offered by the LDT emerged in the pages of the Liberal Düşünce journal during the first years of the 2000s. In these articles, Society members put the Turkish Constitutional Court at the center of their critical focus, and problematized its Refah Partisi judgment in a systematic fashion.

The central argument common to the analyses provided by the LDT on the Refah Partisi case is that the root cause of the problem was not the existing body of law in Turkey, but the Kemalist mindset dominating high ranks of the judiciary. LDT members’ views partly refer to a series of legal amendments in the 1990s relevant to the freedoms of religion and expression. One significant step was the deletion of Article 163 of the Penal Code, which banned politics and associations based on religion as well as public expression of ideas “against laicism.” Only the use of terrorism to foster political ideals was now an offense under the “anti-terrorism” law that was adopted at the same time. Another amendment directly relevant to the Refah Partisi case was introduced in 1995. Article 69 of the Constitution was modified in order to bring more stringent criteria to party dissolution cases. The new version reads:

The decision to dissolve a political party permanently due to activities that violate Article 68 may be rendered only when the Constitutional Court determines that the party in question has ‘become a centre for the execution of such activities.’

In this way, the threshold for disbanding a political party was raised from simple association to a more systematic link, which, in principle, made it more difficult to dissolve a political party.

66 Constitutional jurist Bülent Tanör argues that the rationale of safeguarding laicism was used to censor, suppress, and punish a wide range of speeches and opinions. In some cases mere explaining of Islamic principles or participating in public ritual and worship were regarded to be punishable acts. Tanör, Türkiye’nin Insan Hakları Sorunu, 68-9.

67 In March and April 1991 the cabinet introduced a package of constitutional amendments dealing partly with human rights. At the government’s request the assembly decided to approve the deletion of Article 163 from the penal code. Only the use of terrorism to foster political ideals was now an offense under the “anti-terrorism” law that was adopted at the same time. See Zürcher, Turkey: A Modern History, 305.
LDT members argued that Turkish domestic legislation in the 1990s was sufficiently amended—though still with shortcomings—to enable liberty-safeguarding rulings. Consequently, they identified the problem not as the then-existing body of law, but as the “authoritarian philosophy of the state and the mentality of bureaucratic dominance underlying its interpretation”. Mehmet Turhan illustrates this view, arguing that in the case of the Refah Partisi, as well as the Fazilet Partisi case after that, the Constitutional Court had the possibility of liberty-safeguarding interpretations; yet, the Court insisted on drawing upon an “ideological definition of secularism,” reaching conclusions to the greatest disadvantage of the Refah Partisi.68

Up until the ECtHR’s ruling on the Refah Partisi case, in other words, the Court had served as a point of reference for the LDT’s critique of the Turkish Constitutional Court. LDT members had frequently praised the ECtHR for its “libertarian and democratic rulings,” and for “interpreting the European Convention of Human Rights (ECHR) with a view to expanding rights and liberties.”69

In their view, domestic law in Turkey had been sufficiently aligned with the ECHR by the end of the 1990s. On this basis, the LDT argued that while Turkish laws might be in agreement with the ECtHR’s rulings on paper, interpretation of these laws by the Turkish Constitutional Court were often at variance with the spirit of the ECtHR.70

These self-confident comparisons came to an abrupt end when the ECtHR announced its Refah Partisi ruling on 10 July 2001.71 The ECtHR found

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70 Yayla, “FP’nin Kapatılması ve Türkiye’nin Cari Sisteminin Çıkması,” 63, 74.
71 Sitting as a Chamber on 10 July 2001, the ECtHR found that “there has been no violation of Article 11 of the Convention” in the Refah Partisi case. Three of the seven judges dissented, finding the measures disproportionate. Refah Partisi (The Welfare Party) and Others v. Turkey, European Court of Human Rights Chamber, Application Nos. 41340/98, 41342/98 and 41344/98, 31 July 2001. The case was appealed by the applicants, and heard by Grand Chamber of the ECtHR, which upheld the Chamber
that the dissolution of the *Refah Partisi* was a legitimate and proportionate measure answering a “pressing social need”; thus, there was no violation of the freedom of association under Article 11 of the ECHR.\(^72\) The *Refah Partisi* ruling became the first instance where the Strasbourg Court found for the Turkish Government in a party dissolution case.

Articles written by the LDT in the aftermath of the *Refah* ruling reflect LDT members’ deep disappointment with the outcome, and their need to explain it in view of their previously declared praise of the ECtHR. Society members’ profound displeasure partly emanated from the stark contrast they previously posed between the libertarian approach of the ECtHR and the “ideologically conditioned” mentality of the Turkish Constitutional Court. This adverse ruling by an institution commanding a great deal of prestige among LDT members reflected negatively on the Society’s claim that the domestic outcome was a simple reflection of a pathological mentality. It is in this sense that the authors made great efforts to explain the ECtHR’s assessment in the light of their previous idealization.\(^73\)

### 5.3 The *Refah Partisi* in Strasbourg

The ECtHR’s assessment of the *Refah* case can be summarized under three headings. The Court found that:

1. Acts and speeches by party leaders revealed the *Refah Partisi*’s long-term policy of setting up a regime based on *sharia* within the framework of a plurality of legal systems.

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\(^{72}\) *Refah*, para. 84.

\(^{73}\) Number 23 of *Liberal Düşünce* was published right after the ECtHR’s *Refah Partisi* ruling was announced. The issue’s editorial states that two articles (by Erdoğan and Yayla) were included in the issue due to the urgent need to reflect upon the *Refah Partisi* judgment. See “Editörden,” 3-4. These two articles are Erdoğan, “AIHM’nin RP Kararının Düşündürüldükleri;” and Yayla, “AIHM’nin RP Kararı Üzerine.” The next issue of *Liberal Düşünce* (No: 24, Fall 2001) came out as a special issue entitled “Ret-hinking the Freedom of Expression in the European Union Process” (“AB Sürecinde İfade Özgürlüğünü Yeniden Düşününmek”), including articles reflecting the LDT’s stance on the freedom of expression.
2. The Refah Partisi did not exclude recourse to violence in order to implement its policy.
3. The Refah Partisi had real opportunities to put its policies into practice.

The ECtHR, consequently, found that the penalty imposed on the applicants by the Turkish Constitutional Court may reasonably be considered to have met a “pressing social need,” and it was “not disproportionate to the legitimate aims pursued.”

The European Convention on Human Rights (ECHR) does not have special regulations on safeguarding secularism. Therefore, it was particularly important for the Government’s case to demonstrate the connection between secularism and democracy under the particular circumstances of Turkey. The Government submission, thus, concentrates on defining the character of this relationship as intertwined and mutually dependent. The Turkish Constitutional Court’s judgment cited in the Government submission reads:

The Constitutional Court observed that secularism was one of the indispensable conditions of democracy. In Turkey the principle of secularism was safeguarded by the Constitution, on account of the country’s historical experience and the specific features of Islam. The democratic regime was incompatible with the rules of sharia. The principle of secularism prevented the State from manifesting a preference for a particular religion or belief and constituted the foundation of freedom of conscience and equality between citizens before the law. Intervention by the State to preserve the secular nature of the political regime had to be considered necessary in a democratic society.

The paragraph expresses two points relevant to the discussion at hand. First, the argument builds on defining Islam as a religion that is in conflict with secularism and democracy. Second, the specific form Turkish laicism has taken is associated with the historical legacy inherited by the Republic. On that basis, the Turkish Constitutional Court declares that the Turkish brand of secularism is the necessary condition for and the guarantor of a democratic system under the circumstances prevailing in Turkey.

74 Refah para. 81.
75 Refah, para. 24.
76 “Mindful of the importance for survival of the democratic regime of ensuring respect for the principle of secularism in Turkey, the Court considers that the Constitutional Court was justified in holding that Refah’s policy of establishing sharia was incompa-
LDT members writing on the ECtHR’s judgment are mainly concerned with refuting the Government submission on this account. In their view, the ECtHR is faulty in not evaluating the Government’s claims in the light of the principles set by the European Convention on Human Rights. Society members have long maintained that official secularism in Turkey is a “pathology” based on a highly partisan understanding, and one that generates systematic infringements of religious liberty.77 The LDT’s main argument is that the ECtHR failed its duty by neglecting to deliver a proper assessment of whether Turkish laicism conforms to the standards established by the ECHR. It is therefore useful to refer to the definition of secularism given by the Turkish Constitutional Court.

Secularism is a civilized way of life which tears down dogmatism of the Middle-Ages and constitutes the cornerstone of rationalism, science, improving concept of freedom and democracy, becoming one nation, independence, national sovereignty and the ideal of humanity. . . . Although it is defined as separation of state and religious affairs in a narrow sense and interpreted in different manners, the opinion that secularism is, in fact, the final phase of philosophical and organizational evolution of societies is also being shared in theory. . . . Secularism has accelerated modernization by preventing religion from replacing science in state affairs. Secularism cannot be narrowed to division of religion and state affairs. . . . In a secular state, sacred religious beliefs should never be mixed with politics, civil affairs and legal regulations which shall be formulated according to needs of individuals and the whole society by using scientific data.78

According to LDT members, the ECtHR’s Refah Partisi ruling is an ill-judged affirmation extended to a position, also expressed in the Government submission.79 According to Erdoğan, the judges reasoned on the basis of a “feeble political philosophy” and extended affirmation to the distorted character of Turkish laicism.80 Erdoğan’s arguments are complemented by Yayla’s, who states that the ECtHR overlooked its duty to question...
the nature of the current regime in Turkey, and uncritically acceded to the arguments in the Government case.⁸¹

As mentioned earlier in the essay, the ECtHR’s Refah Partisi ruling created the need to reflect on possible reasons of this contested outcome for the LDT. It is particularly important to understand why, in their view, the ECtHR failed to apply its own standards in appraising laicism in Turkey. The ECtHR’s Refah Partisi judgment does not include any specific discussion on Turkish secularism. It was, therefore, not possible for Society members to give a point by point analysis of the Court’s reasoning. Instead, their critique focuses on the affirmation extended to the Government’s position on the relationship of secularism and Islam.

A pivotal point of LDT members’ critique is that the ECtHR’s evaluation was misguided, and it was actually Islam that was put on trial. In Erdoğan’s view, the Court reached such flawed conclusions due to the ignorance or prejudice of the Strasbourg judges regarding Islam:

The ECtHR’s perspective is distorted by having little, faulty or no knowledge at all about Islam. Consequently, it was a general and negative view on Islam that was put on trial.⁸²

Yayla makes a similar claim, and argues that the Refah judgment reflects differential and inequitable treatment of Islam on the part of the ECtHR.⁸³ The ECtHR’s Refah judgment states that acts and speeches by party leaders revealed the party’s long-term policy of setting up a regime based on sharia, and the party did not exclude recourse to violence in order to implement its policy.⁸⁴ Before proceeding with the LDT members’ reflections on the Court’s reasoning, I give examples of the speeches by the Refah Partisi leaders cited in the ECtHR’s Refah judgment. These pronouncements are worth quoting at length, since the LDT members criticized the Court on the grounds that its Refah ruling was almost exclusively based on these utterances.⁸⁵

⁸¹ Yayla, “ÂİHM’nin RP Kararı Üzerine,” 79.
⁸² Erdoğan, “ÂİHM’nin RP Kararının Düşündürdüğüleri,” 46-7. Yayla makes a similar point using stronger language. He states that the ECtHR’s interpretations regarding Islam are simply disastrous, even “bullshit.” See Yayla, “ÂİHM’nin RP Kararı Üzerine,” 79.
⁸⁴ Refah para.76.
⁸⁵ Erdoğan, “ÂİHM’nin RP Kararının Düşündürdüğüleri,” 43; and Yayla, “ÂİHM’nin RP
Speech delivered by Necmettin Erbakan to the Refah Partisi group in parliament on 13 April 1994:

The second important point is this: Refah will come to power and a just [social] order (adil düzen) will be established. The question we must ask ourselves is whether this change will be violent or peaceful; whether it will entail bloodshed. I would have preferred not to use those terms, but in the face of all that, in the face of terrorism, and so that everyone can see the true situation clearly, I feel obliged to do so. Today Turkey must take a decision. The Welfare Party will establish a just order, that is certain. [But] will the transition be peaceful or violent; will it be achieved harmoniously or by bloodshed? The sixty million [citizens] must make up their minds on that point.86

Speech delivered by Şevki Yılmaz, MP for the province of Rize, in April 1994:

In the hereafter you will be summoned with the leaders you have chosen in this life. . . . Have you considered to what extent the Koran is applied in this country? . . . Jihad is the name given to the quest for power for the advent of justice, for the propagation of justice and for glorification of Allah’s Word. Allah did not see that task as an abstract political concept; he made it a requirement for warriors (cahudi). What does that mean? That jihad must be waged by an army! The commander is identified . . . The condition to be met before prayer (namaz) is the Islamization of power. Allah says that, before mosques, it is the path of power which must be Muslim. . . . It is not erecting vaulted ceilings in the places of prayer which will lead you to Paradise . . .

The question Allah will ask you is this: ‘Why, in the time of the blasphemous regime, did you not work for the construction of an Islamic State?’ Erbakan and his friends want to bring Islam to this country in the form of a political party. The prosecutor understood that clearly. If we could understand that as he did, the problem would be solved. Even Abraham the Jew has realized that in this country the symbol of Islam is Refah. He who incites the Muslim community (cemaat) to take up arms before political power is in Muslim hands is a fool, or a traitor doing the bidding of others. For none of the prophets authorized war before the capture of State power. . . . Muslims are intelligent. They do not reveal how they intend to beat their enemy. The general staff gives orders and the soldiers obey. If the general staff reveals its plan, it is up to the commanders of the Muslim community to make a new plan. Our mission is not to talk, but to apply the war plan, as soldiers in the army . . . ”87

86 Refah para. 25.
87 Refah, para. 25.
Speech delivered by the governor of Kayseri province, Şükrü Karatepe, on 10 November 1996, after the official ceremony in commemoration of Atatürk:

The dominant forces say ‘either you live as we do or we will sow discord and corruption among you’. So even Welfare Party Ministers dare not reveal their world-outlook inside their Ministries. This morning I too attended a ceremony in my official capacity. When you see me dressed up like this in all this finery, don’t think it’s because I’m a supporter of secularism. In this period when our beliefs are not respected, and indeed are blasphemed against, I have had to attend these ceremonies in spite of myself. The Prime Minister, other Ministers and MPs have certain obligations. But you have no obligations. This system must change. We have waited, we will wait a little longer. Let us see what the future has in store for us. And let Muslims keep alive the resentment, rancor and hatred they feel in their hearts.88

The starting point of the LDT’s critique is that the ECtHR based its ruling heavily on the speeches exemplified above, and not on the program and actions of the Refah Partisi. Erdoğan states that the the Refah Partisi has not resorted to violence; the ECtHR unduly generalizes the views expressed in the speeches by its leader, imputes motives into the party as a whole.89 He rejects the Court’s conclusion by arguing that establishing a sharia state—on the basis of legal pluralism or otherwise—is not part of the Refah Partisi program, and the Court has, in fact, made a case for a “concealed agenda.”90

At this point it can be useful to recall the domestic discussion on the Islamic concept of takiyah. The concept was evoked in the Government submission as follows:

In order to attain its ultimate goal of replacing the existing legal order with sharia, political Islam used the method known as ‘takiyye’, which consisted in hiding its beliefs until it had attained that goal.91

The Court does not use the concept of takiyah in its assessment of the case. Nonetheless, Erdoğan seems to hint that that the ECtHR has actually ventured into a takiyah debate. For him, inferring that the Refah Partisi has a concealed long-term agenda without supporting evidence creates an ambiguous zone in which all declared commitments of an Islamist party can be dismissed as deception.

88 Ibid.
89 Erdoğan, “AIHM’nin RP Kararının Düşündürdükleri,” 48.
90 Ibid.
91 Refah, para. 59.
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... [t]hen, it will be possible to impute ideas that are not openly defended by a political party, and then conclude that the party poses a threat to the idea of a democratic society on this dubious basis.92

Erdoğan, furthermore, states that that the Court has unduly stepped—in his precise words, is “lured”—into pronouncing on the meanings of key Islamic concepts, such as *sharia*:

The ECtHR is in blind submission to the crude analysis of the Turkish Constitutional Court and, accordingly, passes a judgment on the concept of *sharia*. Unfortunately, the ECtHR’s basic perspective at this point is faulty, even ignorant. The Strasbourg judges are lured by the Turkish Constitutional Court, and unnecessarily venture into a *sharia* discussion.93

For Erdoğan, the ECtHR’s reasoning is flawed because the Court treats the concept *sharia*, and similarly *jihad*, as if their contents were immobile, and does so in the absence of any proposal made by the Refah Partisi that can be taken as a concrete basis for evaluation. Accordingly, the possibility of plural and diverging interpretations of these concepts was ignored by the ECtHR, and inferences were made not with reference to the meanings given by the *Refah Partisi* leaders, but on the basis of the Strasbourg judges’ impressions obtained elsewhere.94

Implicit in his statement may be an understanding that these concept can be interpreted in ways that do not conflict with the basic principles of a constitutional democracy. Nonetheless, Erdoğan does not put forward any views on this account. Instead, he moves to cast-off the relevance of the discussion on substance for the ECtHR’s ruling.

In deliberating the *Refah Partisi* case, the ECtHR was also guided by the principle stating that “a legal change proposed by a political party must be sought by legal means and must itself be compatible with fundamental democratic principles.”95 Erdoğan challenges this basis of the Court’s evaluation on the grounds that the idea is ambiguous and difficult to sustain:

The condition of ‘compatibility of legal changes proposed by political parties with fundamental principles of democracy’ lacks clarity and is open to misunderstandings. Because, there is the danger of identifying the ‘fundamental

92 Erdoğan, “AİHM’nin RP Kararının Düşündürdüğü,” 45.
93 Ibid., 47.
94 Ibid., 43.
95 Ibid., 42-3.
principles of democracy’ with the de facto regime existing in a country – as it is the case in Turkey. The same danger exists also in identifying democracy with a certain positive substance, for example with a particular ‘way of life’. Even if this is not the case, there is still the possibility of taking everything associated with democracy as a ‘fundamental principle’, though this is comparatively a lesser danger. In order to avoid such hazards, the fundamental principles of democracy should be understood in a way limited to procedural rules. In this way, whatever the content of a political party’s program may be, if the party is not rejecting universal and equal suffrage, free elections and the parliament, it should be accepted to be compatible with the ‘fundamental principles of democracy’.96

With this argument Erdoğan abrogates the distinction he initially posed between the utterances of individual party members versus the program and practices of the party. He now asserts that a party dissolution case should be decided solely on the basis of whether the party accepts democratic political procedures or not. In other words, he asserts that the ECtHR should have left aside the question of whether the Refah Partisi had the long-term aim of establishing a sharia regime, and the specifics of any supposed ideal; since the party qualifies in terms of the procedural requirements.97 In this way, the LDT’s general attitude of avoidance towards the substantive content of the Islamist movements and doctrines is given a clearer formulation in the context of refuting a legal argument. In the emerging picture, the criteria for judging the Refah Partisi case can be boiled down to the question of whether the party excludes recourse to violence in order to achieve its goals.

The conclusion drawn by the authors is that establishing a sharia regime is a legitimate topic of public debate in a constitutional democratic regime. The Strasbourg Court, in their view, extended affirmation to the exclusion of a legitimate topic from political debate, and became complicit in the unjustifiable narrowing down of the freedom of expression by the Turkish Constitutional Court.

At this point it is important to note that the Refah case was tried with reference to the freedom of association both in the Turkish Constitutional Court and in the ECtHR. LDT members, nevertheless, tend to discuss the topic in relation to the freedom of expression. Although intimately related, these are separate rights dealt with under different articles in both

96 Erdoğan, “AİHM’nin RP Kararının Düşündürdükleri,” 43. See also Erdoğan, “Siyasi Partiler, Devlet ve Demokrasi,” 63.
97 Erdoğan, “AİHM’nin RP Kararının Düşündürdükleri,” 47.
domestic legislation in Turkey and international human rights documents. In both sets of documents, the criteria for limiting or overriding the freedom of expression are more stringent than those for limiting freedom of association.98 LDT members, thus, seem to be translating the stronger protection given to the freedom of expression to make a more convincing case in criticizing the Refah judgment.

Going back to the debate on the Refah case, the final point raised by the ECtHR and discussed by the LDT members pertains to the question of whether the Refah Partisi had real opportunities to put its policies into practice. As part of its treatment of the Refah case, the ECtHR questions the likelihood of a threat to Turkey’s constitutional order. The ECtHR agrees with the Government submission, and concludes that the danger became “more tangible and more immediate” in the 1990s, since the “political aims of the Refah Partisi were practically achievable, partly because of its power in government.”99 The general stance of LDT members on this question is to refrain from answering the question the way it is formulated by the ECtHR. The LDT’s dealings with this particular point can be summarized as refusing to engage in debate within the framework construed as such. Nevertheless, contributions by LDT members on related topics can be used as a proxy to carve out broader outlines of their shared position.

Whether the Refah Partisi posed a real and immediate threat to the regime was a heated subject of discussion in the Turkey of the 1990s. The topic is also dealt with by LDT members in numerous articles published

98 Freedom of opinion and expression: Article 19, Universal Declaration of Human Rights (UDHR); Article 20, International Covenant on Civil and Political Rights (ICCPR); Article 10, ECHR. Freedom of peaceful assembly and association: Article 20, UDHR; Article 22, ICCPR; Article 11, ECHR.

99 Refah, para 77. The Chamber went on to find the dangers “more tangible and more immediate” because:

Refah’s political aims were practically achievable, partly because of its power in government, but also because in the past political movements based on religious fundamentalism have been able to seize political power and have had the opportunity to set up the societal model which they advocated.

Refah, para 77. The Chamber further argued that the danger was real, because:

The establishment of a theocratic regime, with rules valid in the sphere of public law as well as that of private law, is not completely inconceivable in Turkey, account being taken, firstly, of its relatively recent history and, secondly, of the fact that the great majority of its population are Muslims.
in Liberal Düşünce. Their central idea expressed in these contributions is that the circumstances prevailing in the 1990s were more a manifestation of the elite’s “permanent sense of emergency” than a state of emergency.\textsuperscript{100} This stance is exemplified by Uyanık and Salur, who portray a picture of paranoia-ridden elite swayed by fear of losing their privileged position, and artificially inducing an austerity environment in order to eliminate the opposition.\textsuperscript{101}

The only instance of direct reflection on the question of real and immediate danger in the way it is formulated by the ECtHR is a brief note by Erdoğan. He states that the Refah Partisi was out of government at the time the dissolution case was initiated, and asserts that:

\begin{quote}
At the time when the Refah Partisi was disbanded, it was already under siege, and did not have the power to pose a threat even if it is assumed that such thoughts had actually been entertained.\textsuperscript{102}
\end{quote}

Overall, LDT members’ foremost concern in the Refah Partisi dissolution case can be seen as challenging two central themes drawn upon in the Government submission. The first point relates to the nature of the relationship between secularism and democracy in Turkey. The Government submission stresses that the principle of laicism as practiced in Turkey is a prerequisite for upholding a democratic regime. In contrast with this view, Society members state that laicist policies have imposed unjustifiable limits on the freedom of expression by excluding manifestations of Islam in politics. In this sense, they regard official secularism as an impediment to democracy in Turkey, rather than as a necessary condition for it.

