September 2002

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THE SEPARATION OF MOSQUE AND STATE: ISLAM AND DEMOCRACY IN MODERN TURKEY

Susanna Dokupil*

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I. INTRODUCTION

In the wake of the crash heard 'round the world on September 11, 2001, the Taliban and other Islamic hard-liners have come under international scrutiny, and majority-Muslim countries are reevaluating the relationship between Islam and government. Although some interpretations of the governing structure mandated by Islamic law may clash with ideals of popular sovereignty, others may allow a harmonization of the two.¹ No country yet has formulated the perfect balance between implementing a government that achieves both democratic and Islamic ideals, but Turkey has made great strides in that direction.

In the post-Cold War era, Turkey experienced an identity crisis. Both the demise of the Soviet Union and the emergence of the newly independent Turkic states changed the face of Turkish political rhetoric, particularly that of the ongoing westernization/modernization debate. Generally, the pro-Western secularists have prevailed in the debate, but Turkey has experienced a steady proliferation in religiously based political ideologies since the 1960s, and the recent growth in popularity of Islamist parties has paved the way for reopening the discussion and reevaluating the role of religion in Turkey's secular society.

During the Cold War, Turkey's membership in NATO and its staunchly pro-Western, anti-communist stance sufficiently diffused the more traditional Islamic elements in the society because of the common interest in preserving territorial integrity and in uniting against an ancient rival—Russia. In the Turkish domestic fight against organizations promoting Marxism, the restrictions on

religion were relaxed so that Islam could serve as an effective ideological weapon.

In the war against terrorism, Turkey once again has a critical role as a NATO ally. As the United States seeks to build a coalition against terrorists in the Middle East, a study of the role of Islam in Turkish culture has significance in several dimensions. First, a case study of Turkey as the only secular Muslim state offers the opportunity to explore the challenges inherent in adapting secularism and democracy to an Islamic context. Turkey's ability to satisfactorily resolve the conflict over the role of religion will aid the country in progressing toward political stability for the next millennium. Second, an examination of the historical roots of Turkish secularism in the context of Islamic law may shed new light on alternative solutions to the conflict over the implementation of secular democracy.

Samuel Huntington, in his seminal work *The Clash of Civilizations?*, claims that a country redefining its identity must have the support of the public as well as of the political and economic elite. Although secularism in Turkey largely has the support of the educated elite, certain adherents of Islam still claim that the only appropriate government for Muhammad's followers is that which corresponds to the Quran. Ironically, no agreement exists even among so-called fundamentalists as to what such a government would look like. Muslim religious scholars have not even arrived at a consensus on which writings of Muhammad are actually applicable to the government of a nation-state.

Turkish-style secularism, however, allows little public religious expression, and the Turkish Islamists (moderate by most standards) find that a call for removing restrictions on religious free exercise resonates with the agricultural workers, small shopkeepers, and low-skilled laborers. The educated elites and the military still vehemently support Western-style democracy and EU membership, but political parties favoring a greater role for Islam in Turkish society have steadily gained in popularity, suggesting that a significant percentage of the population desires a reevaluation of the secularist and/or pro-Western policies of the Turkish government. The conflict over the role of religion in modernization creates yet another brick in the wall between the urban and rural populations as well as between the elite and the masses.

By examining the Turkish experience, one can observe its travails in imposing a Western secularist framework on an Islamic society. Today, the difficulties it experiences in coalescing the religious and secular elements in its population into a well-functioning democracy stem not from any intrinsic inability to reconcile moderate Islam with democracy per se, but rather from an inability to forge an appropriate separation between state and religion. Constructing a higher wall of separation, to use a well-worn metaphor, would defuse tensions between the staunch proponents of Turkey's particular brand of secularism and those who would prefer more religion in the public square. Measures accom-

plishing this purpose would benefit not only the Islamists, by giving them more freedom to practice their religion, but also the government, by creating a more stable foundation for secular democracy.

In traction between the civilizations of East and West, European Union and Islamic community, secularism and fundamentalism, the resolution and synthesis inherent in Turkish society constantly provides creative tension as Turkey implements principles of secular democracy in an Islamic context. This article will examine the historical and philosophical basis of the Turkish parliamentary movement, the establishment of the modern republic at the expense of the traditional Islamic institutions, and the continuing debate over the proper role of Islam in the Turkish secular democracy.

II. ISLAMIC FOUNDATIONS

The tenets of Islam shaped the formation of the Ottoman Empire. Muhammad formed a community of believers (umma, Turkish: ummet) based on the Quranic idea of the “One Creator-Sustainer God, of the necessity of socio-economic justice, and of the Last Judgment.” Islam teaches that nations will be judged collectively by the quality of their behavior; thus, much of the scriptural teachings deal with guidelines for conduct in this world rather than musings about the next.

Although a plethora of sects developed from schisms after Muhammad’s death and from differences among schools of interpretation of the Quran,
the later Ottoman state embraced all these variants as well as other religions and nationalities in its government. A state is Islamic "by virtue of a conscious application of the sociopolitical tenets of Islam to the life of the nation, and by an incorporation of those tenets in the basic constitution of the country." The truly Islamic state does not recognize popular sovereignty because all law comes from God and is immutable as such. Law for the Islamic community is embodied in the *shariah* (Turkish: *sheriat*), a code based on the Quran and the Sunna, a compilation of laws deduced from the sayings or practices of the Prophet.

In Islamic thought, "rights" derive not from nature, but from duties owed to God and other persons. Individualism and personal autonomy as con-
ceived by Western culture do not exist. Thus, Islamic law does not seek to safeguard the rights of the individual, but rather to ensure the welfare of the community. Moreover, Muslims view the body politic as ordained by God and believed that the ruler, no matter how decadent or inept, was "a divinely ordained necessity, and that the Sunni community, organized in the body politic, was the unchanging medium of God's guidance." As a result, Islamic law does not make a distinction between the individual and the state, and few scholars believe that the Islamic state is essentially democratic.

In this sense, that God alone makes law and confers authority, the Islamic state is theocratic. Despite the divinely ordered nature of the political community, the Islamic state structure in another sense cannot be categorized as theocratic in classical times because no church or priestly office mediated between God and the believer and no religious hierarchy controlled the state government. The Ottoman system of hierarchical religious leaders, however, changed this original structure into a more theocratic one by installing religious experts as judges to interpret the law.

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12 Arzt, supra note 10, at 371.
13 Mohammed Talbi, Religious Liberty: A Muslim Perspective, in RELIGIOUS LIBERTY AND HUMAN RIGHTS IN NATIONS AND IN RELIGIONS 180 (Leonard Swidler, ed. 1986); Arzt, supra note 10, at 371.
15 See, e.g., M. Cherif Bassiouni, Sources of Islamic Law, and the Protection of Human Rights in the Islamic Criminal Justice System, in THE ISLAMIC CRIMINAL JUSTICE SYSTEM 3, 23 (M. Cherif Bassiouni, ed. 1982) ("Unlike Western philosophical and political perceptions of the separability of the individual and the state, Islamic social concepts do not make such a distinction. The individual does not stand in any adversary position vis-à-vis the state but is an integral part thereof."); LEWIS, POLITICAL LANGUAGE, supra note 14, at 113 ("The effectiveness of the Holy Law as a limitation on the power of the sovereign was flawed in two important respects. One was that the law itself gave the ruler extensive autocratic powers. The second was that while the law prescribed limitations both on the authority of the ruler and the duty of obedience of the subject, it established no apparatus and laid down no procedures for enforcing these limitations, and no device for preventing or challenging a violation of the law by the ruler, other than force."). To command obedience, however, state authorities must be acting in accordance with the sheriat. See LEWIS, POLITICAL LANGUAGE, supra note 14, at 91-116. But see MUHAMMAD ASAD, THE PRINCIPLES OF STATE AND GOVERNMENT IN ISLAM 1 (1961) (arguing that the restrictions placed on the individual rights of the members of the umma and the leadership of the tribe by consensus of the elders coincide with "an integral component of the Western conception of democracy").
17 Id. Qadis, or judges of Islamic law courts, held office at the pleasure of the sultan, who also reviewed their judgments. See ANN ELIZABETH MAYER, ISLAM AND HUMAN RIGHTS: TRADITION
The Turks had a significant impact on the Islamic state. The Turkish dynasties that controlled Islamic territories from the eleventh to the fourteenth centuries were able to coordinate land ownership, taxation, religion, government, and mobilization for war better than any other Islamic empire. Significantly, the Ottomans built their empire on the principle of military conquest infused with religious fervor, an idea that pervaded the Ottoman state throughout its history. Also importantly, the Ottomans fused religion with the state

Ottoman judicial interpretations of Islamic law had to reflect not only legal codes, but the body of available legal literature. Interpretation in medieval Islamic jurisprudence took two forms: *ijtihad* ("exerting oneself to the limit") and *taqlid* ("investing with authority"). A doctrine becomes part of consensus when no dissenting opinions can be found in the writings of previous generations of *mufti*. An opinion defeated in disputation is eliminated from orthodoxy. Thus, the orthodox in Islam is determined by process of elimination. See George Makdisi, *Freedom in Islamic Jurisprudence: Ijtihad, Taqlid, and Academic Freedom*, reprinted in *George Makdisi, Religion, Law & Learning in Classical Islam* 81-82 (1991). Despite the open scholastic atmosphere that first prevailed, by the end of the ninth century, Islamic legal scholars had decided that all essential questions had been settled, and no one from that point on would have the necessary qualifications for independent reasoning. All future activity, then, would be confined to explanation, application, and interpretation of existing law. See Wael B. Hallaq, *Was the Gate of Ijtihad Closed?*, 16 INT'L J. MIDDLE E. STUD. 3, 3 (1984). The school of Abu Hanifa to which the Ottomans adhered "retained a considerable element of personal reading" even after this so-called closing of the gate of *ijtihad*. Gibb, supra note 9, at 70. Essentially, Ottoman scholars applied *ijtihad* under the guise of *qiyas*. See Hallaq, supra note 17, at 3.