The second major point raised by LDT members was to reject the Government’s and the ECtHR’s assessment of Islamic concepts such as sharia and jihad. In the LDT’s view, the ECtHR transgressed its limits by

\begin{footnotesize}
\textsuperscript{100} Arslan states that austerity measures have been implemented as the norm in Turkey. For him, it is commonplace that “rights and liberties are limited in order to fight the ‘threat’, legal safeguards are bent, and the higher echelons of the judiciary conjoin other state organs in this struggle.” See Arslan, “Liberal Demokrasilerin Zor Zaman Krizi ve İfade Özgürlüğü,” 26.

\textsuperscript{101} Ibid. Uyanık and Salur argue in a similar vein and maintain that the case of Turkey is an instance of “oppression and homogenization in the name of self-preservation”. Uyanık and Salur, “Kısa Bir Demokrasi Analizi ve Militan Demokrasi Analizi ve Militan Demokrasi Anlayışına Liberal Perspektiften Bir Bakış,” 21.

\textsuperscript{102} Erdoğan, “AİHM’nin RP Kararının Düşündürdükleri,” 48.
\end{footnotesize}
pronouncing on the meanings of these concepts, whereas the only relevant criteria should be whether the party adheres to democratic procedural requirements. Erdoğan and Yayla infer that the ECtHR’s judgment is misguided; for the Court is silent where it is expected to deliver a critical assessment, and pronounces where it is supposed to be silent.

The LDT’s critique of the ECtHR’s judgment, in this sense, is in keeping with the arguments they put forward in the domestic controversies. In both instances, Society members reverse the terms of the debate, and shift critical attention towards the official understanding and policies of secularism in Turkey. Yet, there is also a significant difference between the arguments developed in the respective contexts. The LDT’s discussion of the ECtHR’s judgment is, foremost, an attempt at refuting a legal argument. Therefore, the LDT is not required to make a case to establish that the Refah Partisi had no ultimate agenda of establishing a sharia state, or to argue to establish that the Islamic concepts of sharia and jihad are actually compatible with a constitutional democracy. In my view, placing this specific discussion adjacent to their contributions in the domestic debate helps give a more comprehensive picture of the LDT’s overall position.

As mentioned earlier in the article, the LDT members have systematically refrained from discussing the substantive content of the doctrines held by various Islamist strains in Turkey. Related topics do not find place among the assorted research interests of the LDT pertaining to Islam and secularism in Turkey. Correspondingly, multifaceted political analyses and critique engaged in by Society members do not make reference to such empirical content. My research on the works produced by LDT members has led me to the conclusion that the Society’s dealing with Islam is unique on this account. Aside from the fact that the LDT takes Kemalism as its main adversary, their approach to other doctrines, such as socialism and nationalism is distinctly different. The LDT members have discussed socialism incessantly, and nationalism to a lesser extent; making a case for possible areas of incompatibility between the substantive contents of these doctrines and the basic values and principles underlying a constitutional democratic regime. In contrast, they have not discussed or offered criteria

for similar evaluation regarding Islamic doctrines or Islamist movements and parties. It is in this sense possible to conclude that the LDT’s attitude of disregard toward the substantial content is a guideline applied exclusively to Islamic movements and interpretations in contemporary Turkey.

6. Conclusion

In this article I dealt with the LDT’s views on Islam and secularism in Turkey in the context of their critique of Kemalism and the Republic’s drive towards modernization. Opposition to the official secularist line and to the Kemalist project has been a major concern for the LDT. I established that the LDT regards laicist policies as the primary source of the violations in the realm of religious liberty, and a major support for Kemalist policies of homogenization and social engineering.

The centrality the LDT attributes to official secularism has also reflected on the way the Society understands Islam’s political significance in contemporary Turkey. I explicated that the LDT members deal with Islam as the subject of official policies and as a fundamental component defining the general cultural outlook of the Turkish society, despite official policies of exclusion targeting Islam’s influence in society, and aiming to curb and delegitimize its expressions in plural realms.

In both domestic debates, and in their reflections on the ECtHR’s Refah Partisi judgment, Society members have refrained from discussing the substantive content of Islamic doctrines advocated by Islamists in Turkey, and have carefully avoided reaching conclusions on that basis. The LDT’s critical attention is directed solely towards official policies, and the mentalities of the Kemalist cadres implementing them, leaving Islamic doctrines, movements, and political parties outside the scope of critical evaluation. This stance leads to the outcome of refraining from evaluating cultural and political expressions of Islam in the Turkish setting from the perspective of basic liberal values and principles. In this way, any possible incompatibility or conflict between a liberal political order and

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Doğan Gürpınar argues that on a general plane, the LDT’s brand of liberalism is construed in opposition to Marxism and other broadly socialist doctrines. Gürpınar, “Libertyenizm ve Liberalizm Arasında Liberal Düşünce Topluluğu,” 90. See also footnote 61, Essay 1 in this compilation.
the doctrines endorsed by major Islamist movements and parties at issue remains uncharted.

The LDT pursues the goal of establishing the illegitimacy of Turkish laicism ardently, possibly with a sense of political urgency deriving from their broader assessment of the political dynamics characterizing the political scene in Turkey. In this context, any normatively significant differences existing within the spectrum of broadly Islamic movements and doctrines seems to pale into insignificance when compared to the central line of conflict the LDT postulates between “the laicist elite versus the Islamic society.” The avoidance of the substantial content, thus, seems to function as the constitutive element in the LDT’s rejection of official secularism at the expense of suspending liberal critique of Islamist movements, parties, and doctrines.

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ESSAY 3: 
THE ISLAMIC HEADSCARF CONTROVERSY 
IN CONTEMPORARY TURKEY

1. Introduction

Islamic veiling has been at the center of the controversies on women, Islam, and secularism throughout the Republican era in Turkey. The dispute reached a new height after the ban on the Islamic headscarf in the university in 1981, and became an emotionally charged subject for both its proponents and the opponents. Political strife and mobilization on the issue continued for more than three decades following the ban.¹

The sheer duration of the conflict has led some to the conclusion that wearing an Islamic headscarf in the university had been banned at the outset of the Republican regime. Contrary to this somewhat widespread belief, women’s dress in Turkey was not subject to legal regulation until after the military coup in 1980. The first piece of legislation on women’s dress was a set of decrees issued by the Cabinet on 22 July 1981, forbidding the wearing of Islamic headscarves by students and staff in institutions of higher education.² With this decree, women’s dress became the subject of central legal and political control for the first time in the history of the Republic. The controversy continued with varying intensity until the legal basis for the ban was abolished in 2013.

Literature on the Islamic headscarf ban in Turkey spans a relatively large spectrum of themes and subtopics. On the part of the Islamists, the controversy has led to revitalization of discussions of veiling as an Islamic precept. Islamist authors have put forward theological arguments with a

¹ When the Adalet ve Kalkınma Partisi (Justice and Development Party – AKP) came to power in 2002, both proponents and opponents expected a swift overturn of the Islamic headscarf ban in the university. Nevertheless, even though we witnessed a noteworthy softening of implementation, the legal basis of the ban was abolished only in 2013.
view to establishing veiling as an Islamic duty. A central concern in these contributions has been to underline the aspect of faith, and to demonstrate that veiling was historically practiced in all Abrahamic religions.

Islamists have otherwise written extensively in opposition to the ban. Criticizing official secularism and the Islam-state relations in Turkey is central to these endeavors. What is common to these contributions is defining the Kemalist drive towards modernization as a project of excluding Islam from social and political life. These accounts construe the founding years of the Republic as a history of stern prohibitive-punitive measures directed towards Islamic expression in all spheres of social life. My central aim in this essay is to focus on an element ignored in these discussions. Women’s dress and veiling has not been a topic of prohibitive-punitive measures up until the 1980s. I take this fact as my starting point, and make a case for the “pedagogical” aspect of the Kemalist modernization project, as it is illustrated in the attitude towards women.

Sociological studies dealing with the Islamic headscarf in the university emerged as a major strain of investigation starting in the 1980s. Sociologists have employed qualitative research methodologies to expound the social backgrounds of veiled students as well as their attitudes towards education, work, and family life. This line of investigation has underlined the “modern” character of this newly emerging form of veiling, and identified it as a phenomenon distinct from traditional and customary Islamic practices. The Islamic headscarf in the university is, accordingly, defined as expressive of

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3 Examples of this literature are abundant. A few exceptional studies put forward the opposing view that veiling is not an Islamic precept. See especially Hatemi, İlahi Hikmette Kadın; and Öztürk, Kur'an Anlamaya Doğru.


5 This argument is not unique to Islamists, but shared also by various liberal strains in Turkey. On the liberal thesis of exclusion, see Essay 1 in this compilation. It is important to note that opposition to the Islamic headscarf ban has not been limited to the Islamists and the liberals. Some socialist and feminist circles, and large segments of women’s movement have also criticized and opposed the ban.

6 These contributions focus exclusively on the official attitude towards the Islamic headscarf. Hidayet Şefkatlı Tuksal, an Islamist feminist theologian, is exceptional in this regard. Tuksal discusses power relationships and asymmetrical gender relationships in Islamist movements as well as the ways in which the ban was exploited by Islamist politicians and Muslim men. See Tuksal, “Kadın Bakış Açısına Sahip Olmalıyız.”
a new kind of religiosity prevailing among the upwardly mobile segments of urban and educated Islamists, and which is distinguishable by its scriptural orientation, and militant countenance.\footnote{The Forbidden Modern: Civilization and Veiling by sociologist Nilüfer Göle is a seminal work, which pioneered studies on veiling (initially published in Turkish as Modern Mahrem: Medeniyet ve Örtünme, (İstanbul: Metis Yayınları, 1991). Göle deals with the matter with reference to the idea of an “Islamic modernity”. See Göle, The Forbidden Modern. Elisabeth Özdalga analyzes veiling in terms of a struggle for recognition in the name of a new Islamic identity. See Özdalga, ModernTürkiye’de Örtünme Sorunu. Similarly, İlyasoğlu and Saktanber define veiling in terms of new forms of Islamic religiosity, formed in the tension between tradition and modernity. See İlyasoğlu, Örtülü Kimlik; İlyasoğlu, “İslamcı Kadın Hareketinin Bugün Üzerine;” and Saktanber, Living Islam.}

As argued by Emrah Göker, the majority of sociological studies build their arguments on the meanings, self-representations, and conscious strategies of the “actors.”\footnote{Göker, “Örtünme Pratigi ve Din Alanı: Özetcel Toplumbilimin Snırları,” 141-4.} A similar approach characterizes sociological investigations conducted by Islamists. Their research as well highlight individual experiences of women wearing the Islamic headscarf. Personal accounts of women are drawn upon to substantiate that veiling is a decision of conscience based on faith, maintained despite inhospitable circumstances and personal costs, also as illustrations of resistance and of coping strategies.\footnote{Sociological studies of the topic by Islamists have exclusively been conducted by women. Their research has focused on highlighting the individual experiences of women wearing the Islamic headscarf in the university. Personal histories are drawn upon to substantiate that veiling is a decision of conscience based on faith, maintained despite inhospitable circumstances and personal costs. These personal accounts are also articulated as illustrations of resistance and of coping strategies. The work of Cihan Aktaş, a veiled writer, is the most renowned and influential of these studies. See Aktaş, Türbanın Yeniden İcadi. Aktaş has also written extensively on veiling in the Ottoman-Turkish history. See Aktaş, “İslamcı Kadının Hikâyesi”; Tansimat’tan 12 Mart’a Kitik-Kıyafet ve İktidar; Sistem İçinde Kadın; and Bir Hayat Tarzi Eleştirisi: İslamiçlık. Other Islamist women have incorporated empirical content (such as interviews or personal accounts) into their discussions, even though their work cannot be classified as “sociological” in a narrower sense. Among these authors are: Fatma Bostan Ünsal, Fatma Karabiyik Barbarosoğlu, Yıldız Ramazanoğlu, Sibel Eraslan, Cihan Aktaş, Ayşe Böhürlü, Hidayet Şefkatli Tuksal, and Fatma Benli.}

Arguments on the modern nature of the use of the Islamic headscarf by university students have led to a revitalized interest in Ottoman-Turkish modernization. The process, which started in the Ottoman Empire of the
19th century has been revisited as a background for discussing the ban. This tendency has corresponded with the increased prominence of feminist scholarship on the gender dimension of modernization and nation-building. Feminist researchers from various disciplines undertook the task of locating gender as an essential dimension in this process. They have argued and substantiated that the question of women is constitutive of the Kemalist ethos of a modern secular society. The general approach of this essay is built upon the central insights of feminist theorizing.

My aims in this essay are twofold. First, I draw upon the findings of feminist research and argue that transforming the status of women in society and redefining gender relations was an inherent component of the Kemalist project. Women’s participation in social life—as well as their corporality and “modern” appearance—was a key aspect of the Republican ethos. I show that adopting the Western cultural model was central to the reformist ambitions during the 1920s and 1930s, and women’s veiling was considered in the framework of this encompassing vision.

My second aim in this essay is to analyze the official arguments given in the context of the ban. The emergence of veiling among university students posed a significant challenge to the cultural ethos of the Republic. I argue that, in this period, the grounding premises of the Republican vision were invoked and reasserted. In consequence, they were articulated more openly than they otherwise would have been, without the emergence of veiling among students.

I trace the basic ideas and assumptions underlying the official attitude towards veiling by analyzing key court rulings and decisions in the period, and claim that the Kemalists expected that the transition to unveiling would be a linear and unidirectional path. More specifically, I argue that the Kemalists presupposed that veiling would be abandoned as women advanced in terms of education and career, and as an outcome of legal and institutional reconfigurations, as well as various political incentives introduced by the regime. I call the Kemalist expectation of a natural trend of unveiling the assumption that the tradition would “wither away,” and discuss the developments in the 1980s as a trajectory of decline and eventual collapse of this assumption.

The essay is organized in two parts. In the first part, I establish the pivotal role attributed to women in the cultural ideals of the Turkish Republic. I take the founding years of the new regime (the 1920s and 1930s) as the period in which the general contours of the Republican pedagogical project were put into place. I locate my discussion in the broader context of the Ottoman-Turkish setting of modernization, and discuss the pivotal role attributed to the status of women in the process. I focus particularly on the Republican

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era to offer a historical inquiry into the symbolic significance assigned to women’s public visibility, especially their corporality and dress-code. Analyses in the second part of the essay build upon this background. I examine justificatory reasons that are presented in judgments by both local and supreme courts, presidential vetoes, laws, decrees and regulations relevant to the Islamic headscarf ban in institutions of higher education. I focus chiefly —yet, not exclusively— on the 1980s, during which the jurisdictional aspect of the ban, as well as its variations and transformations, became crystallized. I end my discussion with a note on the 1990s, in which not the legal basis of the ban, but its practice took a new turn.

2. The Gender Dimension of Turkish Modernization

The Ottoman-Turkish modernization process has long stood as the focal point of the social science literature in Turkey. Investigations on the topic have mostly focused on the relationship between Islam and secularism, with little or no attention paid to the gender aspect of the transformation. Starting in the 1980s, feminist scholars initiated a critique of the “gender blind” character of the debate, and proposed a framework in which the status of women and the symbolism associated with them played a fundamental role. The 1981 ban on the Islamic headscarf in the university instigated a major controversy, and elevated gender to the focal point of debates on Islam and modernization. This development drew attention to and added substantial credibility to the basic insights of feminist theorizing.

Feminist scholarship from the 1980s and 1990s incorporated a significant historical dimension. Feminist researchers asserted that an adequate analysis of the position of women in Muslim societies must be grounded in a detailed examination of the political projects of contemporary states, and their historical transformations. As argued by Deniz Kandiyoti:

10 Deniz Kandiyoti is a pioneering figure in feminist scholarship on the topic of women, Ottoman-Turkish modernization, and nation-building process. Ayşe Nilüfer Durakbaş, Ayşe Saktanber, and Pınar İlkkaracan can be named among the prominent figures of the next generation feminist scholarship.

Feminist theses have also influenced numerous sociologists and political scientists, such as Yeşim Arat, Necla Arat, Ayşe Kadoğlu, Nilüfer Göle, and Aynur İlyasoğlu.

The ways in which women are represented in political discourse, the degree of formal emancipation they are able to achieve, the modalities of their participation in economic life and the nature of social movements through which they are able to articulate their gender interests are intimately linked to state-building processes and are responsive to their transformations.¹²

The work of Partha Chatterjee on “Eastern nationalism” finds strong resonance in feminist literature on modernization and gender. Chatterjee argues that modernizers in the East have met the contradictory mission of transforming a national culture by adjusting it to the requirements of progress, while at the same time maintaining its distinctive identity.¹³ Feminist students of Turkish modernization have built upon or have taken inspiration from this idea. They have argued that in the Muslim world the anchor for the “unique” collective identity was fastened to the status of women in society. Put succinctly by Nilüfer Çağatay and Yasemin Nuhuoğlu:

In many Muslim countries women serve as the symbol of struggles over sovereignty, national identity, cultural authenticity, reform, and development.¹⁴

Feminist investigations of the Turkish context are often designed to include the Ottoman modernization efforts that preceded the nation-building process. These studies show that the position of women in society was discussed at the onset of the reformist attempts of the Tanzimat period (1839-1876). Numerous studies deal with topics such as women’s education, employment, and position in the family in the Ottoman Empire of the 19th century. These studies demonstrate that the question of women was central to competing political projects and intellectual currents of the period. Put more specifically, women’s position in society was at the core of the political struggles to determine how far Western-style modernization would go.¹⁵ In Kandiyoti’s words, the social and legal status of women became a fault line separating Ottoman modernizers and their traditionalist adversaries. Both reformist and conservative stances revolved around this issue.¹⁶

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¹² Ibid., 2-3.
¹³ Chatterjee, Nationalist Thought and the Colonial World, 2.
¹⁵ Göle, The Forbidden Modern, 33.
¹⁶ İlyasoğlu, Örttülü Kimlik, 50.
Later debates would both reveal and create bitter cleavages among the Ottoman elite itself and the condition of women became more self-consciously identified as the touchstone of Ottoman cultural ‘integrity’ or ‘backwardness’, as the case might be.17

The two major intellectual and political groups in the Ottoman Empire of the 19th century were the Westernists and the traditionalists.18 Westernists were convinced of the cultural superiority of the West, and believed that there was no alternative to European civilization.19 They advocated a wholesale adoption of the European model, including Western culture, as a precondition for transforming Ottoman society. Traditionalists, on the other hand, aimed to limit the effects of modernization to administrative, technical, and material domains.20

On the legal and the cultural planes, disagreement between Westernists and traditionalists was most intense in the discussions on the status of women in society. Westernists criticized traditional Islamic practices such as arranged marriages and polygamy and advocated for women’s access to education. Traditionalists, on the other hand, saw modern-Western influence in these areas as perilous for the moral fiber of the society. They upheld that the questions of women and the family should remain outside the scope of reformist ambitions, and continue to be regulated by the *sharia*.21

It should be noted that the question of women posed challenges also for those who did not oppose the idea of adopting the Western cultural model. They, too, faced the question formulated by Chatterjee as the conflicting demands of upholding a unique Ottoman identity in the face of pressing need for change. The work of Ziya Gökalp can be cited as an example of the ways in which Ottoman intellectuals tried to come to terms with the issue.

19 In the nineteenth century, the dominant use of the concept of civilization worldwide was in the singular. Civilization did not refer to the historical relativism of cultural entities but expressed a universalized claim regarding human achievements. See Elias, *The History of Manners*, 3-4. Civilization, understood in this particular sense, constituted the main axis of political and ideological confrontation in the Ottoman Empire as well. Ottoman intelligentsia understood “civilization” in the singular, and discussed the extent and reach of social transformation in the Empire on this basis. Çetinsaya, “Kalemiye’den Mülkiye’ye Tanzimat Zihniyeti,” 55-6.
20 Kandiyoti, “From Empire to Nation State: Transformations of the Woman Question in Turkey,” 220-1.
21 Ibid., 220.
Gökalp was an early nationalist thinker, and an advocate of a reformist position with regard to the position of women in society. He proposed a unique solution to the predicament of “identity and change” through going back to pre-Islamic Turkic traditions and justifying reforms through anchoring them in an idea of authenticity. In his understanding, pre-Islamic Turkic tribes were communities in which men and women enjoyed equal status. Reformist efforts to promote gender equality would, therefore, not be an invitation to cultural estrangement, but merely a revitalization of the cultural mores and practices prior to the Turks’ conversion to Islam.\(^\text{22}\)

Ottoman modernizers charted a middle ground between the Westernists and the traditionalists. Successive reform packages targeting major legal and institutional renewals were launched starting in the mid-1800s. The Ottoman ruling elite adopted new political and educational institutions and introduced legal reforms as part of the drive for modernization. Secularization of the legal code was a central instrument of this enterprise. In his seminal work *The Development of Secularism in Turkey*, historian Niyazi Berkes defines this process as the “gradual abolition of religious laws and institutions symbolized by the term *sharia*.”\(^\text{23}\) He shows that legal reforms regarding women and the family were introduced at a much slower pace compared to reforms in other areas. Matters such as divorce and polygamy continued to be organized according to Islamic law until the very end of the Ottoman Empire. Berkes adds that the term *sharia* was finally limited to the innermost core, namely the legal relations clustering around family.\(^\text{24}\) Berkes’s historical account can be seen as a testimony to the feminist argument that legal and normative definitions of gender relations were accepted and treated as the most resistant divergence posed between the Islamic and the Western. The Ottoman identity, in other words,

\(^{22}\) Pınar İlkkaracan, “How Adultery Almost Derailed Turkey’s Aspiration to Join the European Union,” 44. See also Parla, *The Social and Political Thought of Ziya Gökalp*, 62. As noted by Deniz Kandiyoti, Ziya Gökalp has a special place as the main ideologue of the movement of Turkism, which set the foundation of Kemalist nationalism. He also developed a clear and detailed position on the status of women. See Kandiyoti, “From Empire to Nation State: Transformations of the Woman Question in Turkey,” 221, 236-7.

\(^{23}\) Berkes, *The Development of Secularism in Turkey*, 467.

\(^{24}\) The period Berkes has in mind is the 1910s. See Berkes, *The Development of Secularism in Turkey*, 467.
was “anchored” in Islamic norms regulating matters intimately related to women’s lives and relationships between genders.

The centrality of women in political visions and reform projects continued in the Republican period, this time to symbolize the Western cultural model adopted by the Turkish Republic. Ideals of the new regime were most clearly expressed in the role assigned to women in society. In the next section, I discuss the founding years of the 1920s and 1930s as the period in which the contours of the Republican vision regarding women took shape.

3. The “New Woman” of the Republic

The transition from a patrimonial Islamic empire to a secular nation-state, without doubt, signaled a turning point in Ottoman-Turkish modernization history. The establishment of a new regime and the desire to break with the Ottoman past enabled the implementation of radical policies.

Adopting a Western cultural outlook was a pronounced dimension of modernization in the Republican era. The urgency of closing the gap between the new Republic and the “civilized nations” in the areas of production, industry, and education went in hand with concerns with adopting a “civilized” way of life. Kemalist modernizers set out to transform both society and the individual through adopting “Western norms, styles, and institutions, most conspicuously in education, law, social life, clothing, music, architecture, and the arts.”

Questions regarding the social position of were located at the center of this ambition.

As discussed above, the close relationship between gender, modernization, and nation-building is not particular to the Turkish case. Nonetheless, students of Turkey have claimed that this relationship was even more pronounced in the Turkish setting. To give an example, sociologist Nilüfer Göle underlines the unique emphasis given to the goal of creating a “new woman” for the drive for Westernization in Turkey. She states that:

Unlike most national revolutions, which redefine the attributes of an ‘ideal man’, the Kemalist revolution celebrated an ‘ideal woman’. Within the emerging Kemalist paradigm, women became bearers of Westernization.

26 Göle, The Forbidden Modern, 14.
Whether the Turkish case has a distinct place among comparable experiences of modernization is of little importance for the study at hand. What is more significant for my aims in this essay is explicating the privileged role assigned to women in the cultural ideals of the Republican regime. In the next sections I discuss the way the Kemalist founders of the new regime dealt with women’s appearance and dress in the context of this broader framework.

4. “Emancipation” of Women and Unveiling

Ottoman society functioned through careful conformity to dress codes that indicated ethnicity, religious affiliation, status, or occupation. In turn, the new outer appearance of the citizens promoted by Republican cadres was seen as the visual proclamation of the ideal of equal citizenship and the secularization of social life. Transforming the clothing habits of the population was, therefore, an important aspect of the cultural renewal targeted by Republican cadres.

The new regime started introducing various laws regulating dress code of the citizens as early as the 1920s. At this point, the disparity between the official attitudes towards men and women became crystallized. During the founding years of the Republic (in particular, during the 1920s), prohibitive-punitive measures regulating dress exclusively targeted men. Men were prohibited from wearing religious dress and headgear, and from using other paraphernalia marking religious and sectarian belonging. The wearing of the Islamic kisve outside of religious ceremonies was banned.28

On 25 November 1925, the wearing of Western-style hats was made obligatory. What came to be known as the “hat law” was implemented decisively and without concessions, despite major opposition and unrest in many parts of the country.29 People suspected of involvement in “anti-hat law” demonstrations were arrested and tried in special courts (İstiklal Mahkemeleri). In less than three months, a total of fifty-seven dissenters were hanged and several hundred were given jail sentences.30 In some cases,

27 İlyasoğlu, Örtülü Kimlik, 54.
28 Zürcher, Turkey: a Modern History, 173 and Berkes, The Development of Secularism in Turkey, 474.
29 Ahmad, The Making of Modern Turkey, 79.
30 Aktaş, Tanzimat’ın 12 Mart’a Kilik Kıyafet ve İktidar, 174-9. Aktaş notes that a wo-
people chose to never leave the premises of their homes; some because they could not adapt to these new regulations, and some in order to express their opposition to the policy.\(^{31}\)

In stark contrast, women’s dress was not made the subject of central legislation or official regulation during this founding period.\(^{32}\) Given the specific place assigned to women in the Republican ethos, the absence of legal measures is a question to be reckoned with. A significant reason for diverging policies is related to the Islamic different precepts regulating women’s and men’s dress. According to the predominant interpretation, Muslim women have to cover their hair and bodies after the age of puberty.\(^{33}\) In the Muslim world, veiling is commonly accepted as a mandatory practice; that is, prescribed or \textit{farz}. In contrast, Islam has no fixed standard that applies to men. Men’s dress and use of religious paraphernalia has the status of \textit{sunnah}; that is, not prescribed but recommended. The unique place of women’s veiling in Islam accounts in part for the differential policies pursued by Republican cadres. Prohibitive-punitive measures targeting women’s dress would have been regarded as a direct assault on Islamic commitments and sentiments, and have caused defiance and insurgency on a much larger scale.

Another, and—in my view equally significant—reason for the differential treatment of men’s and women’s dress pertains to the extent and depth of the cultural transformation targeted by Kemalists. Before proceeding to my arguments, I give a brief discussion of the Islamic headscarf as an aspect the Islamic morality.

\[^{31}\text{Aktaş}\text{ gives the example of renowned Muslim scholar Elmalılı Hamdi Yazır. Aktaş,}\text{Tanzimat’tan 12 Mart’a Kilik Kiyafet ve İktidar, 179.}\]

\[^{32}\text{Aktaş writes that mayors, on occasion, passed circulars to forbid the use of çarşaf (chador). See Aktaş,}\text{Tanzimat’tan 12 Mart’a Kilik Kiyafet ve İktidar, 215. A similar account can be found in the work of İlyasoğlu, who notes that interventions in the clothing and veiling of women are expressed in oral history but there exists no systematic study of the matter. İlyasoğlu, Ortüllü Kimlik, 56.}\]

\[^{33}\text{The obligation applies to situations where the woman is in the presence of men she is not related or married to.}\]
4.1 Veiling and Mahrem

The Islamic headscarf controversy in Turkey has been named in reference to the garb itself. However, the deeper meaning of the matter should be understood in relation to the Islamic concept mahrem. Mahrem—meaning both “privacy” and “the forbidden”—is a key Islamic concept that defines the social constraints on women’s appearance and behavior, including the requirement of veiling.

Renowned Moroccan feminist scholar Fatima Mernissi relates the concept of mahrem to the three interrelated meanings of hijab (veil). The visual dimension hides women from sight. The spatial dimension marks the border between men and women, whereas the third dimension is normative, and defines forbidden acts. Veiling, in this sense, is a symbolic form of seclusion, setting the “spatial rules that are the pillars of the Muslim sexual order,” Women, in this way, are present in the men’s world, but invisible behind the veil. Sociologist Aynur İlyasoğlu makes a similar point arguing that veiling, implies being sheltered inside a realm of privacy, and within symbolic boundaries set by Islamic faith, even when in the public space.

Veiling, thus, can be defined as an element of Islamic morality, which prescribes not only the hiding of femininity, but also sexual segregation, and the regulation of social encounters between men and women. Understood in this proper and more comprehensive sense, veiling defines gender relationships and the meaning of privacy in Islamic codes, and speaks to deep-seated values, mentalities, and modes of conduct. In my view, Kemalists adopted an indirect approach to veiling that was paced in accordance with the social and cultural transformations required to replace mahrem in this encompassing sense.

34 Mernissi, Beyond the Veil: Male-Female Dynamics in Modern Muslim Society, 93.
35 Mernissi notes that the root of the verb hajaba means to “hide”. Ibid.
36 Ibid.
37 Mernissi, Beyond the Veil, 137.
38 Ibid, 142.
39 İlyasoğlu, Örtülü Kimlik, 113.
4.2 Traditional-Islamic versus Modern-Western

From the onset, the leading cadres of the Republic tried to encourage women to adopt a “modern style of dress,” which included unveiling. Grounds for this policy are most clearly expressed in various speeches by Mustafa Kemal Atatürk. Atatürk saw veiling as a fundamental component of the traditional-Islamic social and cultural fabric inherited from the Ottoman era. He led a vigorous propaganda campaign, travelling and giving speeches throughout the country. In a speech delivered in the city of Kastamonu in 1925, Atatürk expressed his discontent with the traditional-Islamic ways in the following words:

In some places I see woman who hide their faces and eyes by throwing a piece of fabric, a scarf, or something like that over their heads, and when a man passes by, they turn their backs to him or close up by sitting on the ground. What is the meaning of this behavior?

Gentlemen, would the mothers and daughters of a civilized nation assume such an absurd and vulgar pose? This is a situation that ridicules our nation. It has to be corrected immediately.41

The speech addresses veiling in relation to the timid and subdued disposition of women as well as their conduct in the presence of men. On several other occasions, Atatürk defines women’s clothing habits as part of encompassing wider problem, related to the position of women in society and women’s internalization of a secondary and subdued status. In the view of Atatürk—and Kemalists in general—the prevalence of a traditional-Islamic culture and societal mores, along with the Islamic legal codes, were the primary causes of this predicament. The goal of the new regime was thus defined as “freeing women from Islamic shackles.”

This goal was a comprehensive and multilayered enterprise put in effect through various legal and institutional measures. Targeted changes spanned various spheres of life traditionally regulated by Islamic codes. The immediate aim of those reforms were stated as installing the legal and

40 Zehra Arat argues that the “discursive framework” of the Kemalist reforms were established in Nutuk and the public addresses of Atatürk. She states that the status of women is specifically emphasized in these sources. See Arat, “Kemalizm ve Türk Kadını,” 54.
41 Ibid.
institutional setting to provide equal citizenship of women, and to enable their full participation in social and political life.

Academic research, feminist or otherwise, converges to argue that legal reforms were the primary means by which to actualize the targeted social and cultural change. The Civil Code, in particular, was used as a major transformative tool for Turkish modernization. On 17 February 1926, the Quran-based personal status code (*Mecelle*) was discarded, and replaced by the Swiss inspired Civil Code. The transformative role assigned to the Civil Code is discussed by Berkes who argues that:

> [T]he aim of the makers of the code was not to establish and regulate the civil relations of the people according to the existing customs and mores, or religious provisions. On the contrary, it was to shape these relations according to what the makers of the code believed they should be.

The Civil Code provided critical rights to women in areas such as marriage, divorce, and inheritance. It is also accepted as a major step towards guaranteeing equal citizenship rights for women. Historian Çağlar Keyder maintains that introducing equal citizenship was as prominent a goal as the organization of a centralized state and the implementation of social transformation through secularization. Decisive steps in this direction were taken during the 1920s and 1930s. Through a constitutional amendment on 5 December 1934 (Article 10 of the 1924 Constitution), suffrage was extended to women. In the 1937 elections, eighteen women deputies were elected, constituting 4.5 percent of the National Assembly.

Numerous campaigns targeting women during this foundational period reflected the ideal model of equal rights and social responsibilities. Women

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46 Women’s right to run in local elections was recognized in 1930. See Tekeli, *Kadınlar ve Siyasal ve Toplumsal Hayat*, 211. See also Kırkpınar, “Türkiye’de Toplumsal Değişme Sürecinde Kadın,” 21.
were encouraged to get a university education and to be economically productive members of society. They were also encouraged to be publicly active, to run for political office, and to transmit the new regime’s ideals. Heroic images of devoted women village teachers and district officers (kaymakam) working in rural areas were iconic figures of the period.

The goals of the new regime were not limited to extending equal citizenship rights or to providing opportunities for women’s participation in social and political life. The more radical aim of the Kemalist project can be defined as transforming a whole social structure based on Islamic codes by transfiguring gender relations. Legal and political reforms were also taken on because of the implications they may have in the domains of family and intimate relations, and because of the impact they may have on the hopes, expectations, ambitions, attitudes, and conduct of women.

Legal reforms and campaigns aiming to improve the status of women were accompanied by the discussions of the “new woman” and her outer appearance. The ideal of “modern femininity” as conceived by Kemalist reformists was a combination of several qualities, including being an educated professional, an active participant in organizations, a competent mother and wife, and an elegant companion for social functions. The unveiling of women, in this context, was both a key component and the visual symbol of the cultural ideals endorsed by the new regime. By the

49 Durakbaş, Halide Edib, Türk Modernleşmesi ve Feminizm, 125.
51 For a discussion of the legal reforms in the formation of male and female identities in Turkey, see Kandiyoti, “Women in Contemporary Turkey.” Yeşim Arat reminds us that there were differences both at the formal and the substantive level regarding citizenship rights and the status of husband and wife. See Arat, “On Gender and Citizenship in Turkey,” 29. See also Ayşe Nilüfer Durakbaş, “Cumhuriyet Döneminde Modern Kadın ve Erkek Kimliklerinin Oluşumu: Kemalist Kadın Kimliği ve Münevver Erkekler,” 46. The “new woman” of the republic was also expected to be modest and chaste, in the context of the new and transformed meaning of being an honorable person with strong morals. Feminist scholars such as Pınar İlkkaracan emphasize that the concept of honor gained a new importance in this context. While opening a new space for themselves in the public domain, women were held responsible for maintaining the highest moral standards of “harmless” interaction with men. See İlkkaracan, “How Adultery Almost Derailed Turkey’s Aspiration to Join the European Union,” 44. For a discussion of the “subjective experience of femininity” in this period, see Kandiyoti, “Emancipated but Not Liberated? Reflections on the Turkish Case,” 324-7.

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1920s, several activities to encourage women’s public visibility were already organized. For example, in 1929, the first beauty pageant was arranged, and the press showed a great deal of interest in the event.52

Women’s engagement in the public world, social mixing of the sexes, and the emphasis on women’s corporal visibility, also had implications for the definition of privacy. The new model entailed the formulation of an individual morality, since the traditional Islamic understanding based on female “invisibility,” and sexual segregation was to be set aside.53

The cultural vision of the Turkish Republic was based on the dichotomy posited between the traditional-Islamic and the modern-Western. Reformist attempts in the founding years of the new regime took the latter as a blueprint for transforming the former. Reconfiguring gender relations and modes of conduct traditionally based on Islamic codes was central to this vision. The scope of reformist ambitions encompassed interpersonal relationships within the family and between the genders. Unveiling, in this sense, was the most visible symbol and the ultimate emblem of the break with the past. Women’s dress habits and veiling were approached in the context of the gradual transformation of these deep-seated customs, instead of as prohibitive-punitive measures.

In the next section I analyze the official arguments given for the post-1980 ban that gave clear articulation to the Kemalist cultural vision and the role of women’s veiling in it.

5. The Islamic Headscarf as Residue

The Islamic headscarf in the university was not a topic of controversy until the 1980s.54 On 22 July 1981, a cabinet decree banned veiling in universities

52 In 1932, Keriman Halis won the title of Miss World in the international contest. Ahmad, The Making of Modern Turkey, 87.
54 The first instance of the Islamic headscarf issue at an institute of higher education emerged at the University of Ankara in 1968. Hatice Babacan, a Theology Faculty student, was expelled from the university in 1968 for wearing the Islamic headscarf. Nonetheless, the matter remained an individual case, and did not become the center of public political controversy. See Aktaş, Tanzimat'tan 12 Mart’a Kılık-Kıyafet ve İktidar, 320.
and in other institutions of higher education. The cabinet decree was followed by regulations by the Council of Higher Education (Yüksek Öğrenim Kurumu). On 20 December 1982 the Council issued a circular on the wearing of headscarves in universities and public schools, including İmam-Hatip schools – special secondary schools for educating religious functionaries. The Council mentions the requirement to dress in modern clothes, and explicitly forbids the use of headscarves in these institutions. The circular issued on 20 December 1982 reads:

1. Staff and students in public schools should dress in modern, plain, and ordinary clothes, in accordance with the principles of Atatürk’s reforms.
2. All male and female students, including foreign students, should wear clean and modest dresses, shirts and shoes. Headscarves of any kind will not be permitted on the premises of these institutions.

As outlined in Part I of this article, prohibitive legal measures regarding dress in the founding years of the Republic exclusively targeted men. The cabinet decree and the Council’s circular signaled the start of a new period in which women’s dress was subject to central regulation.

The ban triggered protests and demonstrations. Sit-ins and hunger strikes were organized in almost every city of the country, even under the military government. Public opposition to the ban became even more significant after the Armed Forces withdrew into their barracks. The first general elections after the 1980 coup were held in 1983 and the Anavatan Partisi (Motherland Party – ANAP) led by Turgut Özal formed the first post-intervention civilian government. In addition to its culturally conservative

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55 The cabinet decree came into force after having been published in Resmi Gazete (Official Gazette) on 7 December 1981.
56 The Council of Higher Education was established by the military leaders of the 1980 military coup to introduce both structural and curricular changes in universities. See Turkey: A Case Study, 179.
57 These are the laws establishing secular education and civil marriage, adopting the Turkish alphabet and the international numerals, introducing the hat, closing the dervish convents, abolishing certain titles, and prohibiting the wearing of certain garments. See Özbudun, “Constitutional Law”, 31.
58 Duman, Demokrasi Sürecinde Türkiye’de İslamiyet, 219.
59 For a detailed chronology of the protests between 1981 and 1998, see Bütün Yöneriyle Başörtüsü Sorunu, 187-203.
stance, the *Anavatan Partisi* included an Islamist wing particularly receptive to religious sentiment.\(^60\) Grassroots pressure led the *Anavatan Partisi* government to take steps towards lifting the ban or, at least, moderating its implementation. On the initiative of the government, the Council of Higher Education took the following decision:

> It is a general rule for female university students not to cover their heads. A majority decision has been taken to effectively deter the few female students wearing the headscarf in certain institutions of higher education; however it was also agreed to allow the wearing of a modern ‘türkban’.\(^61\)

In this way, the term *türkban* was introduced into the official terminology to describe a style of veiling distinct from the Islamic headscarf.\(^62\) Parties to the Islamic headscarf controversy in the 1980s often argued on the grounds of the stylistic differences between various forms of veiling. It is, therefore, necessary to briefly describe these styles.

### 5.1 The Islamic Headscarf versus the *Türban*

The popular use of the Islamic headscarf encloses the hair only partially, and leaves the neck uncovered. This style is not necessarily combined with clothes covering the body and hiding the woman’s figure. It is widespread practice to wear a headscarf together with short-sleeve shirts and medium-length skirts. In contrast, the kind of veiling emerging in universities covers the hair and the neck completely, and worn with long, loose-fitting gowns.\(^63\)

*Türban*, defined as a modern garment by the Council is a third style that covers the hair but not the neck, and tied with a knot at the back of the head. It was originally used to describe a garb used by foreigners and Muslim

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62 *Türban*, originally from Turkish *tül(i)bend* and Persian *dülband*, refers to a headdress of Turkish origin, consisting of a long linen, cotton, or silk scarf. In modern Turkish, however, it is employed as a French word, one denoting a fashion of headdress, itself adopted from Ottoman Turkish. Göle, *The Forbidden Modern*, 6.

63 As of today, many different styles have emerged. Though important, this development is not a topic of this essay.
émigrés from the Balkans during the early years of the Republic. Later, it was adopted as an intermediary step in the transition to the complete unveiling of upper class urban Muslim women. This style was different from the Islamic headscarf in its traditional usage, and reflected a higher social status and a tendency towards Western orientation. These associations seem to be the main incentives behind defining türban as a modern garment.64

The Council drew upon stylistic criteria to provide leeway for veiling, without challenging the official dichotomy posited between the traditional-Islamic and the modern-Western, and suggested türban as a form of veiling in harmony with the cultural ideals of the Republic. This was a rather pragmatic attempt at circumventing the ban. It relied on stylistic differences, yet did not provide a clear way to differentiate türban from the Islamic headscarf. It is also possible to argue that the decision, in fact, relied on the ambiguity of a stylistic definition to accommodate both the proponents and the opponents of the ban.

The solution proposed by the Council failed to be useful in resolving the conflict and decreasing social and political polarization around the issue. The distinction introduced between the Islamic headscarf and the türban was not welcomed by either side of the controversy. For example, the Turkish Women’s Association (Türk Kadınlar Birliği), known for its ardent support for the ban, held a press conference stating that the türban was nothing other than a sub-category of Islamic veiling, and it would be violating the principle of secularism to allow it in universities.65 The Council’s decision was not welcomed by those opposing the ban, either. Women wearing the Islamic headscarf to the university refused the term türban from the outset. Islamists in general have never used term türban, and have maintained that proper veiling was a religious obligation for all Muslim women. In this way, they have also rejected being labeled as a category distinct from the rest of the Muslim populace.66 It is in this sense that the struggle on naming also reflected political positioning on both sides. Advocates of the ban aimed

64 Aksoy, Başörtüsü-Türban, 167; İlyasoğlu, Örtülü Kimlik, 107.
65 Cumhuriyet, 8 January 1987, cited in Aksoy, Başörtüsü-Türban, 168. Among associations advocating the same view were Çağdaş Yaşam Destekleme Derneği (Association for the Support of Modern Life), Türk Kadın Hukukçular Derneği (Association of Turkish Female Jurists), and İstanbul Üniversitesi Kadın Sorunları Araştırma ve Uygulama Merkezi (Center for Applied Research on Women’s Issues).
66 Ramazanoğlu, “Cumhuriyet’in Dindar Kadınları,” 805.
to define veiled students as a minority group. Women wearing the Islamic headscarf in the university, on the other hand, located themselves as part of the Muslim population and argued that the ban was targeting Islam itself, and aimed to exclude Islamic identity from the public sphere.67

Part of the difficulty of circumventing the controversy through pragmatic solutions can be found in social and political changes whose outcomes became increasingly visible in the 1980s. A major factor was the changing outlook of Muslims and Islamism. Studies by scholars such as Nilüfer Göle, Aynur İlyasoğlu, and Elisabeth Özdalga show that university students and career professionals wearing the Islamic headscarf belong to an upwardly mobile stratum of Muslims. These are recently urbanized and educated social groups representing the new and urban face of Islam. By the words of Göle:

Although most veiled students came from Anatolian families, which practiced Islam in its traditional form, they differ significantly from their parents not because of their high education level but, most important, because of the fact that they reject traditional interpretations of Islam. They embody the urban, educated, and militant new countenance of Islam.68

Göle’s pioneering work, Modern Mahrem, is followed by numerous studies from the 1990s, all of which reach similar conclusions. These studies find that Islamic headscarf in the university is not a traditional habit to be left behind in exchange for an education and a professional career. On the contrary, it is an expression of a new Islamic identity of a newly emerging category of devout women. These women aspire for education and career while maintaining distance from “Westernist” cultural norms and ideals. They also criticize inherited traditional Islam, embedded in enduring customs and traditions, and committed themselves to the religious knowledge of Islam by turning to the sources.69 In other words, the Islamic headscarf in the university defies the binary categories of “traditional-Islamic” and “modern-Western” underlying the official attitude.

67 Ibid.
69 In this period, public figures wearing the Islamic headscarf became role models for devout Muslim women. An interesting example is writer and columnist Şule Yüksel Şenler, who also spearheaded a way of veiling called the “Şule style.” Şenler’s columns in Islamist dailies Zaman and Milli Gazete and her conferences inspired a younger generation of Muslim women.
A second dynamic relates to the changing official policies towards Islam in the aftermath of the 1980 military coup. The junta regime (1980-1983) explicitly incorporated Sunni Islamic elements into the official ideology, and invested significantly in promoting Sunni Islamic values. The aim of the military, certainly, was not to provoke Islamization as such. Their target was, rather, to elicit the Islamic loyalties of the population in order to overcome violent conflicts among radical groups on the right and on the left. Islamist movements have, nonetheless, benefited significantly from the post-1980 policies. The Islamic headscarf in the university became the key symbol representing the affirmation of an Islamist identity.

Another, more technical, factor figuring in the emergence of veiling in the university was a change made in the education system in 1968. In this year, the government decided to admit girls in the İmam Hatip schools. Conservative families that did not think that conventional high school education was appropriate for their daughters started to send them to these institutions, which follow an Islamic curriculum. Coming from a conservative family background has been a significant factor in the orientation towards veiling during university education. In the 1980s female İmam Hatip schools’ graduates reached substantial numbers, which, in turn, increased the number of veiled students in the university.