19 Classical Islam divides the world between Muslim believers (*dar al-Islam*) and the rest of the world (*dar al-Harb*), or the territory of war. Arzt, supra note 10, at 379. Through the process of *jihad* ("effort" or "sacrifice"), the Muslims exercised their religious and legal duty to subjugate the infidel and spread the word of Allah. *Id.* Arzt analogizes the concept to the modern idea of using "national security" as a rationale for state action. *Id.* She explains, however, that *jihad* need not require violent military conduct, but may also encompass preaching and example. *Id.* at 380.

As the Ottomans spread their empire, *jihad* became fused with the goal of territorial expansion. Warriors known as *ghazis* followed a canon of rules for living a virtuous life (*futuwwa*), as interpreted by mystical Islam. Loyalty to the caliph according to the *futuwwa* was based on mutual obligation, but followers only gave their allegiance to the chief so long as he provided them with income in the form of booty. Of all the Turkish *ghazi* cultures in Anatolia that emerged as the Seljuk empire declined, only the Ottomans were able to forge viable political institutions out of the military culture. See LORD PATRICK KINROSS, *THE OTTOMAN CENTURIES: THE RISE AND FALL OF THE TURKISH EMPIRE* 17-32 (1977) [hereinafter THE OTTOMAN CENTURIES].

20 Fifteenth century chronicler Mustafa Naima explains the role of the military in society in his "Cycle of Equity," a basis for political organization: (1) the military must exist in order for the state (*devlet*) or conditions of justice (*mulk*) to exist; (2) maintaining the military requires wealth; (3) wealth derives from the subjects; (4) the subjects only prosper under conditions of justice; and (5) without conditions of justice, justice itself cannot exist. Therefore, exploitation of wealth for securing justice via supporting the ruler and the military law is at the root of political practice. See
structure. First, they institutionalized the class of religious academicians (ulema) as the expert body to achieve consensus on religious matters, and introduced the principle of tolerance of Christians and Jews as dhimmi (non-Muslims who believe in God and the Bible). Second, they raised Islamic law to a position of prime importance in state administration by combining the head of state, the sultan, and the highest religious leader, the caliph, in the personage of the padishah, who held the highest position in the Islamic view of world order. This combination resulted in an extreme respect for tradition and the principle of maintaining order in the polity.

III. THE FIRST TURKISH REPUBLIC

The strategic location of Turkey on the Bosporus places it at a crossroads between two continents and two civilizations. Janus-like, it simultaneously faces East and West. The history of Osman’s descendents portrays a constant tension between the two as the Ottomans expanded westward while their Islamic heritage drew their attention toward Mecca.

L.V. Thomas, A Study of Naima 78 (1972); Sari Mehmed Pasha, Ottoman Statecraft 119 n.19 (W.L. Wright ed. & trans., 1935); I Stanford J. Shaw & Ezel Kural Shaw, History of the Ottoman Empire and Modern Turkey 112 (1976).

21 This is called din-u-devlet. The muftis maintained the link between religion (din) and the state (devlet) through their power to issue authoritative opinions (fetvas). The Chief Mufti, the Shaykh al-Islam, had power almost equivalent to that of the Grand Vizier in state affairs. Niyazi Berkes, Development of Secularism in Turkey 15 (1964).

22 Lewis, Political Language, supra note 14, at 31-32. These ulema were divided into jurisconsults who studied and interpreted the law (mufti) and judges who enforced it (qadi). At the head of the ulema was the Shaykh al-Islam. I Shaw & Shaw, supra note 20, at 135.


25 Berkes, supra note 21, at 10-11. In a further innovation, Muslim scholars granted the sultan the right of prerogative (dirf) to decree secular policies (kanun) in matters the sheriat did not cover, although some jurists considered it unnecessary. See I Shaw & Shaw, supra note 20, at 134; Inalcik, supra note 24, at 70; Serif Mardin, The Genesis of Young Ottoman Thought 104 (1962).

26 For a thorough description of Ottoman and early Turkish history, see generally I Shaw & Shaw, supra note 20; Berkes, supra note 21; M. Phillips Price, A History of Turkey from Empire to Republic (1961).

27 The Ottoman Empire reached its zenith under Suleiman the Magnificent in the sixteenth century. V.J. Parry, The Reign of Sulaiman the Magnificent, 1520-66, in The History of the Ottoman Empire to 1730, at 101-02 (M.A. Cook ed., 1976). When Suleiman ascended the throne, the Ottoman Empire encompassed Constantinople, Baghdad, Damascus, and Cairo, and it had guardianship of Mecca, and Medina. Federal Research Division, Library of Congress, Turkey: A Country Study 26-27 (4th ed.) (Paul M. Pittman, III ed., 1988). Suleiman’s father, Selim I, had unified the sultanate (the secular ruler of the Ottoman Empire) and the caliphate (the...
Once the Ottoman Empire began lagging behind the West in its technological and economic development, the loss of absolute superiority in education and technology forced scholars and rulers alike to examine the issue of "modernization." Although the wholesale adoption of Western technology for military improvements appealed to the Ottomans, the incorporation of other reforms in education and politics offended the religious sensibilities of the religious hierarchy and many Muslim citizens.

religious head of the Islamic world) in his own person and in that of his successors. Id. Suleiman, as head of the state and defender of the faith, drafted his legislation with the help of religious scholars (ulema) so as to comply with the commands of Islamic law (sheriät). He raised the status of the ulema by exempting them from taxation and immunizing them from confiscation of property; he created a hereditary class of professors and lawyers. KINROSS, THE OTTOMAN CENTURIES, supra note 19, at 211. Moreover, he elevated the Shaykh al-Islam, the highest ranking religious leader, to equal status with the Grand Vizier (sadrazam), his chief executive adviser. Id. In this golden age, Suleiman not only led his army to the gates of Vienna in 1526, but also dispensed justice wisely and fairly in accordance with religious tradition. Id.

After the death of Suleiman I, the innate conservatism in the Ottoman legal system and in the society as a whole prevented the empire from adapting to meet the needs of its rapidly growing population and worsening economic conditions. BERKES, supra note 21, at 24. When the Ottomans failed to take Vienna in 1683, Europe realized its relative strength and took the offensive both militarily and ideologically. See id. The economic decline that had destabilized the institutions basic to Ottoman rule set the system on a vicious spiral of deterioration that sucked the statesmen of each century into the vortex at each attempt to reform the corrupt institutions of the empire. See id.

The reign of Sultan Ahmet III (1703-30) marked the beginning of secularism. Known as the Tulip Era because of the sultan's spring festival of tulips that captivated the entire Ottoman elite in a veritable tulip mania, this period saw a relaxation of moral restrictions and intellectual awakening. See BERKES, supra note 21, at 27; 1 SHAW & SHAW, supra note 20, at 235; KINROSS, THE OTTOMAN CENTURIES, supra note 19, at 377-79. During this era, the Ottomans became more aware of European achievements, particularly the printing press, and realized that the Islamic heritage and traditions proved inadequate to meet the conditions of the modern world. France alone among the Western European countries provided an ally and mentor for the Turks, and it continued to represent the epitome of Westernization in Turkish eyes until the present century. BERKES, supra note 21, at 25-26, 39-40. Turkish military defeats and the threat posed by Peter the Great in Russia prompted debates as to whether adopting European military institutions would be permissible, or whether innovation even in one area would harm the unity of the whole structure of society. Id. at 30-31.

While reformers struggled to modernize the military institutions, which had entirely collapsed by the end of the eighteenth century, both the military and ulema realized the threat to their status if reforms succeeded. Moreover, the impoverished social classes wished to maintain the status quo on religious grounds and because they feared that their industrial products for the war effort would become obsolete. KINROSS, THE OTTOMAN CENTURIES, supra note 19, at 361-63. Equally important was the sentiment that the reformers were emulating the ways of the infidel:

Religious resistance to change by these early Ottoman conservatives gave rise in the West to the view—which in time became an established conviction—that East and West were fundamentally dissimilar, that civilization was a purely occidental creation, and that non-European races were incapable of progress because of their superstitious religions. We thus find a strange con-
Throughout the decline of the empire, the modernization debate focused on whether the solution to the social and economic problems of an Islamic society lay in incorporating Western methods or whether the solution demanded a return to a stricter adherence to the traditions of Muhammad and his followers.\footnote{A long and costly war with Russia during the late eighteenth century reversed all the reformers' gains of the Tulip Era, but it convinced them of the need to adopt Western military techniques. See Stanford J. Shaw, Between the Old and New: The Ottoman Empire Under Selim III: 1789-1807, at 21-25 (1971); Alan Palmer, Decline and Fall of the Ottoman Empire 48-51 (1992); 1 Shaw & Shaw, supra note 20, at 251. Conservative reactionaries resisted such efforts, denouncing and killing one reform-minded vizier as "an enemy of the sheriat and the state." Berk\textsuperscript{es}, supra note 21, at 67 (citing I.H. Uzuncarsili, Sadrazam Halil Hamat Pasa, 5 Turk\textsuperscript{iyat} Mecmuasi 246 (1935)).}

Berk\textsuperscript{es}, supra note 21, at 52-53.

A long and costly war with Russia during the late eighteenth century reversed all the reformers' gains of the Tulip Era, but it convinced them of the need to adopt Western military techniques. See Stanford J. Shaw, Between the Old and New: The Ottoman Empire Under Selim III: 1789-1807, at 21-25 (1971); Alan Palmer, Decline and Fall of the Ottoman Empire 48-51 (1992); 1 Shaw & Shaw, supra note 20, at 251. Conservative reactionaries resisted such efforts, denouncing and killing one reform-minded vizier as "an enemy of the sheriat and the state." Berk\textsuperscript{es}, supra note 21, at 67 (citing I.H. Uzuncarsili, Sadrazam Halil Hamat Pasa, 5 Turk\textsuperscript{iyat} Mecmuasi 246 (1935)).

After the conclusion of an unfavorable treaty with Russia in 1792, Sultan Selim III initiated a series of reforms known as the New Order (Nizam i-Jedid), which used France as a model for reforming both civil and military institutions. See, e.g., Kinross, The Ottoman Centuries, supra note 19, at 418. The new "cult of reason," the separation of the religion from the state structure, struck terror into the hearts of traditionalists who saw the appeal of the French propaganda in their country:

It is well known that the ultimate basis of the order and cohesion of every state is a firm grasp of the roots and branches of holy law, religion, and doctrine; that the tranquility of the land and the control of the subjects cannot be encompassed by political means alone; that the necessity for the fear of God and the regard for retribution in the hearts of God's slaves is one of the unshakably established divine decrees; that in both ancient and modern times every state and people has had its own religion, whether true or false. Nevertheless, the leaders of the sedition and evil appearing in France, in a manner without precedent, in order to facilitate the accomplishment of their evil purposes... have removed the fear of God and the regard for retribution from the common people, made lawful all kinds of abominable deeds... and thus prepared the way for the reduction of the people of France to the state of cattle.

Bernard Lewis, The Emergence of Modern Turkey 64-67 (2d. ed. 1968) [hereinafter Lewis, Emergence] (quoting Cevdet, 6 Tarih 394 ff. (quoting Ahmet Atif Efendi)). Lewis notes that the hostile allusions to the French revolution may be a measure of its success. Id. at 68-69.

The conservative reactionary forces (military, religious, and feudal chieftains) instigated a revolt that deposed Selim III in 1807. See Berk\textsuperscript{es}, supra note 21, at 72-75, 81-85. Selim's brother Mahmoud II continued the reform efforts with more success: He couched his ideas in terms of restoring the glory of Suleiman I's reign by defeating the infidel, and he realized that reforms must encompass the whole of Ottoman society. See 2 Shaw & Shaw, supra note 20, at 1-19; Kinross, The Ottoman Centuries, supra note 19, at 437. Perhaps most importantly to the success of his efforts, he forcibly eliminated the Janissaries, the highly trained military corps that had thwarted many reformers in the past. 2 Shaw & Shaw, supra note 20, at 14-21; Kinross, The Ottoman Centuries, supra note 19, at 453-57; Palmer, supra note 30, at 90-93. He also undermined the ability and effectiveness of the ulema to resist change by reducing religion to a department of state, instituting a Ministry of Education to oversee the mosque schools, creating a Ministry of Justice to issue authoritative opinions of Muslim jurisprudence (fetvas), bringing the religious charitable foundations (evkaf) under state control. See Kinross, The Ottoman
By the late nineteenth century, groups of young reformers began agitating for a constitutional government and assembly of the people's representatives. To toward the end of the sultanate, the economic and moral bankruptcy provoked even more intense conflicts along these lines.

As in the past, these reforms, which were continued by Mahmoud's son in the Tanzimat Era, generated resentment among almost every sector of Ottoman society. Berkes attributes this resentment to the fear that Christianity would triumph over Islam. The intimate involvement of the European powers and European experts in implementing the reforms aroused rancor among the people who still hated the barbarian infidel. Berkes, supra note 21, at 158-59.

For a thorough discussion of this Young Ottoman movement, see Serif Mardin, Libertarian Movements in the Ottoman Empire, 1878-1895, 16 Middle East J. 169 (1962) [hereinafter Mardin, Libertarian Movements]; SERIF MARDIN, THE GENESIS OF YOUNG OTTOMAN THOUGHT: A STUDY IN THE MODERNIZATION OF TURKISH POLITICAL IDEAS (1962). Although the Young Ottomans favored Westernization, they felt that European powers had too much influence in the country. Berkes, supra note 21, at 206. They criticized the Tanzimat statesmen both for borrowing extensively from European investors and for replacing Islamic institutions with Western ones while failing to institute a set of checks and balances or give people the rights that corresponded to the European institutions the Tanzimat reformers emulated. Lewis, Emergence, supra note 30, at 170-72. Significantly, the Young Ottomans believed that the democratic government they desired must embody the principles of the sheriat—they would return to the spirit of classical Islam, which "recognized the sovereignty of the people and the principle of government by consultation." Id. at 172-73.

The reformers succeeded in pressuring Sultan Abdulhamid II to promulgate a constitution in 1876, but this document did more to safeguard the sultan's privileges than to grant power to the people. See Kinross, The Ottoman Centuries, supra note 19, at 511; 2 Shaw & Shaw, supra note 20, at 174-80. Abdulhamid II also held the first elections in an Islamic state to establish a representative assembly, but he dissolved it indefinitely in 1878 due to the audacity of the representatives. Lewis, Emergence, supra note 30, at 168-69; Kinross, The Ottoman Centuries, supra note 19, at 530; 2 Shaw & Shaw, supra note 20, at 181-87; E.E. Ramsaur, Jr., The Young Turks: Prelude to the Revolution of 1908, at 8-9 (1957).

The Hamidian era epitomized the conservative backlash against the secularizing reforms of the Tanzimat. Three competing ideologies—the Islamic, the Ottoman, and the Turkish nationalist—found followers among the subjects of the empire. Abdulhamid II's reign was characterized by a cultural dualism: The sultan and much of the populace expressed a desire to return to an idealized Islamic past through a stricter enforcement of the sheriat, while others sought to reduce the influence of religion by separating it from temporal values. Frustration with the European powers fueled the shift in focus from West to East, and this anti-European sentiment prompted the Ottomans to increase their ties with other Muslim countries. See Ramsaur, supra note 31 at 11; Berkes, supra note 21, at 259; 2 Shaw & Shaw, supra note 20, at 157-58 (noting the particular influence of Jamal al-Din al-Afghani's ideas of unifying the worldwide Muslim community against the West). Niyazi Berkes has attributed the failure of the constitution to three reasons related to the increasing anti-European sentiment: (1) no precedent existed in any Muslim country for a written constitution; (2) the existing constitutions in Europe were relatively new, and not much experience in drafting them was available; and (3) the document was drafted under intense pressures of international diplomacy caused by the "Eastern Question" crisis. Berkes, supra note 21, at 223-24.

Many of the Young Ottomans escaped to Europe to publish revolutionary newspapers, but
because the sultan had deprived the traditional estates of their power, such measures were inef-
fective. Mardin, Libertarian Movements, supra note 31, at 181-82. Ironically, the religious estate
itself wielded no real power during this period. In concentrating all real power in his own person,
Abdulhamid II empowered the bureaucrats to shore up their allegiance to his person while allow-
ing the ulema and theological students to “sink into poverty, obscurantism, and spiritual stagna-
tion.” Id. at 178-80. By promoting outward religiosity among the people through official support
of religion, Abdulhamid II effectively diminished its spiritual and political role.

The Hamidian regime effectively had paralyzed the intellectuals through a notorious espio-
nage network, and soon a revolutionary movement known as the Committee of Union and Pro-
gress (“CUP”) gathered a fair amount of support among their number. See Ramsaur, supra note
31, at 114-18. This group, comprised primarily of educated members of the lower classes, aimed
to re-establish the 1876 constitutional government and free the empire from European influence.
See 2 Shaw & Shaw, supra note 20, at 263-64. In 1908, they succeeded in forcing the Abdul-
hamid II to reinstate the constitution and the assembly, but rather than preserving the empire as
they hoped, they in fact accelerated its demise. Id. at 273; Lewis, Emergence, supra note 30, at
214. Significantly, when the Young Ottomans reconvened parliament, they proclaimed Islam as
the state religion and recognized “a holiness in the person of the Ottoman Sultan-Caliph.” Mehmet

From 1908 to 1918, the major ideological movements were Islamism and modernism. Islamists
were divided among themselves between a fundamentalist minority that strictly inter-
preted the sheriat and a moderate majority that supported pan-Islamic unity and wanted to mod-
ernize in a way commensurate with the sheriat. The modernists consisted of Westernists and
Turkists. Westernists ranged from radicals who wished to transplant everything from Western
civilization into the Ottoman Empire to moderates who wished only to import technology, a view
similar to that of the later Islamist moderates. Radicals advocated monogamy, closing of convents
and theological schools, liberation of women from the veil and from family matchmaking, eco-
nomic independence from foreign powers, and reform of the legal system. Id.; Lewis,
Emergence, supra note 30, at 234.

The CUP faced a counterrevolution led by the theological students and the military. These
protesters called for the installation of a new government that would enforce the sheriat. The
CUP retaliated by inducing the Shaykh al-Islam to issue a fetva deposing the sultan in favor of his
younger brother, Mehmet VI. Lord Patrick Kinross, Atatürk: A Biography of Mustafa
Kemal, Father of Modern Turkey 44-45 (1964) [hereinafter Kinross, Atatürk]; Lewis,
Emergence, supra note 30, at 217.

Meanwhile, a Turkish nationalist movement sought to revive pagan religious heroes of the
pre-Ottoman period because it believed the adoption of Islam by the Turks had hindered their
progress. Although the movement was unsuccessful in reviving paganism, it led to “a speedier
and more drastic attitude toward the separation of church and state.” Halide Edib, Turkey
Faces West 112-13, 119-21 (1930). The movement also stressed the unity of all Turkic peoples,
and focused on Anatolia as the symbol of the Turkish homeland. 2 Shaw & Shaw, supra note 20,
at 261-64; Berkes, supra note 21, at 313-20.