6. The Trajectory Forward: From “Residue” to “Threat”

Universities have been among emblematic sites for the Kemalist modernization project. The emergence of en masse veiling in these institutions was, accordingly, perceived as a symbolic assault on the “modern-Western” cultural ethos of the Republic. As seen in the 1984 decree issued by the Council of Higher Education, attempts at resolution in the early 1980s remained in the lineaments of the official discourse. The

70 Birtek and Toprak, “The Conflictual Agendas of Neo-Liberal Reconstruction and the Rise of Islamic Politics in Turkey,” 193. Kenan Evren, the former Chief of the General Staff and the key architect of the military coup who took over the presidency in 1983, was an incarnation of this seemingly paradoxical attitude. He was the leader of the military junta designating the new policy towards Islam. Yet he was also a champion of the ban on the Islamic headscarf.

71 Aktaş, Tanzimat’tan 12 Mart’a Kılık Kıyafet ve İktidar, 336-7.

72 See footnote 68 above.
Council adopted the officially posited dichotomy between the “traditional-Islamic” and “modern-Western”, and tried to open space for a style of veiling not in conflict with the latter.

Stylistic criteria introduced by the Council was interpreted and implemented in a variety of conflicting ways by different institutions of higher education. Some students wearing the Islamic headscarf continued their education, while others were not allowed to attend classes and exams, or expelled. Veiled students initiated a number of legal cases against their universities which, in turn, became milestones in the development of the official discourse on the ban.

I exemplify the trajectory forward by briefly discussing two legal cases. The first case is chosen because the outcome is in continuity with the joint efforts by the Council of Higher education and the Anavatan Partisi government for resolution. The second case redefines the terms of the dichotomy, and represents the line of argument that dominated later stages of the controversy.

6.1 The Case of Selime Avcı

Selime Avcı was a student at the Middle Eastern Technical University located in Ankara. She was expelled in 1982 for wearing an Islamic headscarf to the university and initiated a court case to be re-admitted. The expert opinion commissioned by the Court stated that:

*Türban* is a contemporary and modern garb and accessory that can be used by women in every season and everywhere. *Türban* is used in daily life outdoors and in every sort of private occasion indoors. According to the rules of etiquette widely accepted in Turkey as well as in the rest of the world, women can wear *türban*, hats, berets and like. Unlike men, women are not expected to remove their headgear indoors. This is the convention accepted in all civilized countries. *Türban*, as a modern garb, can also be worn in class and exam halls.73

The Court ruled that the decision of the university to expel Avcı was unlawful.

The expert opinion presented to the Court can be seen as an almost perfect example of the way the Council of Higher Education approached
the question of veiling. The report treats veiling almost as a matter of taste and fashion, and pronounces on whether the türban is a “modern garb” or not. The expert opinion seems to be fitting in the officially held terms of the debate counter positioning the “traditional-Islamic” against the “modern-Western.” Türban is, accordingly, presented as a variation on the modern style of dress that can be adopted without contradicting the Republican cultural ethos.

This way of reasoning, nonetheless, proved to be unsustainable. The report adopts a logic completely bracketing aspects of veiling pertaining to faith in an atmosphere where opposition to the ban was already a political issue and a key cause for Islamist mobilization.

Another reason was the way the style-based distinction between the Islamic headscarf and türban was perceived in public opinion. As a matter of fact, the attempt to bring in türban as modern dress generated the exact opposite outcome of what was intended. The meaning attributed to türban by the Council decree was completely reversed by mass media and public opinion in general. Eventually, türban came to signify precisely the politically charged symbol that decision makers were trying to disassociate it from. Those opposing the use of the Islamic headscarf at universities started to refer to the new veiling using the term türban. From this point on, the meaning previously attributed to the Islamic headscarf was transformed to the new term, and türban, which was proposed as the solution, became the term used in addressing the controversy. The meaning attributed to the “Islamic headscarf” was reversed as well. From that point onwards, this term was used to describe the style of veiling covering the hair only partially, and associated with traditional or customary practice of Islam.

The next stage of the controversy was also characterized by associating traditional forms of veiling with the absence of an Islamic agenda. Veiling in the university, on the other hand, came to be defined as the symbol of a political challenge against the secular foundations of the Republic. I discuss this predominating direction taken by focusing on another court judgment.

6.2 The Case of Nesrin Konuk

Nesrin Konuk was a student at the Ege University Medical School located in İzmir. She was given a one-month suspension for wearing the Islamic headscarf on university premises. She initiated a case at the İzmir Administrative Court, and The Court found against her. Konuk appealed
the ruling at the Supreme Administrative Court (Danıştay). In a judgment issued on 13 December 1984, the Supreme Administrative Court ruled to dismiss her case. Relevant parts of the judgment read:

We observe use of headscarf among uneducated women who, without special reflection, follow the customs and lived tradition in their immediate surroundings. We also observe that some women with higher education, who are no longer subjugated to custom or the influence of traditions, choose to wear headscarf to demonstrate that they oppose the secularist foundations of the Republic and desire to establish a regime based on religion. For these individuals, the use of the headscarf is no longer an innocent habit, but symbolizes their rejection of women’s rights and a worldview antithetical to the foundations of our Republic. Since the plaintiff is a student of higher education, she should know the importance of these principles in the foundation and preservation of our Republic.

It is natural for educational institutions, responsible for raising informed, civilized, and Republican youth, to impose some rules on their students. It is unthinkable for educational institutions in charge of teaching and instituting these rules to make concessions on them.

Therefore, the disciplinary measure against the plaintiff, who displays opposition to the principles of a secular state by insisting to wear a headscarf to university, is not unlawful.74

The Supreme Administrative Court’s judgment differs from the line of reasoning predominating the earlier stages of the ban. In my view, this later stage of the ban is characterized by two key adjacent modifications to the official argument. Firstly, the Supreme Court’s reasoning no longer relies primarily on the dichotomy of the “traditional-Islamic” versus the “modern-Western”. Instead, the judgment states that veiling in the university has taken on political significance as the symbol of a vision antithetical to Republican ideals such as secularism and gender equality. The Court, in other words, evokes a third category that I coin “political-Islamist”.

Secondly, the central axis of opposition is defined in terms of the opposition between the “traditional-Islamic” versus the “political-Islamist.” On this new line of argument, the “traditional-Islamic” still denotes habitual Islamic practices adopted without particular reflection. Significantly, it now is associated with lack of “innocuousness” in the sense of not having any political implications; more specifically, as not having Islamist connections.

74 The Supreme Administrative Court, 13 December 1984. See Bütün Yönleriyle Başörtüsü Sorunu, 63.
The core concern of the official argument is no longer cultural—non-conformity with the Republican cultural ethos—but political—rejection of the basic political principles of the republican regime.

To summarize:

<table>
<thead>
<tr>
<th>MODERN WESTERN</th>
<th>TRADITIONAL ISLAMIC</th>
<th>POLITICAL ISLAMIST</th>
</tr>
</thead>
<tbody>
<tr>
<td>No veiling</td>
<td>Islamic Headscarf</td>
<td>Türban</td>
</tr>
<tr>
<td>In conformity with the cultural ethos of the Republic</td>
<td>NOT In conformity with the cultural ethos of the Republic</td>
<td>NOT In conformity with the cultural ethos of the Republic</td>
</tr>
<tr>
<td>Political implications are not discussed</td>
<td>No political implications</td>
<td>Implies an anti-secular and anti-systemic political agenda</td>
</tr>
</tbody>
</table>

As a matter of fact, the Supreme Court’s identification of the new manner of veiling as a novel practice was not incorrect. The new style of veiling is distinct from the tradition-bound popular practices. As mentioned above, the Islamic headscarf in the university is representative of scripturally oriented and politically demanding religiosity of the recently urbanized, educated, and upwardly mobile groups. University students wearing an Islamic headscarf explain their practice of veiling not in reference to custom or tradition, but to scriptural knowledge of fundamental Islamic sources. They, furthermore, criticize customary practices for not being “proper” on Islamic precepts.75

These Islamic expressions are different from traditional religiosity also in terms of their public and political emphasis. Institutional rules established during the foundation of the Turkish Republic embodied an understanding of religion modeled on subjectivized forms, and these institutional aims were achieved to a certain extent. Popular religion in Turkey is more or less relegated to a status of custom and ritual with little relevance to the way individuals lead their public lives. In contrast, the scripturally-oriented

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75 For a critique of traditionalism and traditional Muslim women from the perspective of a veiled woman, see Aktaş, Sistem İçinde Kadın, 95-7; and Bir Hayat Tarzı Eleştirisi, 94-129.
variants gaining significance in the 1980s take Islam as a worldview that places demands on institutional and legal arrangements. Veiling in the university can be seen as an example of publicly pertinent interpretations of Islam demanding accommodation and public visibility, and presumably fulfillment of the demands that Islam places on institutional and legal arrangements.

My aims in this essay do not incorporate a normative discussion. It is, nonetheless, important to note two points implied in the Supreme Court judgment. First, the Court seems to collapse the distance between legislating to accommodate public expressions of Islam and legislating religious dictates into binding arrangements for everyone. Second, the Court uniformly subsumes the meaning of veiling in the university under the title of rejecting the fundamental principles of the regime. In this way, possibly diverse political implications of this practice are simply disregarded.

The Supreme Administrative Court’s judgment represents a line of argumentation that increasingly permeated pro-ban arguments; and, eventually, became the central framework for addressing the issue.

This stance, in my view, represents a major step towards the breakdown of the assumption that veiling is a traditional practice that would wither away as women advanced in education and career. During the 1990s, such broad generalizations on the political implications of the Islamic headscarf went hand in hand with the accentuation of its symbolic significance. In my view, the aftermath of the 28 February Process marks the ultimate collapse of the withering away assumption. I end my discussion with a brief note on this stage.

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76 I have examined the normative aspect of the Islamic headscarf ban elsewhere. Denli, “Din ve Viçdan Özgürlüğünün Kamusal İfadeleri ve Türkiye’de Başörtüsü Tartışmaları,” and Denli, “Kamuca Alanda Din.” See also the earlier version of this essay, Denli, “Between Laicist State Ideology and Modern Public Religion.”

77 The Court’s ruling signifies a turning point in the evolution of the ban in another sense as well: This was the first instance of a Supreme Court decision on the matter, and it set an important legal precedent that would be referenced in the years that followed. President Kenan Evren’s uniformity of interpretation and stricter implementation to the ban sent the judgment of the Supreme Administrative Court to the Council of Higher Education, demanding that adjustments be made for stricter implementation of the ban. See Aksoy, Başörtüsü-Türban, 174. The Supreme Administrative Court’s judgment is referred to in subsequent judgments by the Turkish Constitutional Court. See Bütün Yönerlile Başıörtüsü Sorunu, 63.
The period from 1989 to the earlier years of the 1990s was a time of significant moderation. After Turgut Özal was elected President in 1989, the Islamic headscarf issue was reintroduced onto the government agenda; this time without the interference of a presidential veto. On 28 December 1989, a cabinet decree was issued which cancelled the paragraph of the Higher Education Act manual that explicitly bans the Islamic headscarf in the university. The cabinet decree authorized individual universities to interpret the existing legislation, and to decide on implementation. In the majority of cases, implementation of the decree meant the de facto lifting of the ban, and many students wearing the Islamic headscarf got the opportunity to complete their studies.

In the 1990s, the National Assembly introduced successive modifications of the Turkish Penal Code, expanding the realm of what was considered acceptable religious expression in the public sphere. These changes made some Islamic themes easier to address, and also played a role in the flourishing of an Islamic public sphere of participation and deliberation in the 1990s. Such developments indicated a willingness to negotiate the boundaries of religiously inspired political expression and a shift towards a more differentiated evaluation of their actual content. The Islamic headscarf issue was kept outside these reformist attempts, even though the implementation was significantly moderated.

The 28 February Process marked a radical overturn of this trend. After 1997, the implementation of the Islamic headscarf ban tightened drastically. At the same time, the scope of the ban was extended with a new logic. Practice in this period largely concentrated on prohibiting women from wearing the Islamic headscarf in various “public” spaces, defined in a physical-spatial sense. To cite a few examples:

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79 The abolition of Article 163, which limited religious speech and expression on the rationale of safeguarding laicism, was of particular importance. In March and April 1991, the cabinet introduced a package of constitutional amendments dealing partly with religious liberty. At the government’s request the assembly decided to approve the deletion of the Article 163 from the penal code. Only the use of terrorism to foster political ideals was now an offense under the “anti-terrorism” law that was adopted at the same time. Ibid.
Defendant was removed from the court house because she refused to take off her headscarf during the trial.

Woman wearing the headscarf was escorted by the police out of the examination hall in which she was taking a written test to obtain a driver’s license.

In a graduation ceremony for a teachers’ high school held at a public community center, an announcement was made asking veiled women to leave the hall, and they were escorted out of the building.

Woman denied admission to a public hospital because she had a veiled photo on her social security card. She died due to lack of medical attention.

Veiled mothers were denied entry into the graduation ceremony at the Military Academy. Mothers had to wait at the parking lot outside the premises.

Veiled mothers were denied entry into the official commemoration held for their sons who died in combat in the south-east region of Turkey.80

These policies can be seen as signs of the final step in the process through which the assumption of the “withering away of veiling” collapsed. In the face of the rising power of Islamist movements, and with intensified perception of the Islamist threat, the visual-symbolic aspect of veiling became vastly accentuated. During the remaining years of the 1990s, the Islamic headscarf was upheld as a non-negotiable symbolic boundary between secularism and Islamism, and functioned as a means of spatial demarcation. Discussions in this period were saturated with a physical understanding of public sphere. State regulation of the Islamic headscarf ultimately boiled down to deciding which spaces were considered the “public sphere” and excluding this “symbol” from those premises.81

8. Conclusion

Women’s veil has not been understood as a dressing habit or as mere performance of a religious duty in Turkey. On the contrary, unveiling and the “modern” appearance of women has been a cardinal symbol representing


81 Another case, which I will not elaborate on, concerns a veiled woman named Merve Kavakçı, who was elected representative and whose taking the oath in the Grand Assembly was prevented. For a discussion, see Shively, “Religious Bodies and the Secular State.”
the cultural vision of the Turkish Republic. In this essay I have dealt with the Islamic headscarf controversy in the 1980s in relation to this broader vision, whose terms were set during the founding years of the republican regime.

Revisiting the earlier years of the Turkish Republic was instrumental to clarify the pivotal place assigned to women and women’s dress in the Kemalist modernization project. I have substantiated that the official attitude in this period was characterized by an indirect approach by way of gradual improvement of women’s status in society. The founders of the new regime aimed to transform the traditional-Islamic social and cultural fiber in an all-encompassing way. Put more precisely, they aimed to create a secular society in which religious dress and symbols disappeared from the public sphere. They also envisioned an extensive transformation of the interpersonal relationships and modes of conduct traditionally regulated by Islamic codes.

I have also focused on the justificatory legal arguments given in the 1980s with a view to carving out the presuppositions and expectations grounding the reformist drive during the founding years of the Republic. In my view, the initial arguments given to support the ban discloses the assumption of that veiling would wither away on the part of Kemalists. The founding cadres of the Republic assumed that the advent of modernization would lead women to embrace the cultural ideals of the new regime. Accordingly, unveiling would follow naturally with the advent of the broader reformist drive, and with the declining influence of the traditional-Islamic codes. The assumption, in other words, entailed that legal-institutional reconfigurations would bring about voluntary abandonment of veiling. The use of an Islamic headscarf was presumed to be a residual practice that would disappear as a consequence of education and participation in public life.

The Islamic headscarf in the university represented a major challenge to this assumption of a linear route towards unveiling. The subsequent stages of the controversy demonstrate that arguments based on the dichotomy between the traditional-Islamist versus the modern-Western were gradually abandoned. The pivotal place given to the cultural aspect of the Republican project has led to close associations and transitivity between the cultural and the political. As it transpires in the official argument given during the later stages of the controversy, During the 1990s, veiling in the university came to be addressed as the manifestation of an anti-system agenda, and treated as a symbolic assault not only against the cultural ideals but also against the basic principles of the regime.
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The Islamic Headscarf Controversy in Contemporary Turkey


ESSAY 4:
AN ISLAMIC QUEST FOR A PLURALIST POLITICAL MODEL:
THE MEDINA CONSTITUTION DEBATE IN TURKEY

1. Introduction

The 1990s was a period of rising political power and radicalization of Islamist ideas and movements in Turkey. It was also a time of internal differentiation of Islamist thought, expressed most clearly in discussions on political implications of Islamic ideas and doctrines. The topic of this essay is a proposal for a new kind of political organization put forward by a prominent Islamist intellectual, Ali Bulaç, as an alternative to modern nation-state.

Bulaç’s model takes inspiration from the Medina Constitution, which documents the agreement between the Muslim, Jewish, and pagan communities of Medina, in 622. On his reading, the Medina Constitution was a “social contract” based on equal standing and legal autonomy of the communities that were party to the contract. According to Bulaç, the basic principles of the Medina Constitution can be appropriated for contemporary implementation, as an alternative to the nation-state. On this footing, he proposes a model for modern political organization based on plural legal systems.¹

Significantly, Bulaç’s contemporary appropriation of the Medina model also presents an alternative to the political goal of establishing an Islamic state. This aspect of Bulaç’s proposal provoked reactions from those Islamists who regard statehood as an integral part of the Islamic faith, while finding a friendlier audience in other Islamist circles.²

¹ In the 1990s, the vision of introducing plural legal systems was also voiced by the leading figures of the Refah Partisi in various public speeches. These speeches were cited by the Turkish Constitutional Court and the European Court of Human Rights among the grounds for the permanent dissolution of the Refah Partisi. The substantive content of the legal pluralism that the Refah Partisi leadership had in mind has never been clarified. It is therefore not possible to establish a link with Bulaç’s particular argumentation.

² Numerous Islamist writers have criticized Bulaç, asserting the relevance of statehood
Another important audience for Bulaç’s endeavor was various leftist circles and intellectuals. Bulaç’s proposal was launched in successive articles published in the socialist journal *Birikim*, and prominent figures of the socialist left joined the debate. Throughout the 1990s, topics such as “limiting state power,” and “empowering civil society” also prevailed in socialist and leftist circles in Turkey. Socialist intellectuals drew parallels between Bulaç’s vision and their own quest for abandoning the political of goal revolutionary take-over of the state.3

Sympathetic reception of Bulaç’s intellectual edifice in these circles is of additional importance in light of the political developments in the decade that followed. In the 2000s, some socialist circles became part of a wide-scale and internally diverse opposition was assembled on the basis of criticizing the “state-centered” imperatives of Kemalism and the position of the Armed Forces as Kemalism’s primary representative.4 Bulaç’s vision, in this respect, can also be seen as an example of the changing trajectory of Islamist thought, which enabled socialists to share a political platform with certain “civilian” interpretations of Islam.

In this essay I deal with Bulaç’s proposal for an alternative political organization as an example of the transformation of Islamist thought in the Turkey of the 1990s and as a case of “hybrid theorizing,” where the fundamental sources of Islam are reinterpreted with a view to reflecting in Islam. For more articulate examples of these critiques, see İskîli, “İkinci Cumhuriyet, Sivil Toplum Tartısmaları ve Müslümanlar;” Atalar, “Çogulu Toplum Projesinin Felsefi Temelleri;” Bircan, “Medine Vesikası mı, Türkiye Vesikası mı;?” Müftüoğlu, “Medine Vesikası Model Olamaz;” Özdenoren, “İslam Devletinin Sablonu Yoktur;” and “Editorial,” İktibas, September 1993. Other Islamist writers endorsed Bulaç’s position, and reflected on his proposal with a view to improving his arguments. For examples, see Dilipak, “Medine Sözleşmesi Üzerine Aykırı Düşünceler”; Abdiimamoğlu, “Modern Anayasa Hukuku Açısından Medine Vesikası”; and Zengin, Özgürleşerek Birlikte Yasamak.

3 For example Taner Akçam points at the similarities between Bulaç’s proposal and a socialist critique of the “cult of state” he sees to be inherent in revolutionary leftist political ideals. Akçam, “Türkiye İçin Yeni Bir Toplumsal Proje Doğru.” See also İnsel, “Totalitarizm, Medine Vesikası ve Özgürlük”. Another parallel is drawn by political scientist Menderes Çınar, who interprets Bulaç’s critique of the nation-state as a move towards a politics of identity on the part of Islamic theorizing. Çınar, “Çok Hukuklu Toplum.”

4 For a more detailed account, see General Introduction and Essay 1 in this compilation.
upon and accommodating ideas such as liberty, equality, human rights, pluralism, and civil society.  

My aim is to carve out the basic concepts and principles guiding Bulaç’s creative appropriation of the historical experience in Medina as well as the Islamic references he mobilizes in abandoning the goal of establishing Islam as a state religion. I argue that Bulaç’s work offers an Islamic framework for reflecting upon the questions of pluralism and equality in modern societies. Accordingly, he interprets the historical Medina Constitution with a view to accommodating a modern understanding of pluralism based on equality and respect for individual choice.

My aim in this essay is not to give a comprehensive normative evaluation of the Medina model or to discuss its practical applicability. Bulaç himself declared that his arguments are not meant to be a fully developed model or an institutional blueprint. The idea, for him, is to start from a few initial premises and construct along the way through the agreement of the parties involved. In this respect, any normative discussions I engage in will be dedicated to the aim of providing a fuller picture of the various, and on occasion contradictory, dimensions of the proposal.

In the 1990s, various other Islamist intellectuals have endorsed the basic framework provided by Bulaç and developed variations of his arguments. I leave these contributions out of the scope of this study, and instead focus on Bulaç’s model to be able to provide a more coherent picture of the model. The Medina proposal was presented in a series of articles published in the journals Birikim, Bilgi ve Hikmet, and Kitap Dergisi, as well as in commentaries in dailies. My main sources are the journal articles, where the model’s conceptual grounds are spelled out more explicitly.

2. Islam, Pluralism, and the Nation-State

Bulaç’s proposal for an alternative political organization is based on a detailed critique of the nation-state. In his view, modern political institutions have a unifying rather than a pluralist gist. Bulaç claims that the nation-state is the principal element whose centrality to modern political institutions is

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5 Another noteworthy example was given by Hüseyin Hatemi in his attempt to develop an Islamic theory of natural rights. Hatemi, İslam Hukuku Dersleri.
also the main reason for their inability to accommodate genuine plurality and difference.

The modern nation-state’s unprecedented capacity for intervention and regulation plays a particularly important role in Bulaç’s argument. He takes pre-modern social and political systems as the standard by which to reflect on their modern counterparts. For him, traditional societies were loosely integrated political structures that allowed communal life based on diverging traditions, religions, and cultural codes. Many areas of life were outside the scope of intervention and regulation by political authority. In contrast, Bulaç claims, the modern nation-state has religion, law, education, scientific knowledge, official ideology, dress code, and even cuisine within its reach. For him, this centralizing drive gives the modern nation-state an inherently totalitarian character.