Despite these secularizing forces, the 1908 constitution appeared to follow the Hamidian
regime’s trend of returning to Islam. The laws under the Second Constitution would conform to
Islamic jurisprudence, and the sultan-caliph had the right to appoint the Shaykh al-Islam and safe-
guard canonical law. Geyikdagı, supra note 32, at 21. The CUP did, however, accomplish sev-
eral Westernizing reforms: they modernized the army, reorganized the police, and completely
Westernized the educational system. Edib, supra note 32, at 128-29. Most importantly, they
subjugated certain religious powers to the state authority: the increase of the authority of secular
courts over religious ones, state certification of religious judges, state employee status of religious
personnel, and the secularization of the marriage contract. Geyikdagı, supra note 32, at 35; 2
With his country at the brink of destruction through Allied secret treaties after the First World War, Mustafa Kemal Atatürk (“Father Turk”) heroically and successfully led a nationalist revolution and carved out a modern republic from the ruins of the “sick man of Europe.” After the Ottomans surrendered to the Allies, Mustafa Kemal and a small band of patriots organized a nationalist movement in eastern Anatolia to resist the dismemberment of the Turkish heartland. He forged a compact state in Anatolia, allowing the Allies to occupy the more distant provinces, and took control of the government.

Having freed the country from both the imperialist Western powers and the cumbersome appendages of Ottoman territory, Kemal sought to free the people from traditional customs. By using his personal charisma and his prestige from the war years, he implemented a series of radical changes in society, ironically using authoritarian methods to impose ideas of Western liberalism.

In Mustafa Kemal’s view, Western culture had decisively proven itself superior to Islamic culture; thus, in order to avoid defeat at the hands of a superior culture, Turkey would have to adapt itself to the superior societal traits of the West. The Six Arrows of Kemalism—republicanism, nationalism, populism, reformism, étatism, and secularism—demonstrate Atatürk’s intention to create a secular Western European country out of the heartland of the old Islamic Ottoman Empire. Many of his supporters, however, did not share his view for the new republic. Neither the arguments nor the ideas for reform were original; Kemal and his cohorts simply adapted ideas that revolutionary thinkers had developed decades previously.

The CUP faced threats in parliament from rival groups, and a debate ensued between the fundamentalist Islamists, the moderate Islamists, and the Westernizers. See LEWIS, EMERGENCE, supra note 30, at 219-37. For a complete treatment of this debate, see BERKES, supra note 21, at 347-410. In the midst of these debates, the First World War erupted, and by the end of 1918, the Ottoman Empire seemed ready at last to succumb to the vultures of Europe.

For a well-written history of this period, see generally KINROSS, ATATÜRK, supra note 32. Sultan Mehmet VI (1918-1922) had asked the Allies for peace, and the Young Turk government accepted the Allied-dictated armistice. See generally CLEMENT H. DODD, DEMOCRACY AND DEVELOPMENT IN TURKEY (1979); RICHARD D. ROBINSON, THE FIRST TURKISH REPUBLIC: A CASE STUDY IN NATIONAL DEVELOPMENT (1965). The armistice required that the Turks accept: (1) severance of relations with the central powers; (2) demobilization of Turkish armed forces; (3) Allied military control over Ottoman possessions in Arabia and Africa; (4) the right of passage through the Straits for Allied vessels, and Allied occupation of all fortifications; and (5) the right of the Allies to occupy any strategic point deemed necessary to ensure Allied security. The Young Turk triumvirate fled the country immediately thereafter. ROBINSON, supra note 33, at 15. Although the government was generally discredited, some of its ideas were retained in the regime established by Atatürk. DODD, supra note 33, at 5.

The Republic of Turkey gained diplomatic recognition of its sovereignty through the signing of the Treaty of Lausanne in 1922. DODD, supra note 33, at 6.

See discussion supra, notes 26-29.
Republicanism. The first and most important arrow of Kemalism was first embodied in the constitution of the republic in 1923: "The first statement of this law cannot, by whatever means, be replaced or diverted—the form of government of the Turkish state is republican."\textsuperscript{36} Atatürk’s nationalist movement convened a representative assembly in Ankara, which produced Turkey’s first constitution, ratified on January 20, 1921.\textsuperscript{37} Atatürk ensured that the Grand National Assembly had both legislative and executive powers over the objections of those who favored a limited constitutionalism with the sultan at the head of the government or opposed popular sovereignty altogether.\textsuperscript{38} This Assembly also separated the sultanate from the caliphate, abolishing the sultanate, and with it, the Ottoman Empire.\textsuperscript{39} On October 29, 1923, the Assembly proclaimed the Republic of Turkey, with Ankara as its capital, and Atatürk as its president.\textsuperscript{40} This executive and legislative organ would essentially stamp Atatürk’s proposals with the seal of popular approval during his presidency.

Nationalism. The establishment of the republic marked more than a political break with the institutions of the Ottoman Empire, for at this time, nationalism was the dominant ideology—most of the non-Turkish population had emigrated.\textsuperscript{41} Turks had some difficulty comprehending the concept of nationalism due to the competing viewpoints in defining the bounds of the Turkish homeland. For the Ottomans, it was the perimeter of the empire; for pan-Islamists, any territory where Muslims lived qualified; for pan-Turanists, homeland was anywhere Turks lived.\textsuperscript{42} After the war of independence and the establishment of Turkey’s boundaries as a geographical concept, coupled with the emigration of minority groups, Turkish nationalism flourished.\textsuperscript{43}


\textsuperscript{37} See Ilhan Arsel, \textit{Constitutional Law}, in \textit{Introduction to Turkish Law} 22-23 (Tugrul Ansay and Don Wallace, Jr. eds., 1966).

\textsuperscript{38} See Mustafa Kemal, \textit{A Speech Delivered by Ghazi Mustafa Kemal, President of the Turkish Republic} 369-71 (1929); Berkès, \textit{supra} note 21, at 439.

\textsuperscript{39} Federal Research Division, \textit{supra} note 27, at 44-48 (explaining that this act responded to the Allied invitation of both Turkish governments to attend the Lausanne conference).

\textsuperscript{40} Id. at 44-48. This body amended the constitution in 1924, still granting legislative and executive powers to the Assembly, but also providing for the election of the president of the republic from among its ministers, through whom its executive function would be administered. A Council of Ministers with a prime minister as its head advised the president and was responsible to the Assembly for government policy. The president selected the prime minister and gave him the power to appoint other ministers with his approval. \textit{Id.} at 23.

\textsuperscript{41} Geyikdagı, \textit{supra} note 32, at 42.

\textsuperscript{42} Karal, \textit{supra} note 36, at 17-18.

\textsuperscript{43} Ali Kazancigil, \textit{The Ottoman-Turkish State and Kemalism}, in \textit{Atatürk: Founder of A Modern State}, \textit{supra} note 36, at 51 (noting that Atatürk’s definition of nationalism as including a territorial component resolved the dispute between the various interpretations and represents one of his “major contributions toward the creation of the modern Turkish state”).
Populism. The very name "The Turkish People's Republic" reflects this basic principle. The Republican People's Party ("RPP"), the single political party, supported nationalism and republicanism, through which Atatürk believed that the party would promote the spirit of populism.  

Ironically, while the Kemalists inherited the reforming traditions and ideologies of the nineteenth century, they also inherited the Ottoman authoritarianism.

étatism. Êtatism means "the participation of the state in economic affairs." In the new republic, the state took the reorganization of the economy into its own hands to provide stability, administering natural monopolies, such as railroads and utilities, and certain services, such as banks.

Secularism. Secularism, the most significant reform, signifies freedom of conscience and freedom of the political sphere from religious control. The reforms of Atatürk entailed many outward expressions of rebellion against traditions that had long restricted individual liberties in the name of religion. Atatürk's abolition of the caliphate and secularization of the civil law radically changed the relationship between religion and the state from its former fusion during the Ottoman period.

Bernard Lewis notes that even during the War of Independence, "many of Kemal's supporters certainly saw themselves as fighting for Islam against the..."
unbeliever rather than for Turkey against the foreigner.\textsuperscript{49} After the separation of the sultanate from the caliphate, the caliphate continued to symbolize Islamic solidarity despite the caliph's lack of temporal power. The Islamists agreed to abolish the sultanate only because they had thought that the caliph would continue to function as head of state with his spiritual powers and would ratify all legislation passed by the Assembly to verify their accordance with the sheriat.\textsuperscript{50} By 1924, some wished to install the caliph at the head of the Assembly to give him temporal power, but Kemal argued that if the sultanate was anachronistic for Turkey, then the caliphate was anachronistic for Islam.\textsuperscript{51} Moreover, the Kemalists understood that they could never be free of the old regime unless Islam were neutralized politically, and the caliphate functioned in the political arena as a symbol to rally opinion against the reformers. Further, Kemal did not want the caliphate to involve Turkey in international Muslim affairs.\textsuperscript{52} On March 3, 1924, the Grand National Assembly deposed the caliph and banished all members of the house of Osman from Turkey.\textsuperscript{53}

The role of the sheriat had embodied the core of the relation between religion and the state in Turkey and the Ottoman Empire, and Atatürk needed to remove it as the basis of law to implement reforms that contradicted the sheriat. On February 17, 1926, the National Assembly adopted a Civil Code adapted from the Swiss Civil Code.\textsuperscript{54} Rather than incorporating parts of different tradi-

\textsuperscript{49} BERNARD LEWIS, ISLAM IN HISTORY 224 (2d ed. 1993).

\textsuperscript{50} FEROZ AHMAD, MAKING OF MODERN TURKEY 52-53 (1993) [hereinafter AHMAD, MAKING OF MODERN TURKEY]. Halidé Edib reports that contemporary circumstances would not have permitted a Turkish caliph to lead all Muslims at that time because nationalist sentiment had already divided the Ottomans from other Muslims beyond the point of reunification by a caliph. HALIDÉ EDB, TURKEY FACES WEST 204-06 (reprint 1973) (1930).

\textsuperscript{51} See Edb, supra note 50, at 207; BERKES, supra note 21, at 450-54, 458-59. As a last resort to preserve the institution, the position of caliph was offered to Kemal, who refused. See KEMAL, supra note 38, at 685.

\textsuperscript{52} AHMAD, supra note 50, at 54.