Identifying the nation-state as an inherently totalitarian entity also figures in the way Bulaç defines democracy. He claims that democracy, in the context of the nation-state model, can only accommodate diversity within a relatively narrow spectrum; that is, democratic mechanisms in this setting serve to deepen the penetration of the nation-state in all spheres of life. In this way, Bulaç identifies democracy as a set of principles and procedures that bypass the essence of genuine pluralism.

A genuinely pluralist political arrangement, for Bulaç, is one that accommodates the diversity of sharia. Bulaç understands sharia in a particular fashion, which is not linked to Islam or to belief in a revealed religion. Neither does the term signify a legal system in a narrow sense. Shari'a literally means “path” in Arabic, and Bulaç follows this definition to argue that it broadly corresponds to ways of life, religious or otherwise. More specifically, he takes shari'a to mean the totality of the principles founding a life lived in accordance with one’s conception of a good life.

On Bulaç’s particular interpretation, shari'a cannot be reduced to a set of legal norms, and yet it cannot be completely abstracted from the legal dimension, either. In his view, every religion, belief system, culture, and

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7 Ibid., 5.
8 Ibid.
9 Ibid., 13. In this respect, Bulaç regards democracy within the confines of the nation-state as shari'a. See also Bulaç, “Medine Vesikası Üzerine Tartışmalar I,” 42.
tradition has its own concept of wisdom, virtue, and justice. Law is the jurisdictional dimension reflecting this broad set of norms. Consequently, genuine pluralism is inseparable from being able to live by self-defined legal standards.

At this point, Bulaç refers to certain priorities that may arise in an Islamic context. The status of Islamic law was a common subject of debate in the Turkey of the 1990s. It was conventional to argue that an Islamic legal order was an inherent and inseparable component of the Islamic faith, which, in turn, could only be practiced in the confines of an Islamic state. Bulaç, as well, starts from the idea that Islam is a religion incorporating a legal dimension. According to his account, the nation-state model does not incorporate the legal aspect, and, consequently, it falls short of safeguarding the very essence of religious liberty understood in Islamic terms:

The modern nation-state deprived Muslims of their right to live according to Islamic law while nominally granting the freedom of religion. In this way the very essence of this liberty for Muslims has been distorted.

What is unique to Bulaç’s project is the effort to ensure that Muslims abide by Islamic law without imposing Islam as the reference for shared political and legal institutions. Bulaç takes what he perceives to be legitimate Islamic demands as his starting point, and endeavors to formulate a model that does not impose a particular interpretation of Islamic law on others.

In order to provide a foundation for his proposal, Bulaç refers to the historical practices of Muslim communities during the early period of Islam. He ventures to revitalize the basic principles and procedures associated with the Medina Constitution, which was signed in 622 between Muslims, Jews and pagan Arabs.

14 Bulaç, “Medine Vesikası Hakkında Genel Bilgiler,” 110. Bulaç gives a brief account of how the Medina Constitution came to the attention of students of Islam. He states that Wellhausen was the first Western scholar who drew attention to the Medina Constitution in his book Skizzen und Vorarbeiten, published in 1899. It was Muhammed Hamidullah who revived the discussions on the Medina Constitution in the Muslim world and provided detailed information about the document itself, as well as the historical and social circumstances surrounding its creation. See Bulaç,“Medine Vesikası Hakkında Genel Bilgiler,” 110.
In the next sections I outline the historical context from which the Medina Constitution emerged, and discuss Bulaç’s appropriation of its principles to modern circumstances.

2.1 A Brief Historical Account, and Bulaç’s Appropriation of the Medina Constitution

Muhammad began to communicate the messages of the new religion in AD 610, but he had very limited success in the beginning. As the number of his followers increased, Muhammad met considerable resistance, including assassination attempts. He stayed in Mecca for twelve years in spite of opposition, but eventually accepted the appeal from the Medinan Muslims to move to Medina (hijrah) in AD 622. Medina, unlike other Arab towns such as Mecca and Taif, provided Muhammad with a suitable environment to proclaim the new religion. In both Mecca and Taif there existed relative peace and security among tribes. Medina, on the other hand, was plagued at the time by animosity and conflict. There were eleven main groups, referred to here as “clans,” as well as a number of smaller groups. Three of the main clans professed the Jewish faith. In the century before Muhammad’s arrival, there had been a steady increase in violence and fighting between clans. In the war of 618, there was large-scale slaughter. Hostilities ceased when the two sides were exhausted, but peace was not made. After the war of 618, Medina lived in a state of tension.

Immediately after his arrival at Medina, Muhammad established a social and economic system of solidarity between Meccan and Medinan Muslims. Muhammad Hamidullah argues that this solidarity arrangement developed a somewhat communal life that even entitled parties to inheritance in the absence of kinship ties. Bulaç appropriates Hamidullah’s interpretation of the Medina Constitution by stating that the arrangement introduced by Muhammad crystallized three communities he terms “social blocs.” These social blocs consisted of

kası Üzerine Genel Bilgiler,” 103. See also Hamidullah, İslam Tarihine Giriş. Bulaç declares Hamidullah as the primary source for his interpretation.

15 Watt, Muhammad: Prophet and Statesman, 84.
16 Ibid., 87.
17 Hamidullah, İslam Tarihine Giriş, 84-5.
Muslims, Jews, and pagan Arabs living in the city of Medina. Bulaç argues that Muhammad sought a political arrangement to join these blocs into a political unit, and this social arrangement was completely different from the traditional structure prevailing in the Arabian Peninsula.\textsuperscript{18}

While traditional tribal social organization was based on blood ties and kinship, for the first time in Medina, people with different geographical, ethnic, and cultural origin joined to define themselves as a distinct political unit.\textsuperscript{19}

The Medina Constitution is, accordingly, the document codifying the political agreement between these three groups in Medina, who agreed upon constituting a political unit of a new type.\textsuperscript{20} William Montgomery Watt states that:

There follows nine articles that mention nine clans and state that each is to be responsible for blood money incurred by a member of the group and for ransoming a member of the group who is captured . . . Of the remaining articles about twenty deal with various aspects of the relations of the believers to one another and to the unbelievers, while about fifteen treat of the rights and duties of the Jews.\textsuperscript{21}

According to Muhammed Hamidullah, the document was not unitary, but consisted of two juxtaposed parts. Articles 1 through 23 regulated matters concerning Muslims, while articles 24 through 47 delineated principles organizing the relation between communities. In this way the constitution of the body politic, which was called a “city-state,” was demarcated.\textsuperscript{22}

The essential principles of the Medina Constitution—as a historical document—can be summarized as follows:

1. Article 1 defines the communities party to the agreement. Accordingly, the people of the Medina “city-state” consisted of Muslim emigrants of Quraysh, Medinan Muslims, and non-Muslims (Jews and pagans). Together they formed a single \textit{ummah} distinct from other people.
2. Drawing on the verse reading “To you your religion to us our religion,”\textsuperscript{23} the Medina Constitution declares: “To the Jews their religion and to

\textsuperscript{18} Bulaç, “Medine Vesikası Hakkında Genel Bilgiler,” 105.
\textsuperscript{19} Ibid.
\textsuperscript{20} Watt, \textit{Muhammad: Prophet and Statesman}, 94.
\textsuperscript{21} Ibid.
\textsuperscript{22} Hamidullah, \textit{İslam Tarihine Giriş}, 190.
\textsuperscript{23} \textit{Qur’an}: 109 (Al-Kafi run): 5. Translation of this verse is provided by Watt.
the Muslims their religion.”24 Each and every community was to retain and practice their belief and to solve their problems by referring freely to their own law and religion.

3. The Medina Constitution established a system of financial and military cooperation. Communities agreed to show solidarity on the issues of security and defense. People party to the document would not go into agreements with third parties against each other and would protect Medina against whoever warred against them.

4. Muhammad was chosen as a litigator between communities. The constitution states: “whenever there is anything about which you differ, it is to be referred to God and to Muhammad.”25 When dealing with cases involving non-Muslims, Muhammad was asked to judge according to whichever law the parties wished to be tried.

Reflecting on this last point, Hamidullah contends that it was reasonable for the Muslims of Medina to respect and trust Muhammad. His central question is what made the Jewish and pagan clans accept such an agreement, considering that Muslims were only a relatively powerless minority prior to the war of 624.26 This is precisely the question that motivates re-appropriation of the Medina Constitution under modern circumstances. According to Bulaç, considering the balance of power, Muhammad could not have coerced non-Muslims into the arrangement. The arrangement was valid and binding because it was established by a contract among representatives of Muslim, Jewish, and pagan communities on the basis of equal participation.27 In other words, the arrangement derived legitimacy from mutual consent of the parties involved, who reached agreement as equals.

This historical claim has provoked controversies within Islamist circles in Turkey. Both Islamist and other writers have questioned Bulaç’s interpretation of the historical events of the 620s.28 Without going into

24 Watt, Muhammad at Medina, 223.
25 Watt, Muhammad: Prophet and Statesman, 95.
26 Hamidullah gives the numbers as 1000 Muslims and 10,000 non-Muslims. Hamidullah, İslam Tarihine Giriş, 89. It seems understandable that the Arab tribes, having yearned for peace for such a long time, agreed to sign an agreement under the leadership of Muhammad. But Hamidullah does not consider this answer to be satisfactory. Ibid.
28 See, in particular, comments by socialist writer Ragıp Ege and Islamist writer Alp İşikli. Ege, “Medine Vesikası mı, Hukuk Devleti mi?” 27; and İşikli, “İkinci Cumhuriyet,
details of individual critiques, I give a composite summary of the question of historical validation.

While there seems to be a general consensus on the authenticity of the document, there is uncertainty about its date. The present form of the Constitution consists of two documents. Watt claims that the Constitution may have taken its present form at a much later date; more precisely, after 627 when three main Jewish clans were eliminated. If this is the case, it would mean that Jews were neither accepted as equals, nor did they freely consent to be a part of the contract. Instead, they were coerced to participate since they had already lost their autonomy after the war of Badr. As socialist writer Ragıp Ege notes, Bulaç seems to totally disregard the conclusions of Hamidullah (whom he declares as the primary reference for his work) regarding the matter, which happens to be in line with the aforementioned statement of Watt.

Although support for the Medina Constitution at the time it was first created is significant to historians for understanding how the initiative was received in its own time, or for an internal debate about the initiative among Islamists, lack of agreement on historical facts does not prevent the discussion of the implications of Bulaç’s interpretation, nor the validity of the normative claims that he makes. For the purposes of this study, the significance of the Medina Constitution does not derive from validation of the historical argument but from the fact that it is interpreted in a specific way in order to set the foundations for a novel Islamic project.

3. Constitutive Principles for a Modern Polity

The political logic of Bulaç’s argument is based on the way ummah was defined in the Medina Constitution. Article 1 of the Medina Constitution reads:

In the name of God, the Merciful, the Compassionate!

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Sivil Toplum Tartışmaları ve Müslümanlar,” 13-4.
29 Watt, Muhammad: Prophet and Statesman, 93-4.
30 Ragıp Ege argues that Bulaç for the most part follows the argument of Wensinck’s book Mohammed en de Joden le Medina, which supports the interpretation of a contract between equals. See Ege, “Medine Vesikası mı, Hukuk Devleti mı?” 27.
This is a writing of Muhammad the prophet between the believers and Muslims of Quraysh and Yathrib (Medina) and those who follow them and are attached to them and who crusade along with them. They are a single community (umma) distinct from other people.32

On this definition, umma is not understood as a religious community but as a political unit established by contract between the people of Medina (Muslims, Jews, and pagans). According to Bulaç, for the first time in Medina people with different geographical and ethnic origins, and with different religious convictions, joined freely to identify themselves as a political unit. What was achieved was not uniformity at the level of sharia but a mutually binding mode of conduct among autonomous legal communities.33

According to the Medina Constitution, the clans party to the contract agreed that conflicts that they could not resolve among themselves were to be referred to Muhammed. In this arrangement, Muhammed was not a sovereign but a litigator. Bulaç suggests that under current circumstances, the litigation function be taken over by special courts dealing with relations between communities, and with legal issues between individuals belonging to different blocs.34

For Bulaç, the practice of Medina can be seen as a practical implementation of the verse revealed in Mecca reading “To you your religion, to me mine.”35 The Medina Constitution in his view, was an institutional embodiment of the spirit of the verse in concrete social, legal, and institutional arrangements.36

Bulaç does not propose to replicate the substantive content of the Medina Constitution under radically different modern circumstances. His proposal focuses on fundamental concepts and procedures that depict unforced agreement of contracting parties as the basis of legitimate political organization. By using these basic ideas as guiding principles, Bulaç extrapolates ground rules that can serve as references for today’s society.37 He, consequently, identifies the basic features of the agreement reached in Medina as follows:

31 Followers understood as Jews and pagan Arabs.
32 Watt, Muhammad: Prophet and Statesman, 94.
34 Ibid., 109.
37 Ibid., 110.
1. Constitutive principles of the Medina Constitution are twofold. First, a just and fair social arrangement aiming at establishing genuine peace and stability has to emerge out of a contract between different (religious, legal, philosophical, political, etc.) groups. Second, this social arrangement has to be founded upon participation, not domination.

2. By virtue of these principles, the agreement affirms pluralism, and establishes a legally guaranteed framework for respecting diverging forms of life.\textsuperscript{38}

3. Parties to the contact will be religiously, culturally, ethnically, politically, or philosophically based legal communities. Each legal community will have religious, cultural, and legal autonomy, and will be able to set their own standards in religious life, legislation, juridical system, education, trade, culture, art, science, and daily affairs.\textsuperscript{39} At the level of the general contract, all communities will be represented on the basis of equality; their elected or natural representatives will stipulate principles that will be binding at the inter-community level.\textsuperscript{40} The principles of the contract will be situated above individual legal systems of the communities and will be mutually binding. Issues upon which agreement cannot be reached will be left to internal legislation.\textsuperscript{41} In this way, demands that are endemic to the legal system of one community will not be imposed on others.

As the outlined principles demonstrate, Bulaç’ depiction of pluralism also incorporates a concern with equal standing among autonomous legal communities forming the building blocks of his political vision. Bulaç expresses his views on the principle of equality and social contract in the following words:

The Medina Constitution, with its objective rules, is above all religious and social blocs. That is, Muslims, Jews, and Pagans cannot move out of its general framework.

\textsuperscript{38} Ibid., 108.
\textsuperscript{40} For Bulaç, communities can select and assign their representatives on the basis of procedures that they deem fit.
\textsuperscript{41} Bulaç, “Bir Arada Yaşamanın Mümkün Projesi,” 14.
In this sense the Constitution that emerged out of mutual agreement is above the Quran, Torah, and established tradition.\textsuperscript{42}

The suggested model has obvious similarities with the *millet* system of the Ottoman period. Yet it is significantly different as it rejects the *dhimmi* status, which is the foundation of the *millet* system. The traditional *millet* system was based on religious communities that were governed according to their internal legislation, while political authority was legitimized with reference to Islam. The system was premised upon a hierarchical stratification in which Muslims (*millet-i hakime*) had higher status than non-Muslims (*millet-i mahkume*). In Bulaç’s proposal, differential and privileged status for Muslims is abandoned in favor of mutual agreement on the basis of equality.

As noted earlier, Bulaç’s critique of the nation-state is at the same time a critique of the political goal of establishing an Islamic state through Islamization of existing state institutions. Bulaç’s radical Islamist critiques rejected this claim, and asserted that the Medina Constitution was a mere tactical move towards the ultimate goal: “statehood” and the political domination of non-Muslims by Muslims. As illustrated by Alp Işıklı, the debate on “ultimate truth” was the key to these counterarguments. Işıklı asserts that equal standing of legal communities clashes with a basic Islamic principle; that is, Islam is the true religion and the Qur’an is the final word of Allah. He rejects Bulaç’s reasoning on the grounds that the proposal implies that divine truth revealed to Muhammed is placed on equal footing with other religions and various forms of unbelief.\textsuperscript{43}

The question of absolute truth has also been raised by socialist intellectuals contributing to the debate, in this case with the concern that Bulaç does not abandon the idea altogether. His socialist critics argued that Bulaç’s continued commitment to the idea of absolute truth has the potential of undermining the principles upon which he builds his proposal.\textsuperscript{44} In what follows I give a detailed account of Bulaç’s stance on the question of the “singularity of truth versus pluralism of interpretation.”

\textsuperscript{42} Ibid.
\textsuperscript{43} Işıklı, “İkinci Cumhuriyet, Sivil Toplum Tartışmaları ve Müslümanlar,” 13.
\textsuperscript{44} İnsel, “Totalitarizm, Medine Vesikası ve Özgürlük,” 31.
4. Medina Constitution and Modern Plurality

The pluralistic vision of the social realm underlying the Medina project is based on a gap Bulaç posits between the divine will, which is absolute, versus the acquired knowledge of it, which is contextual and relative.\(^\text{45}\) In his formulation:

\[\text{The realm of beings is not a reflection of Allah but of Allah’s will and attributes (names). Its existence is derived, dependent, limited, and with an end; it is relative.}\(^\text{46}\)

Bulaç explicates this complicated theological argument in the following way: the divine will reveals itself in the world of phenomena in a plurality of ways, and there is a disparity between the divine essence of the revelation and its human acquisition. The divine will is always the co-presence of all its elements. Therefore, the essence behind the complex appearance cannot be inferred from the knowledge of its worldly expressions, which is bound to be relative and partial.\(^\text{47}\) Acknowledging the limited nature of human understanding, Bulaç calls for a position that can be called epistemological modesty or restraint. He provides various formulations of this stance, among which are what follows:

- Ultimate knowledge belongs to Allah. Human knowledge is limited. Part cannot fully express the whole, nor can the imperfect represent the perfect.\(^\text{48}\)
- What is divine cannot be reduced to products of human effort.\(^\text{49}\)

In this way, Bulaç welcomes plurality of other paths and ways of life, and seems to be restating the Quranic injunction to accept the freedom of others to follow the dictates of their conscience.\(^\text{50}\) He refers to the verse reading, “Had Allah pleased, He would have made you one nation but [He wanted] to test you concerning what He gave to you,”\(^\text{51}\) and states that relations between human beings are to be organized around the dictates of “being

\(^{45}\) Divine will expresses in the realm of beings, as well as through revelation.
\(^{47}\) Bulaç, “Medine Vesikası Üzerine Tartışmalar I,” 41.
\(^{48}\) Bulaç, “Medine Vesikası Üzerine Tartışmalar II,” 50.
\(^{49}\) Bulaç, “Medine Vesikası Üzerine Tartışmalar I,” 42.
\(^{50}\) Ibid., 41.
forward in doing good deeds”, which lies beyond the specifics of any religion or belief. By his words:

Islam does not invite humanity to unite under a common religion—in the sense of *sharia* and law—but under a common moral tradition. It is certainly desirable that everyone finds salvation through Islam. Yet both history and the experience of our times show that this is not a realistic expectation. In either case this is not a goal to be reached by compulsion since compulsion is contrary to the will of Allah and the wisdom of creation.

Rather similar grounds are among the reasons why Bulaç avows Islam’s internal plurality both in terms of scriptural contentions and the diversity endemic to its lived tradition. He argues that interpretations of the divine will cannot but be plural and embedded in historical circumstances and collective ways of life. In consequence, any human understanding of the divine word depends on the society and cultural environment that Muslims inhabit. Therefore, the “meaning” of the revelation will always exceed the human comprehension of it. Just as the plural expressions of the divine will cannot be reified, nor can the interpretations of the Qur’an and *sunnah* be frozen.

Bulaç’s understanding of *ijtihad* reflects a similar standpoint. *Ijtihad* is a technical term of Islamic law referring to independent legal reasoning. Bulaç gives the term a broader meaning of interpretation, explanation, and clarification of divine revelation. For Bulaç, *ijtihad* is a reference to divine knowledge but is not identical to revelation itself. Ultimately, it is the informed yet subjective opinion of the interpreter. There may exist as many different interpretations as the number of competent interpreters, and all *ijtihad* is the outcome of exercising a legitimate right. He states that:

*Ijtihad* interprets the divine message. Yet being merely a human acquisition, every interpretation is the product of human cognitive effort that is bound by time, place, and circumstances . . .

There can be no single interpretation of the divine word. Islamic ideas and projects are interpretations of the first words, and they reflect the trajectory of the historical experience of the *ummah*.

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52 Bulaç, *İslam ve Fanatizm*, 42.
53 *İbid.*, 154.
54 Bulaç, “Medine Vesikası Üzerine Tartışmalar I,” 42.
55 Bulaç, *İslam ve Fanatizm*, 42.
Consequently, Bulaç mediates the question of ultimate truth by rejecting the idea that there can be a single interpretation or a single subject who has privileged access to it. On this basis, he hints at affirmation of a political morality that brackets the issues of religion and faith, and proposes one that is not based on uniformity at the level sharia but on a mutually binding mode of conduct among autonomous legal communities.

Safeguarding internal pluralism among Muslim populations is among the primary concerns of the Medina model. Bulaç acknowledges the diversity of belief and practice within Islam, and proposes the utilization of the logic grounding the general contract in dealing with the plurality of interpretation and practice within Islam. Accordingly, Muslims, like others, will choose between living under secular laws or in various communities founded on the basis of Islamic law. People adhering to different interpretations of Islam will, thus, be able to organize as separate blocs under their chosen Islamic precepts or under secular law.

The defining feature of the Medina proposal as a political project is abandoning the political aim of an Islamic state and disengaging the concern with salvation from the issue of statehood. In the next section I discuss Bulaç’s views on the status of the state and legitimate political authority in the fundamental sources of Islam.

5. On Political Authority and Legitimacy

Another basic idea motivating Bulaç’s proposal is the notion that Islam is not a theocratic religion, and does not confer divine legitimacy upon political authority. He bases this claim on the contention that the fundamental sources of Islam do not provide doctrinal material for a comprehensive socio-political project or a fixed model of political organization. He does not accept Quranic references to imamat, khalifat, hakimiya, and so on as substantive ideas or models for political organization. Furthermore, he states that there is an almost total silence in the Qur’an about rules of succession and specific institutional arrangements. In Bulaç’s words:

56 Ibid., 41.
Political authority according to Islam is not a sacrosanct instance but a mode of organizing the coexistence of Muslims with each other and with non-Muslims in a way congenial to Islamic principles.\(^{58}\)

On Bulaç’s understanding, Islam provides no readily available models or blueprint for political authority; Islamic political organization and institutional arrangements cannot be given closure based on revelation. Basic tenets of Islam, can, thus, be implemented in a variety of institutional settings, and the normative spirit of Islam can be sustained by different arrangements under different circumstances.\(^{59}\)

Bulaç explains his argument of “historicity and change” with reference to a process he calls “semantic intervention.”\(^{60}\) Accordingly, diverging civilizational elements, modes of thinking, and ways of life are appropriated and reconstructed according to constitutive principles of Islam. The substantial content of these forms are created by means of a process where normative principles interact with concrete reality through activities of Muslims:

Many examples of such a process were observed in the Muslim history. Indeed, the great civilizations of Umayyads, Abbasids, and Ottomans were created as the outcome of such interaction. Although these structures were not pure embodiments of the divine revelation, they were not completely independent of the ethos of the Qur’an. This legacy is not the divine will itself, but what the *umma* made of it according to the extent of its *taqwa*\(^{61}\) and ability.\(^{62}\)

For Bulaç, the continuity of genuine Muslim belief and practice resides in the *umma*, which embodies diverging interpretations and practices. He maintains that quest for a single and conclusive reading would easily be hostage to political authority aiming to promote a particular Islamic interpretation in its own name. In his account there cannot be a single methodology, which would legitimately bring about unity of interpretation. Human acquisitions of the divine will cannot be monopolized by an elite or be placed at the disposal of political authority. Put in other words, although there exists an “absolute truth,” it is located out of the reach of any worldly

\(^{58}\) Bulaç, “Bir Arada Yaşamanın Mümkin Projesi,” 15.

\(^{59}\) Ibid.

\(^{60}\) Bulaç, “Medine Vesikası Hakkında Genel Bilgiler,” 108.

\(^{61}\) *Taqwa*: Keen spiritual and moral consciousness and motivation

authority. Bulaç maintains that this fact of “transcendence” enables the Muslim community to “resist against worldly authorities, including Islamic states, which attempt to instrumentalize Islam as official ideology in order to legitimize political power”.64

According to Bulaç, the Medina project is a plausible reading under the conditions of modern plurality. Yet the contemporary relevance of the Medina Constitution does not mean that arrangements belonging to pre-modern times were erroneous interpretations. Bulaç depicts the Medina model and the dhimmi arrangement as plausible readings under different historical circumstances. On his understanding, the Medina model, too, is not the correct interpretation, nor is it a trans-historically applicable model giving closure to Islamic political thought.65

Bulaç classifies contemporary interpretations of Islam in terms of two distinct historical traditions he alleges to have run parallel throughout Islamic history. The first lineage is the Islam of the state, characterized by “consecrating” political authority. The second trajectory is that of the Islamic scholarship and the lived tradition of the Muslim community, which remained beyond the boundaries of the administratively incorporated religious establishment. Bulaç terms these strains the “official” and “civilian” strains of Islam, respectively.

For Bulaç, the “official” or state-oriented strains targeting the Islamization of the nation-state will inevitably reproduce existing forms of domination and homogenization inherent in this political form. His preference for “civilian” Islam is, thus, guided by the centrality of pluralism in his thinking.66 The next question is: How does he define the demands that Islam places on believers regarding legitimate political authority?

According to Bulaç, there exist two kinds of duties Muslims have to fulfill, regardless of the society they live in. First is leading a life according to the norms and obligations of Islam. This obligation includes abiding by the rules of the Islamic sharia, understood according to his particular definition. Second is communicating Islam to others (teblik). According to Bulaç’s reasoning, full realization of freedom of religion for Muslims does not necessitate an Islamic state. Instead, any social organization within which the two fundamental

63 Bulaç, “Medine Vesikası Üzerine Tartışmalar I,” 42.
64 Ibid.

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religious duties could be performed would be sufficient for Muslims to consider themselves “in power” in that particular society. Accordingly, legitimate political authority is decided according to whether institutional arrangements cater for religious liberties understood in these narrow terms.

Bulaç’s proposal touches upon a key matter debated among the Islamists in the 1980s and the 1990s. Radical Islamist groups of the period approached the question from the perspective of Islamic revolution and establishing Islamic state. It can be argued that these groups took over, even intensified, the state-centered legacy of Turkish political culture. Their political vision can be summarized as gaining political power in order to employ the state apparatus for top-down Islamization. This position entailed criticizing the direction of state intervention (Kemalist-secularist) in society and religion, without problematizing the intervention itself.

In contrast, Bulaç underlines the potential for “civilian” Islam to transcend this framework, and to generate an alternative political organization. The essence of this potential is defined as the diversity of belief and practice characterizing ummah. Bulaç adopts a critical attitude against state domination of religion, and against the hold of an official interpretation of the dynamics and plurality endemic to the lived tradition. In this sense, the Medina project is also a counterproposal to the monopolization of Islam in the form of a state creed by an Islamic nation-state. On this particular point, Bulaç seems to be in keeping with the traditional skepticism of the Sunni ulama towards political authority—in a fashion aggravated by cognizance of the unprecedented capacity for of the modern state apparatus.

According to the constitutive principles of the Medina project, political authority cannot adopt any comprehensive religious doctrine. The state will be organized around a commitment to provide indivisible public services and to uphold the principles of the polity-founding contract. The Medina project provides that communities organize around their deeply held convictions without imposing a particular way of life or legal code on the others. This political arrangement will be one with minimum shared institutions and procedures, in which the state has much less power to intervene and is based on thinner normative ground. The state would be required to withdraw from as many areas of life as possible, and the greater part of its current functions would be taken over by individual communities.

67 Ibid., 11.
Bulaç aims to strengthen “civil society” against the state. By the same token, however, he empowers communities vis-à-vis the individual. Communities are granted further power through a partial take-over of the functions that are traditionally in the jurisdiction of the modern state. Under the delineated scheme, any failure to safeguard all the aspects substantiating basic rights and freedoms by the inter-community contract would delegate it to the internal legislation of individual communities. At this level the principle of legal autonomy, in all likelihood, will generate problems akin to those associated with sovereignty and non-intervention in a nation-state based world order.

This particular aspect of Bulaç’s proposal has been criticized on the grounds that it does not extend sufficient guarantees for safeguarding individual liberty.68 In what follows, I argue that this critique is valid, yet has to be qualified and augmented.

6. Social Contract and Autonomous Communities

Bulaç’s conception of justice is not purely procedural. He defines what is permissible and what is not through a commitment to the substantive values of basic rights. For this purpose, he re-appropriates a traditional conception of rights with widespread adaptation in contemporary Islamist thought. Basic categories of this scheme are as follows.

1. Rights of Allah, *hukukullah*: Claims of Allah on the individual, which are belief, worship and submission.
2. Rights of the self, *hukukunnefs*: Claims of individuals on themselves as the expression of the respect we owe to ourselves.
3. Rights of human beings, *hukukunnas* or *hukuku’l ibad*: Claims of fellow human beings on the individual.69

This scheme, although presented in response to human rights questions, is indeed a classification of rights and duties in a broader sense, and includes categories with no equivalents in the internationally accepted usage. The category of *hukukullah* (rights of Allah) belongs to the realm of religious commitment and constitutes obligations towards Allah. I believe

it is possible to consider *hukukunnefs* (rights of the self) in conjunction with this first category since it does not establish relationships between individuals or collective actors. Rights of the self simply suggest a pious mode of behavior and direct the individual away from conduct such as suicide and masochism. As indicated by the respective addressees of each category, *hukukunnas* (human rights) is the only set of rights that creates a mutual relationship between human beings. *Hukukunnas* establish the specific duties of the individual towards others whose observance, in turn, safeguards the rights and freedoms of the individual herself. In this fashion the individual indirectly becomes the recipient of rights as the beneficiary of the duties of others.

According to Bulaç, *hukukunnas*, in the narrower sense of the term, correspond to “birth-given natural rights that are divine in origin.” 70 Birth-given rights do not emerge as a result of contract between human beings, but are products of God’s divine benevolence. These are the rights every individual is born with (*fitri haklar*) and which are held solely by virtue of being human. 71 It is due to their divine origin that Bulaç accepts birth-given rights as universal, inviolable, and inalienable; that is, they can neither be relativized with regard to membership in a certain religious community, nor can they be denied or abrogated on this basis.

Bulaç states that the polity-founding social contract, and political authority legitimate on Islamic terms in general, will have to remain within boundaries set by basic rights. He takes the category of *hukukunnas* as a point of reference to define the rights to be safeguarded by the contract among legal communities. 72 These rights, therefore, will be guaranteed on the level of the broader scheme of shared institutions. In this sense, protection of birth-given rights will constitute the minimum foundation for distinguishing legitimate bases for organizing a legal community. The polity-founding contract cannot destroy or abolish birth-given rights and consequently, some conceptions of the good will not be admissible in the framework defined as such.

70 Ibid.

71 Ibid.

72 Bulaç presents the essence of *hukukunnas* as the entitlements for whose protection the Islamic body of law is generated, and he refers to the exegetic work of the classical Muslim thinker Ghazali (d. 1111) to give a basic definition. See *Islam ve Fanatizm*, 154.
It seems possible to categorize the rights that have, so far, become apparent within the proposed social arrangement as follows:

1. Birth-given rights every individual is entitled to regardless of the community she or he belongs
2. Contract-based rights, which include:
   a) Rights that are established by negotiation and mutual consensus between communities
   b) Rights provided within individual legal systems of communities that are declared in advance and agreed on upon entry into the community—and which can, presumably, be extended and improved upon from that point onwards.

We can assume that individuals will choose to live in a community that would best cater to their conception of what is good. In this framework it is likely that some communities will be organized according to liberal democratic principles, but some will choose to found their public lives on dictates of various comprehensive doctrines. Choosing to live in one of the latter communities will also mean subscribing to a series of obligations emanating from a particular comprehensive belief or worldview. To put it in a different way, through her voluntary agreement the individual will be living in a legal community, which, though respecting basic freedoms, will offer a different set of rights and duties in certain respects.

The Medina project allows for the establishment of blocs guaranteeing rights and freedoms akin or identical to liberal democracies. Communities organized under communitarian visions are also catered for. In my view, the problem of empowering the community vis-à-vis the individual is more likely to emerge in the latter setting. It is fair to assume that the community of Bulaç’s choice would constitute a good case for this group. I term this “social bloc” as the “model Islamic community,”—without attributing any exemplary qualities to the group—and take it as reference for the brief discussion ahead. It is important to note that this is the least elaborated aspect of Bulaç’s proposal, and I can infer only the most general contours.

Arguably, the model Muslim community will be envisioned in terms of a harmony of complementary interests and mutual correspondence of expectations. The principle of individual choice of communities is likely to create drive towards homogenization within each legal unit. In all likelihood, the model Islamic community will not be designed to accommodate internal conflict and differences. To the contrary, it will tend to purify itself through
constant projection of difference as its exterior by encouraging divergent interpretations of Islam to organize as separate communities. According to Bulaç’s understanding, individuals’ conception of rights and freedoms cannot be completely divorced from the meanings and practices within their community. Once the internal plurality of a group is duly reduced, lifting principles organizing public life above the conflicting contents of comprehensive doctrines will no longer be required. In a morally homogenous community, it will, in principle, be reasonable to take a particular conception of the good as the organizing principle of compulsory institutions. Bulaç, thus, posits concurrence between the community and the individual, and rests assured that the individual will freely submit to a distinct set of right and duties or otherwise she would not have chosen to be there in the first place.

Conceived along these lines, the ground rules of the Medina project inadvertently confer critical significance upon two fundamental possibilities that should be kept open for everyone. First is the right to change communities; second, more specifically, is to do so even when it takes the form of abandoning a religiously-based community in favor of another one or a secular group, the freedom of apostasy. The right to leave one’s community constitutes a certain amount of leeway for protecting fundamental rights in the face of strengthened communities even in the ideal implementation of the Medina Constitution. It is also of vital importance in case of any authoritarian deterioration away from the declared principles. Bulaç provides that both opportunities will be guaranteed as inalienable fundamental rights at the level of the general contract.73

As noted previously, refraining from elaborating the final contours of an institutional design is a deliberate position for Bulaç. I therefore limit my discussion to an area of potential problem that may arise from Bulaç’s conception of the inter-community contract.

Bulaç conceives the social contract in an actual historical sense and not as a hypothetical notion or an “exploratory device.”74 On his model, deliberations will take place in full knowledge of the position and strength of the parties represented. It should be mentioned that basic principles and

74 Will Kymlicka defines social contract as “a device for testing out the implications of certain moral premises concerning people’s moral equality.” See Kymlicka, Contemporary Political Philosophy, 60.
procedures of representation and decision making are not specified by Bulaç. Nonetheless, effects of political bargaining and taking advantage of superior power are likely to follow, since stipulations will not be abstracted from such contingencies.

Another related problem is the fact that the ground rules of the Medina project enable the establishment of groups that are relatively small in membership. A large number of deliberating parties representing numerous small communities may render unanimous agreement at the level of the general contract a practical impossibility. Therefore, despite Bulaç’s ardent concern with utmost pluralism, implications of his model may have to lead to a pragmatic bowing to the logic of what is practically achievable.

It is important to note that even when agreement on these freedoms can be reached, the principle of free choice and free exit of legal communities is likely to create certain illusions. Surely, already existing ascriptive communities will not give way overnight to voluntary associations. The fallacy of underestimating the weight of tradition, communal values, and community attachments will not go without consequences in terms of safeguarding liberties. The general reasoning of the Medina project must therefore bracket or underemphasize the questions of the personal costs of the free affirmation and changing of communities, as well as the question of whether it will appear as a realistic option to the individual. In my view, Bulaç, paradoxically, ends up with a rather demanding concept of individual autonomy. The argument assumes an autonomous agent that can lift herself up above her social identities, and, at will, move among legal communities.

7. Conclusion

Bulaç’s appropriation of the Medina Constitution for contemporary implementation is led primarily by commitment to the ideas of pluralism and equality. Bulaç displays concern with maintaining the plurality and the richness of the lived tradition of Islam, as well as more scripturally oriented interpretations. He, consequently, moves away from the idea of an Islamic state, in which the dictates of a particular Islamic doctrine are the norm for organizing mandatory practices and institutions. The sensitivity towards the diversity of Islamic doctrines is, in turn, complemented by acknowledging normative plurality in a broader sense. Bulaç creatively reinterprets the founding sources and practices of Islam in a way that would be compatible with a body politic shaped around the principle of a neutral state. On this
basis, he proposes an alternative organizational principle that he considers to be an improvement upon the nation-state model, provided that it is adequately elaborated and properly institutionalized.

The logic of Bulaç’s argument is based on an appreciation of the moral significance of equality. He attempts to develop a pluralist political model that accommodates more than one legal system, and still avoid hierarchical ranking of diverse religions, worldviews and ways of life. More specifically, Bulaç’s Medina model endorses equality in two senses. First is the equal worth and moral capability of each and every individual for affirming or rejecting faith and related ways of life. Second is the idea of equality among communities. Admissible ways of life embedded in legal communities are granted equal recognition and their representatives are situated with equal standing. Political authority cannot hold any official religious doctrine due to the normative plurality constitutive of the ummah, and government is established by a contract on the basis of mutual consent. According to Bulaç’s interpretation, the state is merely a functional instrument established in order to perform common and indivisible services, and, therefore, not legitimized on divine or metaphysical grounds. The general framework, therefore, is not Islamic in the traditional hierarchical sense, but contractual with Islamic legitimacy based on the Medina model. It is possible to argue that Bulaç defines Islam as a religion of community, and chooses to talk about the state of a Muslim society instead of an Islamic state.

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ESSAY 5:
THE TRANSFORMATION OF ISLAMISM IN TURKEY
AND THE AKP

1. Introduction

In 2011, the *Adalet ve Kalkınma Partisi* (Justice and Development Party – AKP), started its third term in government as the very first political party to increase its share of the vote in three successive elections since the transition to a multiparty regime. The results of the election marked the AKP as one of the most successful mass parties in the history of the Republic.¹ The AKP, which emerged from within a major Islamist political lineage, not only transformed Turkish society within the span of these twelve years, but also the general outlook and trajectory of Islamism in Turkey.

The third term of the AKP government, starting in 2011, is also the period during which the new and authoritarian direction taken by the party was crystallized. During the previous two terms (2002-2011), the AKP built alliances with broader sectors of the political spectrum in Turkey, seemingly took steps towards democratization and pursued the goal of Turkey’s membership in the European Union. The still ongoing third term, in contrast, is characterized by mounting authoritarianism and majoritarian political language that points to the ballot-box as the sole criterion of democratic legitimacy.

¹ In the general elections of November 2002, the AKP achieved a dramatic victory by obtaining 34 percent of the general vote and 365 out of 550 parliamentary seats, forming a one-party government, which Turkey had not seen since 1991. The 22 June 2007 elections secured the AKP’s position as a political party when it won 46.5 percent of the votes and 341 out of 550 parliamentary seats, making it the first party in Turkish political history since 1954 to increase its share of the popular vote while in power. In the 2011 elections, the AKP received 49.8 percent of the vote and became the only party in Turkish history to win three consecutive general elections, each time increasing its support. Although the percentage of AKP’s vote increased substantially, the corresponding number of seats in the parliament decreased from 341 to 327 due to the technical details of the electoral system in Turkey. For more details, see Başkan, “Religious versus Secular Groups in the Age of Globalization in Turkey,” 177.
The exceptional electoral success of the AKP is often associated with the party’s proclaimed break with the Islamist ideology. Ever since the establishment of the AKP, its leaders have declared that they left behind their Islamist past. A major strain of academic investigation accedes to this proclamation, while displaying diversity in identifying the political outlook of the AKP.\(^2\)

In these studies, the AKP is seen as the end-product of the transformation undergone by the Islamist tradition, and identified as “conservative-democrat,” “liberal democrat,” or “a counterpart of Christian Democrat parties in Europe,” depending on the interpretation. The 28 February process that Refah Partisi out of government is often accepted as a turning point in this line of analysis. The trajectory of Islamist movements after this juncture is analyzed as a process of readjustment, either through “self-reflection” or, alternatively, in the form of “enforced retreat”.\(^3\) Despite differences in defining the identity of the AKP and the exact nature of the transformation process, these studies evaluate the AKP as part of a broadly center-right political position.\(^4\) In turn, the transformative impact of the AKP on Turkish political landscape is expressed using the concepts of “democratization,” “democratic consolidation,” “normalizing state-society” relations, and strengthening civil society vis-à-vis the state.\(^5\)

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2 To give some examples published in the last decade: Hale and Özbudun, Islamism, Democracy and Liberalism in Turkey; Yavuz, The Emergence of a New Turkey; Dağı, Turkey Between Democracy and Militarism; Çarkoğlu and Kalaycıoğlu, The Rising Tide of Conservatism in Turkey. The work of Banu Eligür is an example of the opposing view that criticizes the AKP from a Kemalist-secularist perspective. She identifies the AKP as a party aiming to abolish the secular-democratic order in Turkey. See Eligür, The Mobilization of Political Islam in Turkey.

3 Hale and Özbudun’s Islamism, Democracy and Liberalism in Turkey can be given as example of the “self-reflection” thesis, while the “enforced retreat” thesis is exemplified by Yavuz in Secularism and Muslim Democracy in Turkey. Şerif Mardin’s work can be cited as an example of an alternative approach, for he emphasizes the element of continuity, and analyzes the AKP outcome of a gradual but steady process, mainly through the transformative impact of secular institutions. See Mardin, “Turkish Islamic Exceptionalism Yesterday and Today,” 159-60.

4 Major parties representing broadly center-right political position in Turkish politics are the Demokrat Parti in the 1950s, the Adalet Partisi in the 1970s, and the Anavatan Partisi in the 1980s.

5 Dağı, Hale and Özbudun, and Yavuz further interpret the AKP’s coming to power in 2002 as the victory of the marginalized masses and the suppressed Islamic identity.
My main aim in this essay is to develop an alternative account, which deals with the AKP in the context of the changing profile of the Islamist constituency in the post-1980 period, with particular focus on the rise of the Islamic capital. I argue that, from the onset, the AKP acted in consort with this key constituency yet managed to mobilize the support of a heterogeneous electorate, including the center-right vote. The tendency towards the decline and eventual decimation of the “classical” center-right parties was another factor contributing to the AKP’s appeal. I claim that despite current monopolization of the center-right vote by the AKP, the party has not moved to a center-right political position. In contrast, the AKP has radically transformed and reconfigured this political position on the basis of Sunni-Islamic cultural elements and mounting authoritarianism.

In contrast to the views mentioned above, I argue that, far from being a centrifugal force empowering civil society vis-à-vis the state, the AKP has gradually occupied state positions and the civil service. During the later part of its tenure, the AKP increasingly relied on these powers for reconfiguring key state institutions and top-down Islamization of culture. The AKP also installed various new forms of exclusion and privilege based on criteria of religious affinity and political loyalty.

I discuss the AKP rule a two-phase trajectory that culminates in Islam-based cultural conservatism and political authoritarianism. I take the years between the election of 2002 and the constitutional referendum of 2010 as first phase I term “building alliances and consolidation.” The second phase is characterized by what I call “occupying the civil service” and “reconfiguring the state.” Even though I date the start of phase two to 2010, certain elements characterizing this period started to emerge already after Abdullah Gül was elected President in 2007. I limit my discussion of the AKP to the period between its rise to power in 2002, and the end of 2012. In my view, the Gezi uprising in May-June 2013, and the corruption scandals that broke in December of the same year mark the beginning of a third phase, whose dynamics and contours are not yet fully discernable.

The essay is organized into two parts. In the first part I discuss the emergence of Islamist parties in Turkey, and the Islamist tradition from

which the AKP emerged. Thereafter, I discuss the tendencies characterizing the first and second phases of the AKP government.