\textsuperscript{53} Id. Halidé Edib describes this event as the Islamic equivalent of the Christian Reformation. Edb, supra note 50, at 208-09. A corollary to the elimination of the caliphate was the proscription on the use of Arabic in worship services as of February 6, 1933, a radical break with Islamic tradition. GEYIKDAGI, supra note 32, at 53. The reformers hoped to boost Turkish culture while making the worship service more intelligible to the people, but the backlash for changing this integral part of worship caused them to rescind the order. Id.; BERKES, supra note 21, at 488. Similarly, the reformers made efforts to translate the Quran into Turkish because Kemal felt that a translation would demystify the scripture. See GEYIKDAGI, supra note 32, at 54; BERKES, supra note 21, at 486-89.

SEPARATION OF MOSQUE AND STATE

tions, it established a new order to the exclusion of the old, stripping the *ulema* of their administrative power and abolishing the *sheri*at courts.  

For full secularization of the state, Kemal found it necessary to curtail the aspects of Islamic culture that pervaded society. He replaced the Shaykh al-Islam with a President of Religious Affairs, whose duties included administration of the mosques, appointment of *imams*, administrators, maintenance workers, and *muezzins*. He abolished religious schools, religious titles, closed tombs of saints, and banned certain religious officials from wearing clerical robes except in the performance of their duties.  

Significantly, the 1938 Law of Associations prohibited the “formation of societies based on religion, sect and orders,” though societies could be formed for prayer or practice. This law also “prohibited political parties from engaging in religious activities and from making religious propaganda.” Article 163 of the 1926 Penal Code banned propaganda against the principles of secularism, and Article 241 made religious leaders who spoke ill of the government or the laws during the course of their duties liable for prosecution. Teaching Arabic script in unauthorized schools was also a punishable offense after the adoption of the Latin alphabet in 1928. In education, secular primary school was compulsory until the age of 12. While no religious schools opened to compete with the secular ones operated by the Ministry of Education, parents could provide religious instruction privately or in group classes, provided they met the qualifications for authorization by the Ministry of Education. Thus, Kemalist secularism does not represent any real innovations in distinguishing religion from state; rather, it simply banned all vestiges of religion from the public square.

*Revolutionism.* Revolutionism embodies the continual need for the reformation of principles in light of new discoveries and changes in society. It, too, supports the idea of the secular state, for if new scientific discoveries are always allowed to change society, then one need not fear the control of religious traditions.

In light of this viewpoint, Atatürk instituted a series of ‘cosmetic’ reforms in Turkey to accustom the people to the Westernized secular society he

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55 ROBINSON, *supra* note 33, at 76-77; see also BERKES, *supra* note 21, at 467-73.
56 GEYIKDAĞI, *supra* note 32, at 43.
57 BERKES, *supra* note 21, at 466.
58 Id.
59 Id.
60 Id.
61 Id.
62 Id. at 466-67.
had created and to break their traditional habits. First, he passed the "Hat Law" of 1925, which prohibited the wearing of the fez, a symbol of superstition and prejudice in the eyes of reformers. Second, he outlawed the wearing of veils for women who were teachers, students, or family members of government employees at public functions. Third, he adopted the Latin script instead of Arabic to facilitate literacy. Fourth, the training of religious personnel was relegated to specialized university departments. Finally, Kemal encouraged every family to take a surname and declared Sunday a weekly holiday. This series of sweeping societal reforms did not achieve secularism in the American sense of separation of religion from the state, nor did it aim to eradicate all traces of Islam from society:

Religion was guaranteed freedom and protection so long and insofar as it was not utilized to promote any social or political ideology having institutional implications. In such terms, to understand the Kemalist secularism as a matter of separating church and state is also erroneous and irrelevant. To put it in a nutshell, Kemalist secularism was nothing but rejection of the ideology of the Islamic polity.

These radical reforms were designed "to create a citizenship, with individuals freed from the weighty communitarianism constraints of the immet, active within a contractual and pluralist civil society, and within a cultural arena

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64 See BERKES, supra note 21, at 474-76; GEYIKDAGI, supra note 32, at 50-51. Berkes notes that "the traumatic nature of the change made it, unconsciously, a mass reaction against the traditionalists and conservatives, who for the first time felt utterly powerless." BERKES, supra note 21, at 474.

65 This move posed a difficult political issue for three reasons: (1) Albanian Muslims who were thought to be outside Islam used the Latin script; (2) use of the Latin script would signify to the Islamic world that the Turks had adopted Christianity; and (3) Latin script was considered unsuitable for expressing Turkish, and many feared that past literary works would be lost. BERKES, supra note 21, at 474. A point in favor of the adoption of the Latin alphabet was that the Caucasian Turks had recently done the same thing—following this precedent would facilitate communications between the nations. See GEYIKDAGI, supra note 32, at 50-51. Arabic script was banned from public documents after December 1, 1928. BERKES, supra note 21, at 476.

66 Since the medreses had been closed, the Ministry of Education had opened schools for the training of ministers, and the University of Istanbul opened a Faculty of Divinity. After the clause proclaiming Islam as the state religion was removed from the constitution in 1928, religious courses were dropped from the school curriculum, as we were courses in Arabic and Persian. These were relegated to specialized university departments. BERKES, supra note 21, at 477-78.

67 FEDERAL RESEARCH DIVISION, supra note 27, at 49. Kemal was given the surname Atatürk at this time. Id.

68 BERKES, supra note 21, at 499. Atatürk favored a view popular at the time among Turkish historians that the Turks had the most affinity with the unorthodox varieties of Islam whose mystic sects and literature had provided outlets for national culture. Id. at 500-03.
no longer structured by religious faith, but by reason and science.\textsuperscript{69} In some respects, however, the authoritarian methods by which the Republican People's Party implemented reforms in fact prevented the very goal of democratic society that the party leaders wished to achieve. Because of the government's not unsubstantiated fear of civil disorder, Atatürk and his followers tended to stifle debate in the interest of maintaining a united front.\textsuperscript{70} Although one might fault these early reformers for their less-than-democratic methods, one must remember that earlier attempts at popular sovereignty failed precisely because that government could not agree on a program or a platform even though the members had the same basic goals.\textsuperscript{71} Atatürk left a legacy of democratic machinery in place in Turkey, but his legacy also included an example to army leaders that the military is above politics and can intervene in the democratic process at any time to save the country. The reformists' extreme measures, though perhaps necessary in such a revolutionary context, did not settle the question of religion's role in the body politic to the satisfaction of the more conservative members of Turkish society.\textsuperscript{72}

IV. MULTIPARTY POLITICS, 1946-1980

As political parties facilitated social mobilization, people grew insecure about their place in a rapidly changing world and clung to their familiar religious beliefs for comfort.\textsuperscript{73} This struggle between comfort and change dominates Turkish politics to this day, but in the early period of multiparty politics, the bitter clash of the old and new civilization illustrates the difficulties of a new democracy trying to reach beyond its cultural attitudes.


\textsuperscript{70} Atatürk's strong charisma and personality would have made any attempt to form an effective opposition party to his own difficult, and indeed, he used his power to annul the first two opposition parties. See 2 SHAW & SHAW, supra note 20, at 380-84. The first opposition, the Progressive Republican Party, advocated maintaining the caliphate, free enterprise, and foreign capital. Atatürk thought it dangerous to have political divisions at such a critical juncture. See id. Kemal himself started the Free Republican Party in 1929, but when the religious reactionaries and communists flocked to the party, the resulting chaos convinced Kemal that the country could not yet handle multiparty democracy, and he dissolved it in 1930. See id.

\textsuperscript{71} See discussion supra nn. 31-32.

\textsuperscript{72} After Atatürk's death in 1938, Ismet İnönü succeeded him as president of the republic by decision of the National Assembly. He followed the broad lines of Atatürk's policy, but he showed more tolerance to the practice of religion by allowing the publication of the Turkish version of the Encyclopedia of Islam, reinstating religious instruction in the elementary schools, and establishing a faculty of theology. GEYIKDAĞI, supra note 32, at 65. In other areas, such as the Hat Law, the adoption of Latin script, the Turkish call to prayer, and participation in illegal dervish orders, he enforced even more stringent penalties for violators. Id.

\textsuperscript{73} See Serif Mardin, Religion and Secularism in Turkey, in ATATÜRK, FOUNDER OF A MODERN STATE, supra note 36, at 191-220.

After the founding of the Democrat Party ("DP") in 1946, a heterogeneous mixture of social groups that had been disappointed by the Kemalist platform flocked to join. Both the communist left and the fascist right mobilized to take over the party, but neither succeeded. The DP's founders were largely drawn from the same socioeconomic classes as their RPP competitors, but they were younger, had less legislative experience, had a lower percentage of university-educated deputies, and had fewer members with bureaucratic or military training. Generally, they were more economic and professional and less official in occupation, and thus, more inclined to seem attuned to the interests of the emerging middle class and the villagers.

Even though the founders of the DP were secularists, Article 14 of the DP platform stated that the party rejected interpretations of secularism that led to a hostile attitude toward religion and advocated a separation between religion and state that prevented the government from interfering in religious affairs. The Democratic Party assumed the reins of government in 1950 after twenty-seven years of authoritarian RPP rule, and its success enabled the vigorous debate over the role of religion in Turkish public life to thrive once more.

1. Religious Education

From 1946-1950, when the Democrat Party was in opposition, it instigated debate in the Assembly over the role of religion in state-sponsored education. In December 1946, two conservative deputies suggested that reintroduction of religious education into the public schools would "strengthen spiritual resistance against the threat of communism." The value of Islam as a means to combat leftist ideology cannot be underestimated in the view of religious con-

74 Ahmed Emin Yalman, Turkey in My Time 222-27 (1956).
76 Yalman, supra note 74, at 227.
77 Geiykdagi, supra note 32, at 69 (citing Tarik Zefir Tunaya, Turkiye’de Siyasi Partiler (1859-1952) [Political Parties in Turkey (1859-1952)] 662 (1952)). The party gained support in rural areas among those who favored revocation of certain secularizing reforms because many villagers simply assumed that the Democrats opposed the RPP on all issues. Federal Research Division, supra note 27, at 55.
78 Geiykdagi, supra note 32, at 66 (quoting G. Jäschke, Die Turkei in der Jahren 1942-1951 [Turkey in the Years 1942-1951] 68 (1955)); see also Kemal H. Karpat, Turkey’s Politics: The Transition to a Multi-Party System 276-77 (1959). In the words of conservative representative Baha Pars, “Consciences are like countries and if you leave them defenseless, the enemy will invade them. Our best defense against dangerous ideologies is to spread our own belief.” Geiykdagi, supra note 32, at 66. The rebuttal argument, phrased by secretary general of the RPP Receep Peker, stated that “using religion as a means of defense resembles the idea of trying to cure a fatal poison by taking another poison which is not less fatal.” Id.
In the moderate view, both conceptions violated the principles of secularism. They sought to conform the government to the needs of society in allowing religious liberalization, and they criticized those who detected reactionary movements in all religious practice. The secularists continued to consider any concession to religion as a regressive step and feared such concessions would eventually allow Islam to regain control over society.  

Ultimately, economic development won out as a better defense against communism than religious education, but the question of the proper method of instilling moral values remained unanswered. Those who favored religious instruction argued that a scientific study of religion would help prevent the growth of superstition and obscure interpretations. The opposition contended that religious instruction "could be a danger in the hands of ignorant reactionaries," and would violate the secular structure of the government.

Slowly, religious instruction crept back into Turkish society. By September 1947, private religious schools were allowed to operate in accordance with the regulations for other private schools, but such schools could use only instructional materials provided by the Ministry of National Education, and all instruction, including reading of the Quran, had to be in Turkish. By January 1949, optional religious courses were introduced for fourth- and fifth-grade students as a supplemental instruction after school. Parents had to submit a written request for the student to join the class, and the lessons were based on a book published by the Presidency of Religious Affairs. This compromise provided a non-coercive alternative to adding religious instruction to the required curriculum, but it made no strides toward a separation of religious affairs from the government. 

Despite popular opinion that these concessions to religious education...
marked a return to Islam, the manner in which they were implemented remained entirely consistent with secularism. They did, however, reflect the opinions of politicians and the vast majority of the people that secularism under the RPP had been excessive.\(^8\)

2. The Liberalization of Secularism

Both external and internal pressures contributed to facilitating the change to a more democratic party system: external pressure from the United States to liberalize the economy and politics, and internal pressure from business circles and large-scale farmers to share political power held almost exclusively by the state elites.\(^8\) Whereas in the Ottoman Empire, political power had been concentrated in the hands of a strong central bureaucracy, challenged by the provincial notables and practically irrelevant to the peasantry, the Democrat Party platform succeeded in attracting these peripheral elements to participation in the governing process.\(^8\)

After the DP gained control of the government in the 1950 elections, it continued the more relaxed view of secularism in which religion could not play a part in the political or legislative process, but freedom of conscience was upheld.\(^8\) The theory of secularism did not change, but the formulation and implementation of policy marked certain differences.\(^9\)

In response to the liberalization of restrictions on religious worship and practice, mosque attendance rose, many religious books and pamphlets were published, and an increasing number of Turks made the pilgrimage to Mecca.\(^9\) As improved infrastructure gave villagers better access to towns, more women began to wear the veil.\(^9\) The religious revival was probably most supported by the artisans and small shopkeepers in the towns, who tended to have fanatical leanings and connections to dervish lodges. The merchants, like the supporters...
of compulsory religious education, wished to preserve tradition as insurance against communism. The new government expressed the religious views of the people by allowing the call to prayer to be recited in Arabic in 1950. Radio Ankara began broadcasting Quran recitations in both Arabic and Turkish for ten minutes in the morning and evening. Religious classes in the public schools became required unless the parents expressly requested that their children be exempt from participation. The Institute of Islamic Studies in Istanbul was reopened. Religious instructors (hojas) in the villages received a salary from the government. Additionally, the DP encouraged private initiatives such as the building of mosques and centers for religious instruction in an attempt to define secularism in a way that did not prevent Islam from having a role in society.

Unfortunately, controversies between the secularists and Islamists grew violent, and certain religious groups began to destroy the statues of Atatürk on the grounds that Islam forbids the reproduction of human forms. At the DP convention in Konya, a resolution was introduced to reintroduce the fez, restore the veil, return to Arabic script, and reestablish the sheriat. These sorts of reactionary movements seemed to justify Atatürk's fears of Islamic threats to secularism, and an enlightened, progressive Islam envisioned by the moderates to coincide with secularism did not yet exist in popular practice.

3. Decline and Fall of the Democrat Party

The DP responded by decreeing one to five years of hard labor as penalty for manipulating religion for political or commercial interest. In 1953, it

93 See id. at 77-78, 118-19.

94 GEYIKDAGI, supra note 32, at 77. Prime Minister Adnan Menderes justified this departure from the will of Atatürk by claiming that whereas during the revolution such measures were necessary to eliminate fanaticism, “today, it is no more necessary to take these measures which wound the freedom of conscience. We, too, shall fight reaction and fanaticism.” Id. (quoting YENI SABAH, June 5, 1950).

95 Id.

96 JOE E. PIERCE, LIFE IN A TURKISH VILLAGE 88 (George Spindler & Louise Spindler eds., 1964). Stanford Shaw notes that these religiously oriented measures had little effect in attracting new supporters to the conservative banner; it only allowed religious reactionaries to assert their influence. 2 SHAW & SHAW, supra note 20, at 409-10.

97 GEYIKDAGI, supra note 32, at 78.

98 KARPAT, supra note 78, at 287 n.53. Karpat suggests that the real danger was that the liberalization of religion came prematurely. Modernization had not yet penetrated even half of the towns and villages; secularism had not yet been safely established. Thus, the Islamic resurgence benefited only the “obscurantist, fatalistic type [of Islam] which has dominated the Turkish masses since time immemorial.” Id. at 288.

99 GEYIKDAGI, supra note 32, at 79 (quoting Law 6187 (24 July 1953)).
passed the Law to Protect the Freedom of Conscience to prevent political use of religion.\textsuperscript{100}

Menderes respected secularism, but favored religious free speech and free exercise to inculcate moral values and retain a sense of tradition in the midst of Westernization. Unfortunately, the members of the DP made poor economic policy, and inflation and debt eventually undermined the economy.\textsuperscript{101} As the economy worsened, the DP Islamist members increased religious activism to distract the people from hard economic times.\textsuperscript{102} The Democrats became excessively sensitive to criticism, and they used the army and police to suppress opposition before the 1960 elections.\textsuperscript{103} This abrogation of democratic principles caused open revolt and led to a military takeover on May 27, 1960, which set the precedent for two other coups in 1971 and 1980.\textsuperscript{104} The military arrested leading members of the government and imposed martial law without demonstrable opposition.\textsuperscript{105}

\textbf{B. The Committee of National Unity, 1960-1961}

The armed forces took control of the government to preserve democracy and intending to return the government to civilian hands as soon as possible.\textsuperscript{106} Although the coup’s stated goals were merely to extricate the parties from their political impasse and to restore democracy in a nonpartisan fashion, the military arrested all the DP members of parliament, closed the partisan Democrat press, and prohibited all political organization outside of provincial and county seats (which effectively excluded the 70 percent of the population living in villages, an important DP base of support).\textsuperscript{107}

Contrary to popular expectations, the military did not restore the secularism that existed before 1950, but it instead adopted an attitude favorable to Islam in that it recognized religion as an integral part of the Turkish identity.\textsuperscript{108} The majority of the members of the governing Committee of National Unity ("CNU") favored upholding the citizens’ right to freedom of conscience and worship, but they wished to prevent the manipulation of Islam by political par-
ties and interest groups, ironically by making Islam a national instrument of the state.\textsuperscript{109}

As promised, the CNU restored government to civilian political parties in the elections of 1961 in accordance with the new constitution. The 1961 Constitution of the Second Turkish Republic made several significant changes in the operation of the government. First, it transformed the Grand National Assembly from a unicameral to a bicameral legislature.\textsuperscript{110} This reform aimed at limiting the “virtually unlimited possibilities of dictatorship over the legislative process through control of the majority party.”\textsuperscript{111} It established a Constitutional Court whose fifteen members review the constitutionality of laws and by-laws of the Grand National Assembly.\textsuperscript{112} The new constitution guaranteed certain civil liberties and instituted judicial review.\textsuperscript{113} Most importantly for this discussion, Article 19 guaranteed freedom of religious faith and worship and freedom from abuse of one’s religion by others.\textsuperscript{114}

\section*{C. Religion and Political Parties, 1961-1970}

The Second Turkish Republic represented a marked change from the previous era in political activity. Parties still paid homage to aspects of Kemalism in their rhetoric, but the original Six Arrows were reinterpreted for a new generation in sharp contrast with Atatürk’s original intent. The village vote began to dominate the electorate as the largest percentage of the voting population, and politicians tailored their interpretation of secularism to appeal to these more traditional sectors.\textsuperscript{115}

Islam in the 1960s acquired an “anti-liberal, anti-socialist dimension” to combat socialist and leftist activities, especially among the privileged classes.

\textsuperscript{109} GEYIKDAGI, supra note 32, at 89. Cemal Gürsel blamed Arab and Persian influences for Islam’s association with backwardness. The CNU retained the religious educational institutions developed in the 1950s in the hope that better religious instruction would correct such misunderstandings, and the military leadership provided for the repair and restoration of mosques as well as the translation of the Koran into Turkish in accordance with this goal. AHMAD, TURKISH EXPERIMENT, supra note 100, at 374-75.

\textsuperscript{110} Arsel, supra note 37, at 30-33. The legislature consisted of a National Assembly, which had 450 deputies elected based on their party’s percentage of the vote in each province who served four-year terms, and a Senate of the Republic, which had 15 presidential appointees and 150 senators who served six-year terms (with one-third elected every two years). Id.