2. Islamist Parties and the Milli Görüş Legacy

Independent Islamist political parties emerged relatively late in Turkish political history. Throughout the 1950s and 1960s, Islamic orders (tarikat) and other Islamic communities with nation-wide networks did not establish Islamic political parties. Instead, individual members of these groups took seats in existing center-right parties, and devout Muslims, in general, became part of the center-right constituency.⁶

In the 1950s, Islamic orders and communities endorsed the Demokrat Parti. Even though their support contributed to the electoral success of the party, prominent figures of these Islamic groups neither held leadership positions nor organized under a separate wing. Demands put forward by Islamic orders and communities were largely limited to moderation of institutional hostility towards Islam and leeway for their religious activities. They also formed informal patronage relationships to utilize the benefits provided by the central authority.⁷

The Demokrat Parti’s appeal for Islamic orders and communities emanated from its “conservative modernization” program based primarily on economic development, as opposed to the top-down, statist and secularist-nationalist modernization project of the Cumhuriyet Halk Partisi (Republican People’s Party- CHP). Nonetheless, devout constituency on the grassroots level did not belong to economically successful or upwardly mobile sectors of the society. They were mostly small merchants, artisans, and shopkeepers, whose integration with modern capitalist activity remained limited. One reason for this state of affairs was their skepticism towards secular institutions of education. Throughout the 1950s, this stance was gradually abandoned, and replaced by the acknowledgement of the importance of qualifications and higher education, especially in the areas of

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7 Çakır, “Millî Görüş Hareketi,” 545.
economics and technology. Consequences of this changing attitude started to be visible starting in the 1960s.8

In the 1960s, Islamic orders and communities supported another center-right party, the Adalet Partisi (Justice Party – AP). During the same decade, the Islamists started to establish their own associations. An initial venue for these endeavors was the TOBB (Türkiye Odalar ve Borsalar Birliği - the Union of Chambers and Commodity Exchanges of Turkey), which represented middle-sized enterprises. Necmettin Erbakan, a professor holding a degree in mechanical engineering, and a central figure of Islamist politics to be, became the president of this organization.9 Upon entering the parliament as an independent candidate in 1970, Erbakan founded the first Islamist political party in Turkish political history under the name of the Milli Nizam Partisi (National Order Party – MNP).10

The Milli Görüş (National Outlook) movement emerged from within a prominent Islamic order, the Nakşibendi, whose spiritual leader, Mehmet Zahit Kotku, took personal initiative to found the MNP. The Nakşibendi exercised varying degrees of influence on Milli Görüş parties throughout the decades to come.11 Nonetheless, the founding cadres of the party were not religious leaders or Islamic scholars but mostly consisted of individuals holding degrees in modern institutions of higher education. The composition of the leading cadres continued as an identifying feature for the succeeding Milli Görüş parties as well.12

The ideology of the Milli Görüş movement can broadly be defined by rejecting Western “civilization” in cultural terms, while acceding to the need to adopt its material aspects. This position is combined with a

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9 The leaders of the Adalet Partisi were well aware that Erbakan and his groups intended to form a separate wing within their ranks or to establish a party of their own. Prime Minister Süleyman Demirel moved to pre-empt this possibility, and Erbakan was maneuvered out of the presidency. His application to run in the general elections of 1970 in the ranks of the Adalet Partisi was turned down as well. Erbakan, consequently, ran as an independent candidate. Çakır, Ayet ve Slogan, 214.
10 Ibid, 216.
11 According to Ruşen Çakır, the political stance of the party cannot be reduced to merely an expression of Nakşibendi’s in-party politics. Ibid, 22.
critical attitude towards secularizing republican reforms and a nostalgic appreciation of the Ottoman Empire.\textsuperscript{13}

Political and ideological positions occupied by \textit{Milli Görüş} parties have been a topic of controversy from the outset. Cihan Tuğal identifies this state of affairs in terms of “ambivalence,” and uses it as an operative concept for analyzing this political tradition. Tuğal explicates his argument by elaborating on the meanings of key concepts defining the \textit{Milli Görüş} movement. He notes that the word \textit{milli} has a double connotation in Turkish, and describes its ambivalence as follows:

In early Islamic usage, millet (the noun for milli), a Kur’anic term, designated Muslim and non-Muslim religious groups. .. As there was nothing in local language to refer to ‘the nation’, nationalists appropriated the term milli in the nineteenth century and started to use it as an equivalent of the term national. The Milli Outlook movement, born in the late 1960s, utilized the ambivalence of this term to appeal to the religious feelings of its audience in a country where the only officially legitimate collective identity had become Turkish nationality.\textsuperscript{14}

Tuğal also argues that double connotations of key concepts were characteristic of successive political parties representing the \textit{Milli Görüş} movement also in the periods to come. In his view, this ambivalence has actually helped increase the appeal of the \textit{Milli Görüş} parties to a more varied audience.\textsuperscript{15} By the same token, their use of double intenders led to the common perception of them as radical Islamists, and a number of political parties emerging from within the movement were disbanded as a result of these perceived Islamist connections.\textsuperscript{16}

In the 1970s, the \textit{Milli Görüş} movement was represented by the \textit{Milli Selamet Partisi} (National Salvation Party – MSP). The MSP maintained a vision of rapid industrialization and economic development, coined as the goal of the “heavy-industrialization leap,” while maintaining the cultural tenets of an Islamic society. Another feature of the MSP’s politics in the

\textsuperscript{13} Hale and Özbudun, \textit{Islam, Democracy and Liberalism in Turkey: the Case of the AKP}, 5-6. For a more detailed definition of the \textit{Milli Görüş} outlook, see General Introduction in this compilation.

\textsuperscript{14} Tuğal, \textit{Passive Revolution}, 5.

\textsuperscript{15} Ibid., 5-6.

\textsuperscript{16} The MNP was permanently disbanded after the military coup of 12 March 1971. It was succeeded by the \textit{Milli Selamet Partisi} (National Salvation Party- MSP), which survived until the coup in 1980.
1970s was its anti-communist elements, and “nationalism” with the word’s double connotation described above. These qualities, in turn, brought the MSP close to the center-right and nationalist parties of the period. It can be argued that the MSP did not exhibit a clear and distinctive Islamist outlook. The party, nevertheless, maintained the claim that it offered a third alternative in Turkish politics alongside the secularist CHP and the center-right Adalet Partisi. The MSP also played a key role as the third largest party in a political atmosphere that was characterized by shifting alliances and coalition governments throughout the 1970s.

Following the disbanding of the MSP (along with all other parties) after the military coup of 12 September 1980, the leading cadres of the Milli Görüş movement founded the Refah Partisi (Welfare Party – RP). The Refah Partisi was not able to run in the elections held in 1983. Instead, its leading members organized as a separate wing in the Anavatan Partisi, led by Turgut Özal. The party remained under the 10 percent electoral threshold in the 1987 elections, but in 1991, the electoral alliance comprised of the Refah Partisi and two nationalist parties managed to get a total of 16.6 percent of the vote, and gained 62 seats in the parliament.

17 Bora, Türk Sağının Üç Hali: Milliyetçilik, Muhafazakarlık, İslamcılık, 132-5. Some Islamists in the 1960s organized jointly with ultranationalists in associations such as the Komünizmle Mücadele Derneği (Association for Struggle against Communism). Eligür, The Mobilization of Political Islam in Turkey, 64-5.
18 Bora, Türk Sağının Üç Hali: Milliyetçilik, Muhafazakarlık, İslamcılık, 130-1.
21 In the 1987 elections, the Refah Partisi received seven percent of the general vote but could not gain any seats in the National Assembly due to the ten percent electoral threshold. In the next general elections held in 1991, the Refah Partisi formed an electoral alliance with two nationalist parties in order to avoid a similar outcome. The nationalist İslahçı Demokrasi Partisi (Reformist Democracy Party – IDP) and the ultra-nationalist Milliyetçi Çalışma Partisi (Nationalist Labor Party – MÇP). This electoral alliance got 17 percent of the total vote and gained 62 seats in parliament.
The 1990s signaled both a general tendency towards radicalization, and the emergence of a more distinctive Islamist identity on the part of the Refah Partisi. This was a multifaceted development incorporating contradictory undercurrents. In the next section I discuss key social and political dynamics characterizing the 1990s political atmosphere and the emergence of the AKP.

3. The Uniqueness of the 1990s

Radicalization and increased political power of Islamism was a global trend in the 1990s, and Turkey was no exception to this trend. Various Islamist groups and movements of the period came under the influence of radical Islamist ideas, mainly through the works of Islamist thinkers such as Sayyid Kutub, Said Hawa, and Mawdudi.22 The impact of the Islamic revolution in Iran was another factor enhancing the self-confidence of Islamists both globally and in Turkey. The main strain of Islamism in Turkey, which is epitomized by the Milli Görüş movement and the Refah Partisi as its political representative, came under the influence of these global trends, albeit in modified and more moderate fashion.

The March 1994 municipal elections marks the beginning of an upward trajectory for the Refah Partisi, which made significant gains by winning mayoral positions in Turkey’s two largest cities, Istanbul and Ankara, as well as in several provincial cities and towns.23 This trend continued in the 1995 elections, from which the Refah Partisi emerged as the largest party; they gained 21.4 percent of the general vote and formed a coalition government with the center-right Doğru Yol Partisi (Straight Path Party – DYP).

The Islamist outlook represented by the Refah Partisi during this period of upward trajectory can be described in terms of the following elements:

First was the overarching concern with the Islamization of society. The Refah Partisi maintained and intensified the sensitivity of the Milli Görüş tradition towards Islamic education. The coalition government relaxed the limitations on the Imam Hatip schools, and initiated the establishment

Çakır, Ne Şeriat Ne Demokrasi: Refah Partisi’ni Anlamak, 26-7.
22 Tuğal, Passive Revolution, 36
23 In 1994 local elections, Recep Tayyip Erdoğan was elected the mayor of İstanbul.
of Quran schools down to the level of small localities. The *Refah Partisi* also created unprecedented mobilization through organizing through a variety of venues, including youth and women’s groups, and neighborhood committees. Women, in particular, mobilized to spearhead party activities during the local and general elections.\(^{24}\) This development went hand in hand with projects advocating for the Islamization of the urban space. While in government, the *Refah Partisi* put forward a number of highly controversial projects, such as building a mosque in the main square of Istanbul (Taksim) and opening the Hagia Sophia Museum to worship for Muslims.\(^{25}\)

Second was the incorporation of Islamic internationalist and third-worldist elements into the ideological and political outlook of the *Refah Partisi*. Leaders of the party pointed out “Western domination” and “imperialism” as the main reasons for both global inequality and poverty generally, and the underdeveloped state of Muslim societies in particular.\(^{26}\) The *Refah Partisi* leadership campaigned for “protecting Muslim interests and the organizational realization of Muslim brotherhood on a global level.”\(^{27}\) With this aim in mind, they supported initiatives to establish alternative Islamic organizations, such as the United Nations of Muslim Countries, Muslim Countries’ Organization for Defensive Cooperation, and Muslim Countries’ Common Market Union.\(^{28}\)

The third characteristic is the one that is more significant from the perspective of my concerns in this essay. In the 1990s, the *Refah Partisi* campaigned under the banner of establishing the *Adil Düzen* (Just Order). The socio-economic aspects of this vision were announced in 1991 by a brochure written by Erbakan himself. The program, entitled *Adil Ekonomik Düzen* (Just Economic Order), rejects capitalism as a system that reduces human beings to “insatiable economic creatures.” According to this view, capitalism is driven by imperialist and Zionist interests, and the exploitation


\(^{27}\) Yıldız, “Politico-Religious Discourse of Political Islam in Turkey,” 189.

\(^{28}\) *Refah Partisi* opposed Turkey’s integration with the European Union. In party literature, the EU is defined as a Zionist organization supported by the USA: aiming to integrate Turkey as a state in the Greater Israel. Buğra and Savaşkan, *Türkiye’de Yeni Kapitalizm*, 96-7.
of the masses by capital. Capitalism, as explicated in party literature and by party spokesmen, is understood as the dominance of “monopolistic” capital. Here the concept of “monopoly” is not understood in the technical, economic sense. Rather, it is used to define multinational corporations, and domestic business conglomerates and holding companies located primarily in Istanbul and its environs. Put concisely, the Adil Ekonomik Düzen program offers an alternative economic system based on a regulated market economy, redistribution, and corporatist organization.

Starting in the early 1990s, the Refah Partisi managed to mobilize substantial support around the vision of Adil Düzen. In Ayşe Buğra’s words:

An important factor behind these electoral successes was the ability of political Islam to use effectively a ‘language of social disadvantage’ in a way to incorporate diverse segments of the population ranging from the newly emerging entrepreneurs to other segments of the middle class which include Islamic intellectuals and professionals, as well as the marginalized masses largely consisting of new immigrants in urban centers.

As argued by Tuğal, double connotations and ambivalence were at work once again. Adil Düzen was welcomed by economically marginalized groups such as the urban poor, informal workers, lower-middle classes, and the unemployed, for it signified radical redistribution. Among devout Muslims, on the other hand, the concept was associated with the Islamic ideal of a just and harmonious society or, more straightforwardly, as a metaphor for an Islamic political order.

In the general elections of 1994, the Refah Partisi managed to mobilize the support of a heterogeneous constituency. As will be discussed below, the appeal of the Adil Düzen program has proven to be as much a disadvantage as advantage for the party during the years that followed. The changing outlook of the Refah Partisi electorate strained party unity and figured significantly in the creation of divisions within the Milli Görüş movement, which led to the formation the AKP in the following decade.

29 Bakrezer and Demirer, “Ak Parti’nin Sosyal Siyaseti,” 155.
31 Bakrezer and Demierer, “Ak Parti’nin Sosyal Siyaseti,” 155-6. See also Çınar, “İslami Ekonomi ve Refah’in Adil Ekonomik Düzeni.”
33 Tuğal, Passive Revolution, 6.
4. Islamic Capital, and the Changing Direction of Islamism in Turkey

Small businessmen, tradesmen, peasants, and provincial artisans located in provincial Anatolian towns had traditionally been the backbone of the Milli Görüş movement. In the post-1980 period, these groups underwent major transformations due to the emergence of a new sector of enterprises in the provinces. These small and medium-scale enterprises are based in small Anatolian towns and are mostly owned by devout Muslims. These companies have often been involved with labor-intensive production for international markets, and have benefited from the post-1980 economic model based on free trade and integration with the global markets. Promotion of subcontracted production under this new economic model has allowed employers to bypass trade unions and circumvent restrictions on firing workers and lowering wages. These enterprises have also benefitted from the traditional and Islamic communal ties of small provincial towns. Put specifically, Islam has been a useful resource in instituting a communal bond of mutual trust both within and among these companies.

This sector grew rapidly in the 1980s and 1990s as a result of the Turkish economy’s re-orientation towards exports. In the 1990s Muslim entrepreneurs formed MÜSİAD (Association of Independent Industrialists and Businessmen) as an alternative to TÜSİAD (Association of Turkish Industrialists and Businessmen). When compared to TÜSİAD, MÜSİAD was composed of more small and medium-sized enterprises, and the overwhelming majority of the member companies were formed after 1980.

Bakirezer and Demirer argue that the rise of the Islamic capital in export-oriented sectors led to internal differentiation of the Refah Partisi electorate. On the one hand, there were groups drawn to the goals formulated in the Adil Ekonomik Düzen program; that is, the ideal of a regulated economy in which the state assumed control over networks of production and distribution,

36 This rising sector of Muslim entrepreneurs formed the seeds of the Islamic capital that thrived and consolidated its place in key sectors of the economy under AKP rule. Hoşgör, “Islamic Capital/Anatolian Tigers,” 343.
37 Özbudun, Contemporary Turkish Politics: Challenges to Democratic Consolidation, 134-5.
and assumed a major redistributive role. These groups included small merchants and artisans, informal workers, and the urban poor. On the other hand, there was the rising Islamic capital represented by MÜSİAD, which was not comfortable with state intervention in economy. This group saw the state as the natural ally of Istanbul-based established capital and feared that this alliance would ultimately favor the latter. MÜSİAD took inspiration from Muslim countries such as Malaysia and Indonesia, and advocated free market economy in the context of Islamic values and communal bonds. They, accordingly, opted for minimum state intervention in the economy.

In 1994, the Refah Partisi issued a pamphlet, in which they tried to bridge the gap by reassuring the Islamic capital. The pamphlet proclaimed that the Adil Düzen was a pro-private sector order, and restricted the tasks of the state when compared to the first manual issued in 1991. As the developments in the following years show, this attempt prove to be unsuccessful in the face of growing schism among the Refah Partisi constituency.

Another difficulty faced by the Refah Partisi leadership was the polarized political atmosphere of the late 1990s. Especially after becoming the senior partner in government, the Refah Partisi was perceived to pose a threat to the secular-democratic principles of the regime. Muslim entrepreneurs were not comfortable with the confrontational political discourse of the party leadership. They asked for a stable political environment that would be suitable to further their economic performance, and wanted to avoid abrupt policy changes that might be triggered by political turmoil.

The 28 February Process of 1997, and the disbanding of the Refah Partisi in 1998 exposed the underlying contradictions within the party and the Milli Görüş movement. The period from the 1997 intervention until 2001 was marked by internal conflict. In the end, a splinter faction of younger

40 Tuğal, Passive Revolution, 50.
42 Cadres of the party did not wait for the conclusion of the case and founded the Fazilet Partisi (Virtue Party – FP) on 17 December 1997. As predicted, the Refah Partisi was dissolved by the Constitutional Court on 16 January 1998, and its leader Necmettin Erbakan was banned from politics. The Fazilet Partisi later encountered the same fate and was dissolved in June 2001.
members, calling themselves “reformists,” founded the Adalet ve Kalkınma Partisi. The “traditionalist” wing organized itself as the Saadet Partisi (Felicity Party – FP) under the leadership of Recai Kutan.

From the beginning, the AKP presented itself as a secular, pro-state, pro-Western, and pro-market political party. Despite their roots in the Milli Görüş movement, top cadres of the party denied any Islamic credentials. The leaders of the AKP emphasized that they had broken away from the Milli Görüş ideology, often describing this claim of rupture with their Islamist past as “taking off the Milli Görüş shirt.” The AKP described its outlook as one of “conservative democrats,” advocating a free market economy with minimal state intervention in the economic realm, democratization and liberalization in political life, and conservatism in social life.43

The Muslim entrepreneurs mobilized in support of the AKP and backed its program. The AKP’s moderate position and its asserted break with the Islamist past contributed to expectations of a more stable political atmosphere for these groups. MÜSİAD helped the new party to establish local branches and to formulate its economic policy. Many members of MÜSİAD joined the AKP, and some twenty of them were later elected as AKP members of parliament.44

The first election after the divide within the Milli Görüş ranks has proven to work to the advantage of the AKP. The AKP emerged victorious from the 2002 elections, while the traditionalist wing represented by the Saadet Partisi suffered a great defeat, failing to gain any seats in parliament. The AKP received votes from a heterogeneous constituency consisting of previous Milli Görüş supporters, the liberals, business associations such as MÜSİAD and TÜSİAD, first-time voters, urban middle classes as well as workers and the urban poor. As Türsan notes, the AKP was also supported by previous center-right constituency and by those who voted for the

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43 The party program sketched its two fundamental aims: economic development and establishment of a democracy based on human rights and basic liberties. Among many other points, it emphasized the significance of full membership in the EU, multiculturalism, secularism, religious tolerance, and complying with the IMF program. Başkan, “Religious versus Secular Groups in the Age of Globalization in Turkey,” 176.
The Transformation of Islamism in Turkey and the AKP

The electoral success of the AKP in the 2002 general elections is explained by the party’s appeal to a larger electorate in a fashion unmatched by the preceding Milli Görüş parties. The decline of the “classical” center-right political parties was a significant factor in the success of the AKP.

As shown in the table below, in the 1983 elections, the total vote received by the classical center-right parties was approximately 70 percent. That percentage decreased to 55 and 51 in the 1987 and 1991 elections, respectively. The downward trajectory, which had already started in the 1980s, continued throughout the 1990s, with the total vote received by these parties amounting to 39 percent in 1995 and 25 percent in 1999.

<table>
<thead>
<tr>
<th>Year</th>
<th>Islamist</th>
<th>Center-Right</th>
<th>Kemalist-Secularist</th>
</tr>
</thead>
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<tr>
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<td>Anavatan Partisi</td>
<td>Milliyetçi Demokrasi Partisi</td>
<td>Halkçı Parti</td>
</tr>
<tr>
<td></td>
<td>45</td>
<td>23</td>
<td>30</td>
</tr>
<tr>
<td>1987</td>
<td>Anavatan Partisi</td>
<td>DYP</td>
<td>SDHP</td>
</tr>
<tr>
<td></td>
<td>36</td>
<td>19</td>
<td>24</td>
</tr>
<tr>
<td>1991</td>
<td>Refah Partisi</td>
<td>Anavatan Partisi</td>
<td>SDHP</td>
</tr>
<tr>
<td></td>
<td>16.88</td>
<td>24.01</td>
<td>20.75</td>
</tr>
<tr>
<td></td>
<td></td>
<td>27.03</td>
<td>10.75</td>
</tr>
<tr>
<td>1995</td>
<td>Refah Partisi</td>
<td>Anavatan Partisi</td>
<td>CHP</td>
</tr>
<tr>
<td></td>
<td>21.38</td>
<td>19.18</td>
<td>10.70</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10.75</td>
<td>14.64</td>
</tr>
<tr>
<td>1999</td>
<td>Fazilet Partisi</td>
<td>Anavatan Partisi</td>
<td>DSP</td>
</tr>
<tr>
<td></td>
<td>15.41</td>
<td>13.22</td>
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<td>12.01</td>
<td>22.19</td>
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<tr>
<td>2002</td>
<td>Saadet Partisi</td>
<td>AKP</td>
<td>Anavatan Partisi</td>
</tr>
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<td></td>
<td>2.49</td>
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<td>1.22</td>
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</tbody>
</table>

Milliyetçi Hareket Partisi (Nationalist Action Party—MHP) in the previous elections.45

*The Transformation of Islamism in Turkey and the AKP*

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45 Türsan, *Democratisation in Turkey: The Role of Political Parties*, 244.
In the 2002 elections, the two classical center-right parties remained under the 10 percent electoral threshold and could not gain any seats in the parliament. The AKP was, thus, welcomed as the party that would carry on the center-right political tradition represented by the Demokrat Parti during the 1950s and the Anavatan Partisi during the 1980s.

In the next section I deal with the AKP policies in the two phases of “building alliances and consolidation,” versus “occupying the civil service” and “reconfiguring the state.”

5. The First Phase of AKP Rule: Building Alliances and Consolidation

As outlined in the introductory section of this essay, the dominant tendency in academic investigations of the AKP is to analyze the party in terms of its declared break with the Islamist past, and to employ concepts such as democratization and democratic consolidation. This perception is largely based on the fact that during its first term in government the AKP advocated goals that assembled large sectors of the society under the banner of democratization, liberalization, and the goal of full EU membership. The favorable international reception of the AKP as well was based on similar opinions.

As a matter of fact, the AKP’s claim to have broken with its Islamist past initially manifested itself most strikingly in the party’s pro-EU stance. In contrast to the Refah Partisi, which criticized and opposed the EU, the AKP became an ardent supporter of Turkey’s application for full EU membership. In line with the harmonization of Turkish law with

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46 In the 2002 elections all members of the previous coalition government remained under the 10 per cent electoral threshold, including the center right Anavatan Partisi. Nonetheless, the vote of the Doğru Yol Partisi (Straight Path Party- DYP), a center-right opposition party, declined as well, leaving the party with no seats in the parliament.

47 The international political climate following the September 11 attacks also worked in favor of the AKP, as Turkey was pointed out as a model Muslim country and a partner in the Greater Middle East Initiative (GMEI). Turkey’s democratic-secular regime and a western ally represented by the AKP were counted as merits for its exemplary status for the Middle Eastern countries, and as the basis for public opinion making against radical Islamist organizations such as al-Qaeda. Yıldız, “Politico-Religious Discourse of Political Islam in Turkey,” 189.

48 At the European Council meeting on 17 December 2004, the EU declared that acces-
the EU *acquis communautaire*, the AKP continued the previous coalition
government’s legislative packages, and announced its mission as that of
furthering “democratization and liberalization of Turkish politics, with or
without achieving full membership”.

Within the perspective so-formulated, the AKP government introduced
two major EU Harmonization packages in 2003 and 2006, as well as two
sets of constitutional amendments in 2004 and 2010. The constitutional
amendments of 2004 improved rights and liberties by abolishing the State
Security Courts; establishing that courts cannot rule for capital punishment
and for overall confiscation of property; eliminating all references to
capital punishment in the constitution, including during times of war; and
improving gender equality. A particularly important step was to establish
that international treaties regarding fundamental rights and liberties now
took precedence over national legislation.

Improving Turkey’s relations with the EU was of vital importance to
the AKP government, as was reducing the power of the Armed Forces in
Turkish Politics. Successive EU Harmonization packages introduced by the
AKP government catered for both objectives, since reconfiguring the role
of the military was part of the requirements in the EU accession process.
The Seventh EU Harmonization package introduced in 2003 changed the
structure and competence of the National Security Council (*Milli Güvenlik
Konseyi* – MGK). Previous stipulations mandating that the government give
“priority consideration” to the MGK’s recommendations were abolished.
The MGK’s role was given the status of an “advisory” body exclusively in
matters concerning national security. Constitutional amendments of 2004
also abolished the Chief of Military Staff’s right to appoint one member
for the Boards of the Council of Higher Education (*Yükseköğretim Kurulu*
– YÖK) and for the Radio and Television Supreme Council (*Radyo ve
Televizyon Üst Kurulu* – RTÜK). The Ninth EU Harmonization Package in
April 2006 subsequently removed the competence of military courts to try
civilians in peacetime, with the exception of collective military crimes.