\textsuperscript{111} WALTER F. WEIKER, THE TURKISH REVOLUTION, 1960-61, at 77 (1963) [hereinafter WEIKER, TURKISH REVOLUTION].

\textsuperscript{112} 2 SHAW & SHAW, supra note 20, at 416-17; WEIKER, TURKISH REVOLUTION, supra note 111, at 78-79.

\textsuperscript{113} WEIKER, TURKISH REVOLUTION, supra note 111, at 80.

\textsuperscript{114} 2 SHAW & SHAW, supra note 20, at 418.

\textsuperscript{115} BINNAZ TOPRAK, ISLAM AND POLITICAL DEVELOPMENT IN TURKEY 79-90 (1981).
who used this ideology to maintain their status. The armed forces, the intelligentsia, the RPP, and major entrepreneurs who wished to reduce inequalities in education and income responded by "denying the existence of the communist threat in Turkey." Although new minority parties representing every sort of extreme viewpoint sprang up, the two dominant parties during this period were the Republican People's Party, led by İnönü followed by Bülent Ecevit, and the Justice Party ("JP"), led by Süleyman Demirel. The RPP touted its program to send pilgrims to Mecca as evidence against accusations of atheism when Ecevit shifted its policies to the left. The Justice Party's program centered mainly on strengthening capitalism, but individual politicians tended to appeal to religion rather than economics in their campaigns because of the strong rural base of support.

After 1965, when the Justice Party won a majority outright, the left-right ideological cleavage shifted. Instead of secularism controlling the debate over policy, political discussions now merged religion with ideology, such as where religious conservatives attacked the RPP not only for anti-religiosity but for communist sympathies as well. The Justice Party courted religious conservatives by enlisting traveling preachers to campaign for them and by making the free exercise of religion a major campaign theme. The military distrusted the Justice Party because of its roots in the Democrat Party, even though Demirel had taken a strong law-and-order line and increased defense spending. The growth of extremism on both right and left hampered his efforts to develop a market economy and individual freedom in both social and economic activity.

Liberalization of religion and the press during the 1960s in some respects realized Atatürk's worst fears. Turkish society became increasingly po-

116 AHMAD, TURKISH EXPERIMENT, supra note 100, at 376. Komünist and Moskof replaced "atheist" and "infidel" as derogatory terms for radicals, while those who favored capitalism were labeled Mason and Sionist. These terms had religious connotations to the Turkish people as anti-Islam. Moreover, because the government favored a strong anti-communist line, such monikers became more difficult to combat. Id. at 376-77.

117 Id.

118 See FEDERAL RESEARCH DIVISION, supra note 27, at 61.

119 AHMAD, TURKISH EXPERIMENT, supra note 100, at 377.

120 Id. The party manipulated religion particularly overtly in the 1965 elections, using the slogan "We are right of center and on the path to God" to deflect conservative criticism that they were "freemasons" (capitalists). Id.

121 TOPRAK, supra note 115, at 93.

122 Id.

123 FEDERAL RESEARCH DIVISION, supra note 27, at 60; 2 SHAW & SHAW, supra note 20, at 426.

124 2 SHAW & SHAW, supra note 20, at 426.
larized between the extreme right and the socialist left, and both extremes held anti-American sentiments. Muslim religious circles and ultra-nationalists both blamed America for everything wrong in Turkey.

The religious conservatives used the liberalization of the press under the new constitution to advance their beliefs. Apologetic literature attempted to prove, through quotes from Western authors, that Western civilization stemmed from Islamic civilization. Other apologists sought to demonstrate through quotations that Atatürk had been a good Muslim! The increase in Islamic sentiments among the people, even among educated Turks, demonstrated the failure of Turkish nationalism and Western civilization, the two pillars of Atatürk’s ideology, to fill “the spiritual vacuum created by the elimination of Islam.”

The radical left and right both advocated social justice, though for different ideological reasons. Violent street demonstrations and unstable political conditions tended to underline the wisdom of Atatürk’s vision of slow democratic progression while secularism took root. The growing religious character of society, however, helped to bring about a balance between the absolute subjugation of religion to the state and the control of the state by the clergy. By the end of the decade, both major parties had adopted a more moderate stand on religion generally, though politicization of religious issues continued to play a key role in elections.

D. Rise of the Religious and Political Right

In 1969, Necmettin Erbakan left the Justice Party and started his own political party that changed the modernization debate in Turkish politics. Erbakan’s criticism of the approach to modernization adopted by the Turkish elite “represents the first serious attempt in the political history of the Turkish Repub-

125 AHMAD, MAKING OF MODERN TURKEY, supra note 50, at 139-40 (noting that the Cyprus crisis particularly inflamed public opinion because America appeared to side with Athens).


127 Id. at 176-77; see also Bernard Lewis, Islamic Revival in Turkey, 28 INT’L AFFAIRS 38-48 (1952).

128 URIEL HEYD, REVIVAL OF ISLAM IN MODERN TURKEY 25 (1968).

129 TOPRAK, supra note 115, at 88. As Andrew Mango caricatured the liberal viewpoint:

Such are the fears and emotions of Turkish intellectuals on the subject of Islam, that Mr. Demirel has only to say in a message (delivered on the occasion of a public religious holiday) ‘May God bless our nation and its endeavors’ (or a similar formula) for an educated Turk to see blood-stained fanatical dervishes lurking in dark corners.


130 Id. at 91-94.
lic to question the validity of that view." He favored closer ties with Muslim nations rather than with the West for several reasons: Turkey has a common heritage with other Muslim nations; Turkey can have greater regional prestige in an alliance with the East rather than with the West; and Turkey can retain its social and cultural values only by resisting the allure of immoral Western entertainment and fashion.132

This nationalist, anti-imperialist approach gained Erbakan the support of rural peasants, older voters, and marginalized members of society who favor a religious basis for public policy.133 The first incarnation of Erbakan’s vision, the National Order Party, was quickly dissolved for its blatant anti-secularism, but the resurrection of his ideas in the National Salvation Party was more successful.134 The National Salvation Party participated in coalition governments throughout the 1970s until the military intervention of September 12, 1980.135

1. The Second Military Intervention

In the late 1960s and early 1970s, the Demirel government utterly failed to control violent leftist demonstration, and rampant inflation fueled further criticism from the opposition.136 In 1970, three smaller parties that had previously cooperated with the Justice Party merged into the National Salvation Party, an explicitly Islamist party that demanded political concessions for its continued support of the government.137 Other members of the Justice Party defected to form a thinly disguised revival of the Democrat Party or resigned and sat as independents.138 So many members defected that the Justice Party lost its absolute majority by 1971 and could not form a coalition.139

The Justice Party’s inability to govern, coupled with the country’s social unrest and economic distress, prompted the military to intervene once again on March 25, 1971. General Faruk Gürler presented a memorandum to President Sunay demanding the installation of a “strong and credible government” in an event known as the “coup by memorandum.” Demirel resigned as prime minister in protest against the coup, declaring the memorandum as incompatible with

131 Id. at 104.
132 Id.
133 Id. at 105.
134 See id. at 97-99.
135 See discussion infra at Part IV.D.2.
136 See FEDERAL RESEARCH DIVISION, supra note 27, at 64-65.
137 Id.
138 Id.
139 Id.
the rule of law.\textsuperscript{140} The president formed a nonpartisan government with the permission of the generals, but the government could not pass any reforms over Justice Party opposition.\textsuperscript{141} By February 1973, the High Military Council issued a “second memorandum” demanding reform measures and revisions in the election laws and cautioning the Assembly against continued criticism of the armed forces.\textsuperscript{142} A series of unstable non-party governments followed until Demirel formed a minority coalition in 1975.\textsuperscript{143} In this environment, the National Salvation Party emerged as a significant third-party force until its dissolution in 1980.\textsuperscript{144}


During the 1970s, the National Salvation Party (“NSP”) participated in several of the coalition governments as a representative of the conservative religious faction.\textsuperscript{145} Its participation in coalition governments between 1973 and 1977 gave it far greater influence than its numbers would suggest.\textsuperscript{146} Binnaz Toprak has observed that the political success of the National Salvation Party demonstrated that religious interests influence voting behavior, that voting along religious lines does not necessarily lead to religious obscurantism, and that the political nature of religious interests should not cause alarm.\textsuperscript{147} Although Toprak’s study of Turks who supported the National Salvation Party may sustain this claim, the stated goals of these parties did little to alleviate the anxiety of secularists who feared what they considered obscurantist movements.

\textbf{a. The National Order Party: Erbakan’s Initial Political Platform}

Necmettin Erbakan, a professor of engineering at the Technical University of Istanbul, had been a prominent member of the Justice Party but left the party after unsuccessfully challenging Demirel for the party leadership in 1969.\textsuperscript{148} He established the National Order Party (“NOP”), whose policies on religious education and secularism managed to avoid the prohibitions against

\begin{itemize}
  \item \textsuperscript{140} Id.
  \item \textsuperscript{141} Id.
  \item \textsuperscript{142} Id. at 66.
  \item \textsuperscript{143} See 2 Shaw & Shaw, supra note 20, at 429.
  \item \textsuperscript{144} Id.
  \item \textsuperscript{145} Toprak, supra note 115, at 96.
  \item \textsuperscript{146} Id.
  \item \textsuperscript{147} Id.
  \item \textsuperscript{148} Ahmad, Turkish Experiment, supra note 100, at 382-83; Landau, supra note 126, at 188.
\end{itemize}
Islamic political parties through careful semantics. The party platform used non-religious terms like "morals and virtue" and upheld social justice while defending freedom of conscience, the need for religious education, and freedom of action for the President of Religious Affairs and other religious bodies.

The NOP addressed Turkey's domestic problems in two categories: material and spiritual. In the material sphere, the NOP criticized Turkey's dependence on foreign markets, low per capita income and unjust distribution of wealth, and poor economy that had led to dependence on foreign aid as problems that resulted in a loss of autonomy in foreign policy. In the spiritual sphere, the party saw deficiencies in failing to educate the youth for national ends, using curriculum that repudiated Turkey's own history, accepting the West's worldview, and allowing the penetration of foreign cultural influences.