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49 “Erdoğan: Kopenhag Kriterleri Ankara Kriterleri Olacak.”
50 The amendment abolished reduced sentences in honor crimes.
51 Coşkun, “Constitutional Amendments under the Justice and Development Party
Rule,” 101.
52 Ibid.
Legal amendments introduced by the AKP government were not welcomed by the higher ranks of the judiciary, who took them as sheer maneuvers to secure the hold of the AKP in Turkish politics. In 2007 and 2008, the AKP faced two legal challenges, and it emerged victorious from both, solidifying the party’s legitimacy. It is possible to argue that these two points of political crisis led to further consolidation of the AKP’s power.

The first crisis broke out when the term of the tenth President of the Republic of Turkey, Ahmet Necdet Sezer, came to an end in May 2007. The AKP’s candidate for presidency was Abdullah Gül, who was the minister of foreign affairs in the AKP cabinet. In a session boycotted by the Cumhuriyet Halk Partisi (Republican People’s Party – CHP) and other opposition parties, the National Assembly voted in Gül as the next President. The Cumhuriyet Halk Partisi petitioned the Constitutional Court for annulment of the vote, citing a violation of voting procedures. The same evening, the military’s general staff posted a memorandum, often referred to as an “e-coup.” The memorandum expressed concern over the future of secularism, and declared that “the Turkish military would not remain indifferent to such development.” Before too long, the Constitutional Court announced its highly controversial verdict annulling the vote.

The AKP did not step down the way the Refah Partisi had done in 1997, and instead called for an early general election. The memorandum posted by the Armed Forces and the Constitutional Court’s ruling seem to have strengthened rather than weakened the AKP’s position among the electorate. AKP emerged victorious from the elections held on 22 June 2007, gaining 46.5 percent of the vote and 341 out of 550 parliamentary seats. Gül was subsequently voted in by the new parliament.

The second crisis broke out on 14 March 2008, when the Chief Prosecutor of the High Court of Appeals petitioned the Constitutional Court for dissolution of the AKP on the grounds that it had become a “center” of activities contrary to the principles of secularism. The appeal also included banning seventy-one of the AKP’s leading cadres from seeking elected office for five years. On 30 July 2008, the Constitutional Court narrowly decided not to dissolve the AKP. Six members of the Court voted for closure of the

53 The Cumhuriyet Halk Partisi argued that this election was illegal since there were fewer than 367 deputies—two-thirds of the members of parliament—present in the first round of the presidential election.
54 “Büyükant’ın Açıklamasının Tam Metni.”
party, while four voted for depriving the party of the financial assistance of the Treasury rather than dissolving it. Accordingly, the AKP was deprived of half of its previous level of assistance.\textsuperscript{55}

The two crises brought about consolidation amongst the groups advocating a post-Kemalist political vision. Reform packages and constitutional amendments introduced by the AKP were praised by these groups as steps towards democratization alongside the vision of full EU membership. Legal measures initiated by the Constitutional Court, in contrast, seem to have affirmed the perception that its members were a partisan group aiming to sideline the elected representatives of the people.

Other major elements of consolidation were the legal proceedings of Ergenekon and Sledgehammer (Balyoz) involving large numbers of military officers, and revolving around alleged conspiracies to destabilize and eventually topple the AKP government. In Ergenekon investigations (starting in July 2008) numerous military officers—retired as well as in active duty— and civilians were accused with membership in a clandestine organization, and charged with crimes ranging from bombings to intimidation of religious minorities and coup plots.\textsuperscript{56} Similarly, Sledgehammer investigations (starting in January 2010) involved numerous military officers, including Commander of the First Army Çetin Doğan, journalists, academics, and lawyers, as well as a chief prosecutor and even a former mayor of Istanbul. Among other deeds, the officers stood accused of plotting a coup against the government, planning to shoot down a Turkish fighter jet and blow up two mosques during Friday prayers, so as to incite parliament to declare martial law.\textsuperscript{57}

The Ergenekon and Sledgehammer trials enhanced the AKP’s self-presentation as the party that spearheaded the move towards democratization and “civilian” politics. Adherents of the post-Kemalist vision, therefore,

\textsuperscript{55} Başkan, “Religious versus Secular Groups in the Age of Globalization in Turkey,” 177.
\textsuperscript{56} Rodrik, “Ergenekon and Sledgehammer: Building or Undermining the Rule of Law?,” 100.
\textsuperscript{57} In January 2009, \textit{Taraf}, a Turkish daily, published confidential documents exposing an alleged coup plot in 2003 led by Commander of First Army Çetin Doğan. The documents include authentic voice recordings from a war simulation workshop held at the headquarters of the First Army in March 2003. The newspaper alleged that the March 2003 workshop was a dress rehearsal for the planned coup. Doğan and Rodrik, “How Turkey Manufactured a Coup Plot.”
became enthusiastic supporters of both legal cases, despite serious allegations of irregularity and official misconduct regarding the way the investigations were conducted. In the words of Dani Rodrik:

To many observers, for a while it appeared as if these trials represented a nascent democracy’s coming to terms with the sins of the past. It seemed that a popular, democratic regime was finally wresting itself free from the tight grip of the army and hard-line secularists, and, for the first time, was bringing the old guard to account.

Through Ergenekon and Sledgehammer trials he AKP was able to remove the remaining prerogatives of the Armed Forces by mobilizing support in the name of the struggle against “military tutelage,” and by relying on the moral and intellectual legitimacy of a broad coalition.

I view the 2010 constitutional referendum as the last major instance in which this broader coalition of forces extended undiminished support for the AKP’s political project. The referendum was held to decide on an amendment package consisting of twenty-six articles including several changes and additions to the 1982 Constitution. The amendment package involved provisions on rights and liberties such as introducing the institution of “constitutional complaint,” which enables individuals to access to the Constitutional Court directly. The crux of the amendments, however, aimed at restructuring the composition of the Constitutional Court and the Supreme Council for Judges and Prosecutors.

The amendments provided that military courts and military disciplinary courts shall only have jurisdiction to try military personnel for military offences related to military services and duties. Non-military personnel shall not be tried in military courts, except war time. The competence of the Constitutional Court as Supreme Court was also regulated to enable

58 Doğan and Rodrik, “How Turkey Manufactured a Coup Plot.”
59 Rodrik argues that perceptions of what these trials represented rapidly changed following the arrests of journalists Ahmet Şık and Nedim Şener with the accusations of acting as the “media arm” of the Ergenekon Terror Organization. Rodrik, “Ergenekon and Sledgehammer: Building or Undermining the Rule of Law?,” 100.
60 The amendment proposal package consisting of twenty-six articles was submitted to the Turkish Grand National Assembly on 30 March 2010, adopted by the Assembly on 7 May 2010, and published in the Official Gazette to on 13 May 2010 to be put to referendum. Gönenç, 2010 Proposed Constitutional Amendments to the 1982 Constitution of Turkey, 5.
trying military personnel before the civil courts regarding crimes against the security of the state and constitutional order.\textsuperscript{61}

The proposed amendments were praised by the adherent of the post-Kemalist coalition as steps towards increasing the power of the elected-civilian authority vis-à-vis the secularist judiciary and the Armed Forces. Another source of appeal for this group was the new regulation that repealed judicial immunity provided for the leaders and top officials of the 12 September 1980 Coup as well as those civil and military bureaucrats serving under the military regime. Advocates of the post-Kemalist political vision regarded the proposed amendments as significant steps towards to “counter the power of the judiciary and to enhance the power of elected officials”, and as an opportunity to finally dispense with the 1982 constitution.\textsuperscript{62} They mobilized support under the slogan of “not enough but yes”. Cengiz Aktar, a liberal author and one of the foremost advocates of Turkey’s full EU membership summarizes shared arguments of this position in the following words:

\begin{quote}
First of all, the tension and polarization enveloping the country are about the process of political change that is taking shape. Turkey has modified its military inspired constitution sixteen times but this time the governmental package contains clauses deeply altering the actual way the military and the judiciary intervene in politics.

To, the proposed changes in the appointment of the Judiciary to the High Council of Judges and Public Prosecutors and to the Constitutional Court are considered the most controversial amendments. Indeed these are far from adequate in establishing a thorough checks and balances system. But again, they are instrumental in capping the omnipotence of the military and the judiciary. As they have been initiated by the ruling party, even those who agree with these principles of democratic life would vote “no” because of their deep distrust of the government. And that fuels the tension.\textsuperscript{63}
\end{quote}

On the highly symbolic date of September 12, the 30th anniversary of the 1980 military coup, the amendment package was accepted by receiving

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\textsuperscript{61} The number of the members of the Court increases from 11 to 17, all of which were elected by the President Three constitutional judges shall be elected by the Parliament, and 14 members of Constitutional Court shall be elected by the President who shall wield his appointing power directly for 4 members and indirectly for 10 members. Ibid.

\textsuperscript{62} Aktar, “In the Referendum Vote Why Is It ‘Not Enough But Yes’?”

\textsuperscript{63} Ibid.
58% of the general vote. In contrast with the expectations of the liberal and socialist circles, however, the referendum did not bring the anticipated democratization and liberalization of Turkish politics. As I discuss in the next section, AKP policies in the post-referendum period is distinctive in intensifying the authoritarian tendencies already taking shape during the first phase. The second phase was also characterized by a new political strategy, one focused on polarization rather than alliance-building.

6. The Second Phase of AKP Rule: Reconfiguring the State

By the end of the first phase, the AKP had consolidated its position vis-à-vis the judiciary and the Armed Forces. In this fashion, two key institutions antagonistic to the AKP’s political projects is being neutralized through purges, appointments, and promotions.

In the case of the judiciary, the 2010 referendum has proven to be the turning point. Constitutional amendments accepted by the 2010 referendum increased the number of the members in the Constitutional Court and the Supreme Council of Judges and Prosecutors. Following the referendum, the parliamentary majority of the AKP and President Gül appointed AKP loyalists to these new positions. In 2010, government supported candidates were elected to membership in the Supreme Council of Judges and Prosecutors. The newly elected Council swiftly approved the appointment of 190 high-ranking judges and prosecutors presented by the Ministry of Justice.64 I 2011, the National Assembly passed laws increasing the number of the members in two other key institutions: the Supreme Court of Appeals and the Council of State: The Supreme Court of Appeals. These new positions as well were filled with AKP loyalists.65

In the case of the Armed Forces, the Ergenekon and Balyoz trials were among the building blocks of the second phase. These two major legal proceedings allowed the AKP to replace the officers tried in these cases by new and more compliant cadres. Upon being elected President in 2007, Abdullah Gül used his capacity as the head of the National Security Council to appoint compliant top officers who were willing to cooperate

64 Ergin, “Balyoz 29: Anayasa Konusundaki Kaygılılar.”
65 The Supreme Court of Appeals’ membership increased from 250 to 387 and that of the Council of State from 95 to 156. Armutçu, “10 Soruda Yargıtay Satranç.”
with the government. Beginning in 2010, decisions about the promotion and retirement of military personnel were strictly controlled and decided by the AKP government, in some cases against the traditionally established practices in the Armed Forces.  

The higher ranks of the judiciary and the Armed Forces are in fact just two among the many institutions subjected to redesign by the AKP. Other offices whose key positions are filled with the AKP loyalists include the Council of Higher Education, the Turkish Radio Television Corporation (TRT) and the Radio and Television Supreme Council (RTÜK), the police force, and the National Intelligence Agency (Milli İstihbarat Teşkilatı). Powers vested in centralized state institutions were criticized by the AKP during the initial years of its rule. After its loyalists were installed in these institutions, the AKP took full advantage of these institutions to further its political and cultural agenda. 

Party takeover of state institutions was instrumental for the AKP’s efforts to control mass media. In the case of the state media, party control has been achieved through Islamizing the content of the public TV channels operating under the Turkish Radio Television Corporation (TRT). Independent and oppositional media, on the other hand, have been marginalized through auditing mechanisms, and major media outlets have been taken over by Islamic business conglomerates, on occasion through hostile takeovers precipitated in collusion with state institutions.
In 2012, education law was modified to raise compulsory education from eight to twelve years, divided into three stages. The new law enabled families to choose among three types of schools—general, vocational, and Imam Hatip schools— during the last two stages. Since 2012, many public schools have been converted into Imam Hatip schools, despite widespread protests by the parents. In the remaining schools, obligatory religious instruction, which was a policy introduced by the military regime after the 1980 coup, continues to be part of the curriculum. In these schools the curricula are also modified to replace existing elective courses with Islam-based ones.71

Another fundamental development has been the special role assigned to the executive during the second phase of AKP rule. Starting on April 2011 and lasting for a period of six months, the cabinet had the authority to issue decrees (Kanun Hükmünde Kararname – KHK); this authority was granted through the parliamentary majority of the AKP. During this period, the cabinet passed thirty-four wide-ranging decrees modifying a total of 488 laws. In the words of Ali Rıza Aydın, former rapporteur for the Constitutional Court, between April and December 2011, the parliament remained virtually “incapacitated,” and the country was ruled by decrees.72 Sonay Bayramoğlu Özuğurlu finds that twenty-five out of the thirty-four decrees deal with redesigning the structure and competencies of the ministries, and the creation of new ministries. She maintains that this period of “rule by decree,” not only empowered the executive vis-à-vis the parliament, but also enhanced the command of the prime minister as the head of the executive.73 By the same token, oppositional parties as well as due parliamentary and public debate were sidelined.74

71 Kaya, “Islamisation of Turkey under the AKP Rule,” 11. In 2004, Alevi organizations applied to the ECtHR. In 2008 these groups organized nationwide protests against obligatory religious instruction. See İnal, “AKP’nin Neoliberal ve Muhafazakar Eğitim Anlayışı,” 703-5.
73 The empowerment of the executive through establishing a “rule by decrees” has similarities with the earlier years of the Nazi rule in Germany. See Poulantzas, Fascism and Dictatorship: The Third International and the Problem of Fascism, 336-9. I owe this point to Thomas Pogge.
As argued by Ahmet İnsel, the institutions and mechanisms put in place by the military regime in the 1980s, including an empowered executive, were used by the AKP to pursue a top-down project of political engineering.\textsuperscript{75} The unique gist of the AKP’s venture, however, is the majoritarian political language pointing at the ballot box as the only criteria of democratic legitimacy. Even the AKP’s takeover of state institutions and key positions in the bureaucracy has been justified with reference to its electoral success; that is, as the replacement of the Kemalist elite with cadres who share the cultural codes of the people, and who are responsive to the needs and expectations of the people.

The AKP currently capitalizes on majoritarian political language, and simultaneously modifies it by relying on a polarizing political language. In its second phase, the AKP no longer sought the support or consent of citizens across the political spectrum, but addressed a narrower yet solid constituency. In the words of Ömer Laçiner, the AKP and Erdoğan claimed to fathom the will of the millet, defined with reference to Sunni Islamic values, as something distinct from the people or the citizens in general.\textsuperscript{76} AKP leaders, moreover, engaged with the rest of the population in a highly exclusionary and polarizing fashion. Rising political authoritarianism and top-down Islamization of culture went hand in hand with denigration and stigmatization of alternative ways of life.\textsuperscript{77} To give some examples:

In 2011 the AKP government introduced tight limitations on the sale and serving of alcohol.\textsuperscript{78} In 2012, Prime Minister Recep Tayyip Erdoğan publicly declared that abortion was “murder”, and a conspiracy to weaken the Turkish nation.\textsuperscript{79} Immediately after this declaration, the AKP government prepared a draft law to prohibit abortion after the fourth week of pregnancy, making no exceptions in the cases of incest or rape. Although the government failed to carry through the proposed changes, on current

\textsuperscript{75} İnsel, “Başkanlık Sistemi ve Güç Fetişizmi,” 13.
\textsuperscript{76} Laçiner, “AKP ‘Ne’yin İktidarı,” 11-2.
\textsuperscript{77} Recep Tayyip Erdoğan himself has made numerous public pronouncements targeting atheists, Alevi leftists, and homosexuals. Açikel, “AKP’nin Eğreti Bonapartizm’in Sonu,” 19.
\textsuperscript{78} “Government Defends New Restrictions on Alcohol Sales.”
\textsuperscript{79} “‘Abortion is ‘Murder,’ Says Turkey’s PM.”
practice in state hospitals provide almost no abortion services, or abortions are carried out without anesthesia as a means of punishment.  

In addition to addressing a designated “nation” unified in Sunni-Islamic values and loyalty to the AKP’s political project, the AKP has also generated a narrower circle of loyalists that have vested interest in continuation of the AKP rule. As I have discussed elsewhere, in the 1980s and the 1990s, a new sector of well-educated and upwardly mobile individuals with traditional religious backgrounds became carriers of Islamic ideas in urban settings. The rise of the Islamic upper and middle classes brought Islamic values and ways of life center stage with a newly acquired self-confidence. Islamist intellectuals and middle-class professionals have greatly benefited from the AKP rule in terms of social status and economic standing. These individuals have been the beneficiaries of the AKP’s takeover of various branches of the bureaucracy, mass media and the universities. In the face of declining liberal and leftist support for the AKP’s political project, the AKP in this phase increasingly relied on Islamist intellectuals to justify their actions. Islamist intellectuals have, consequently, dominated the public space through the press and media, universities, and think tanks close to the government.

Menderes Çınar identifies the “incorporation” of Islamist intellectuals into the political project of the AKP as an important factor contributing to the party’s success. A similar development can be observed in terms of the flourishing of the Islamic capital under AKP rule and its role in the creation of constituency. Over the years, Islamic ways of life have become an avenue through which the AKP and certain groups of entrepreneurs have formed a political alliance: in exchange for loyalty from these groups, the AKP rewards them with favorable laws, business deals, tax exemptions, and so on. As Buğra and Savaşkan argue, the government’s favorable treatment of Islamic entrepreneurs and business associations (MÜSİAD in particular) has affected their relative power and influence in Turkey’s

81 See Essay 3 in this compilation.
82 Some liberal intellectuals and opinion-makers holding key positions in mass media were removed from their posts through direct initiative by AKP leadership. See “AKP-Liberal Ittifaki Çöküyor.”
business environment. Political proximity to the government privileges Islamic capital in obtaining government and municipality contracts as well as loans in public banks on favorable terms. As we approach the end of the AKP’s third term in government, companies and conglomerates owned by devout Muslims have matched the traditional, Istanbul-based capital in terms of size and market share in key sectors.

The rising power of Islamic capital has also been a factor in the electoral support the AKP receives among the poorest segments of society. Even though the AKP implemented a “capital-friendly” economic program, its support amongst the poorer sectors of the society continued. This is a remarkable phenomenon meriting separate investigation. I will limit my discussion to those aspects that are directly relevant to Islamic capital and the creation of an AKP constituency among the poor.

In his investigation of Turkey’s social security system after 2003, Umut Bozkurt identifies two trends running parallel to each other. First is the erosion of social citizenship rights, and the use of social assistance programs (such as cash transfers and in-kind aid) as substitutes for welfare services of the state. Second is the greater role played by municipalities in the distribution of social assistance. Bozkurt further states that very little of the funding for these services actually comes directly from the municipality budget; most of it comes from those who contribute to the “charity funds” of municipalities. Following the subcontracting of certain services undertaken by local administrations to the private sector, municipality tenders have become a significant component of capital accumulation of the Islamic bourgeoisie. Bozkurt points out how charity often becomes a substitute for bribery:

A typical arrangement would be generous donations to the municipality charity fund in return for a lucrative infrastructure and a real-estate bid.

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85 Buğra and Savaşkan, Türkiye’de Yeni Kapitalizm, 39.
86 In its twelve-year tenure, the AKP has changed the Public Procurement more than a dozen times, which reduced accountability, rendered procedures opaque and liable to favoritism. “Overview of Corruption and Anti-corruption in Turkey,” 3-4.
87 Buğra and Savaşkan. Türkiye’de Yeni Kapitalizm: Siyaset, Din ve İş Dünyası, 143-144. Buğra and Savaşkan also argue that Islamic capital has not yet matched the established Istanbul-based capital in terms of competition in international markets. Ibid., 120.
For him, the most important problem with community-based philanthropic groups is that there is usually some sort of conditionality attached to getting access to these services. More often than not, he argues, community affiliation and loyalty are expected in return for access.89

In this way, patronage networks between the AKP-run municipalities and the Islamic capital are used to benefit the “poor” as defined in a highly selective manner; and with a view to creating political loyalty. The AKP, in this way, relies on a key constituency, the Islamic capital, also for gaining votes from other sectors of the society.

7. Conclusion

In this article I argued that Islamist parties were established in Turkey as a third type of political party, distinct from both the Kemalist CHP and center-right parties, by drawing their support from devout Muslims who previously supported the latter. During its earlier stages, the electoral base of Islamist parties was those sectors of society whose integration into modern capitalist economy remained limited. In the 1990s, the Refah Partisi managed to mobilize the support of heterogeneous social sectors ranging from informal workers and the urban poor to the newly rising Islamic middle and upper classes.

I argued that the dynamics underlying the success of the Refah Partisi in the mid-1990s eventually figured in its fall from power in subsequent years. The Refah Partisi failed to harmonize the demands of the Islamic capital with redistributive expectations of small merchants, artisans, informal workers and the urban poor. The Islamic capital asked for minimum state intervention in the economy and a politically stable environment in order to build up competitive edge vis-à-vis the established capital. The confrontational political language and controversial policies pursued by the Refah Partisi leadership led to political isolation and eventually split of the party in the aftermath of the 28 February Process.

The rise and continued power of the AKP, on the other hand, can be related to the success in dealing with these two problem areas. The AKP gained the support of the Islamic capital and pursued a broadly pro-capital economic program without alienating the rest of its constituency. More significantly,

89 Ibid.
the AKP acted in consort with a broad alliance of forces across the political spectrum mobilized under the banner of a post-Kemalist democracy. I argued that the AKP acted in consort with, and benefited from the moral and intellectual legitimacy of a broader coalition of diverse political forces. Once the AKP’s position in the political system and in public office was solidified, however, this line was abandoned.

By my analysis of the second phase, I show that the AKP does not act with the vision of strengthening civil society vis-à-vis the state, or to further the democratization and liberalization of Turkish politics. On the contrary, the AKP displays a distinct orientation towards installing their supporters into key positions in various branches of the bureaucracy and taking-over key state institutions. The consolidation of the AKP’s power in the political system and in the branches of the state is, in turn, used for reconfiguring the structure and authority of key institutions, pursuing top-down Islamization policies, and to benefit the Islamic upper and middle classes. Significantly, the Islamic capital is favored by various legal and political means, including favorable laws, government and municipality contracts and other business deals. In this way, the AKP has not only installed Sunni-Islamic values as the elements defining collective identity, but also has built up a narrower yet solidified Islamic constituency with vested interest in the continuation of its rule.

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