The party supported democracy, social justice, and rural development, but it opposed population-planning and birth control as counter to the national interest (and presumably Islam). Its "order" would abolish the Senate, reduce the number of seats in the Assembly to 300, provide for direct election of the president, and overhaul education and the media to strengthen moral values. Erbakan, "investing himself with the role of public censor," expressed his opposition to Turkish involvement in the European Common Market, claiming that Turkey should strengthen its ties with other Muslims rather than with a "Jewish and Zionist organization" set up by "six Catholic states." Although he disapproved of joining the EEC on religious grounds, he also feared that the large European corporations would assimilate Turkey economically and culturally, and he denounced the European Common Market as the product of a "new crusader mentality." He preferred an approach that would allow Turkey to lead a

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149 AHMAD, TURKISH EXPERIMENT, supra note 100, at 382-83.

150 LANDAU, supra note 126, at 188-91. Landau further emphasizes that the party’s stand on secularism affirmed that the party opposed any interpretation of secularism which might be hostile to religion. . . . Probably the same positive attitude towards Islam, and the desire to capitalize on religious feeling, which had moved the DP in 1945, moved the NOP in 1970. However, while in the DP’s program, it had a relatively inconspicuous place among 87 other points, in the NOP’s program, although one of 100 paragraphs, the approach to religion permeated the document and gave the party as Islamic a character as the laws of Turkey permitted. The omission, too, of any reference to Atatürk in the NOP’s program was hardly accidental.

Id. at 190-91.

151 TOPRAK, supra note 115, at 98.

152 LANDAU, supra note 126, at 192.


154 GEYIKDAGI, supra note 32, at 123 (quoting Çetin Özek, DEVLET VE DIN [STATE AND RELIGION] 572 (1982)).
A key element in Erbakan's platform was that "the most important clarification to be made in the Constitution concerns the clarity to be given to relevant articles so that the limits on the freedoms and rights of thought and belief can be established." According to his argument, clarification of these articles would "eliminate . . . implementations which contradict the fundamental principles of the Constitution," in other words, interpretations that prevent the free exercise of religion. Erbakan particularly requested revisions of Article 2 and Article 19 which specifically restrict religious exercise:

The terms national, democratic, secular, and social which make up the characteristics of the State in Article 2 of the Constitution should be clarified so that they are not implemented or interpreted in the opposite sense in practice. In this context, it is especially the term "national" which needs to be clarified. The term "national" should be clearly defined in a way that denotes a respect for all the moral values of our nation in the historical and traditional sense. . . . Religion is the fundamental belief and thought system of an individual. The freedom of religion, conscience, and thought is one's freedom of expressing one's views according to one's own beliefs and thoughts. To incriminate a person on this basis is against the spirit and fundamental principles of the Constitution, especially paragraph 1 of Article 19, and Article 20.

Erbakan further threatened to close cinemas, theatres, ballet schools, and football matches if he came to power. Feroz Ahmad believes that Erbakan's open criticism of the secularist policies of the government seemed designed

\footnote{In Erbakan's own words:}

\begin{quote}
Turkey ought not be in the Common Market of the western states but in the Common Market of the eastern nations. Turkey is backward in relation to the westerners but advanced in relation to the easterners. If Turkey enters the Common Market under today's conditions it will become a colony. Today the Common Market resembles a three-story building. The American Jews live on the top floor, the European workers in the middle. Now they are looking for the lackey-janitor to live on the bottom floor. That is why they want to take Turkey into the Common Market.
\end{quote}

AHMAD, TURKISH EXPERIMENT, supra note 100, at 382-83 (quoting CUMHURIYET, March 14, 1964).

\footnote{GEYIKDAĞI, supra note 32, at 122 (quoting NECMETTİN ERBAKAN, MILLİ GÖRÜN VE ANAYASA DEGISIKLİĞİ [THE NATIONAL VIEW AND THE CONSTITUTIONAL CHANGE] 15-19 (1973)).}

\footnote{Id.}

\footnote{Id. at 122-23.}
intentionally to "attract the wrath of the public prosecutor," and he reports that many cynics thought that the only function of Erbakan's party was to allow the government to demonstrate its even-handed treatment in closing down both the extreme right NOP and the extreme left Worker's Party.\textsuperscript{159} This is exactly what happened. The National Order Party was dissolved by the Constitutional Court for violating articles 2, 19, and 57 of the 1961 Constitution relating to secularism and the Law on Political Parties\textsuperscript{160} by calling for "Revolutionary Religion."\textsuperscript{161} The leaders, however, were not punished.\textsuperscript{162}

\textit{b. The National Salvation Party in Government}

The following year, Erbakan resurrected his ideas in the form of the National Salvation Party. Süleyman Arif Emre, ex-Secretary General of the NOP, officially led the party, but Erbakan remained the controlling force behind it.\textsuperscript{163} Although the intelligentsia initially ignored the party and viewed its members as religious obscurantists hoping to resurrect an Islamic past, the National Salvation Party's use of traditional religious symbols to mobilize support soon commanded their attention.\textsuperscript{164} The NSP's radical Islamist ideology allowed the party to distinguish itself from other small right-of-center parties and have greater success.\textsuperscript{165}

In 1973, the National Salvation Party participated in elections for the first time. Although it only received 11.8 percent of the vote and 48 seats in parliament, its numbers were sufficient to require the RPP to include them in a coalition government.\textsuperscript{166} Because of its strategic position, the new party exerted influence far beyond that which its number of seats would suggest. This ironic combination of an Islamist party and the party of Atatürk found common ground in a program of "social justice," which protected small businesses, favored state ownership of natural resources, supported amnesty for prisoners whose crimes were "motivated by conscience," and sought protection for the Turkish minority

\textsuperscript{159} \textit{Ahmad, Turkish Experiment}, supra note 100, at 383.
\textsuperscript{160} \textit{Id.} at 317 (quoting \textit{Milliyet} and \textit{Cumhuriyet}, May 22 & 23, 1971).
\textsuperscript{161} \textit{Landau, supra} note 126, at 188; \textit{Ahmad, Turkish Experiment, supra} note 100, at 317; \textit{Walter F. Weiker, The Modernization of Turkey: From Atatürk to the Present Day} 138 (1981) [hereinafter \textit{Weiker, Modernization of Turkey}].
\textsuperscript{162} \textit{Ahmad, Turkish Experiment, supra} note 100, at 317.
\textsuperscript{163} \textit{Id.} (quoting \textit{Yanki} 130, Sept. 10, 1973, at 4-8).
\textsuperscript{164} \textit{Geyikdagi, supra} note 32, at 125.
\textsuperscript{165} One progressive secularist party, the Unity Party of Turkey, claimed to represent the prosperous members of the Shi'i minority, but it won only one seat in one election in 1973. \textit{Geyikdagi, supra} note 32, at 125.
in Cyprus. The moral socialism advocated by this coalition coincided well with the NSP’s religious commitment to care for the members of the ümmet (Islamic community) and to govern in accordance with the national interest. The coalition, however, soon dissolved.

Demirel included the NSP in a series of unstable coalition governments with the Justice Party and some smaller right-wing parties between 1975-1980. These years were marked by unprecedented terrorism and inflation, and in the economic and political morass that followed, the military intervened once more.

c. Ideology of the National Salvation Party

The National Salvation Party program blamed the infiltration of Western culture into the Ottoman Empire for the Turks’ loss of power and influence in global affairs. Claiming that Turkey alienated itself from its own heritage by adopting Western culture without importing Western technology, the NSP program proposed to reconnect Turks with their heritage as a great Muslim civilization while using technology to accomplish social justice.

The NSP supported human rights, traditional moral values, industrialization, and elimination of inequalities between social groups and provinces. The program also supported secularism as a guarantee of “freedom of thought and belief,” but it argued that secularism “should not become the means of suppressing those people who think and believe.” It did not, however, support freedom of the press. The party believed that “the press is free as long as it respects national, spiritual, and moral values,” which would presumably coincide with those the party supported. Further proposals called for closer ties with Islamic countries, education based on “modesty, morals, and virtue,” religious education, establishment of a heavy weapons industry, prohibition of population control, heavy industrialization with equal distribution of industrialization throughout the country, employee and local community ownership of

167 FEDERAL RESEARCH DIVISION, supra note 27, at 69; AHMAD, MAKING OF MODERN TURKEY, supra note 50, at 160-61.
168 DODD, supra note 33, at 93.
169 FEDERAL RESEARCH DIVISION, supra note 27, at 69; AHMAD, MAKING OF MODERN TURKEY, supra note 50, at 160-61.
170 FEDERAL RESEARCH DIVISION, supra note 27, at 70.
171 TOPRAK, supra note 115, at 100-01.
172 Alkan, supra note 166, at 85-86 (quoting MILLI SELAMET PARTISI TÜZÜGÜ VE PROGRAM art. 1-7 (1976)).
173 Id. at 85 (quoting MILLI SELAMET PARTISI art. 18).
174 Id. (quoting MILLI SELAMET PARTISI art. 19).
factories, and prevention of "the importation of 'immoral and inhuman tendencies' under the guise of tourism."\(^{175}\)

This program suggests that Erbakan’s interpretation of secularism, should he have the opportunity to implement it, would enforce adherence to his viewpoint even as practitioners of traditional Islam had been subordinated to the will of the state in the past. Although Erbakan raises a valid issue in suggesting that Kemalist secularism infringes upon the free religious exercise of certain believers, he fails in this instance to offer a fairer alternative.

Türker Alkan’s analysis of Erbakan’s speeches in the *Milli Gazete*, the semi-official publication of the NSP, sheds further light on Erbakan’s political and religious ideology. From 1973, when the paper was established, until 1980, when the NSP was shut down, the categories of “Religion” and “Secularism” seem to have decreasing importance in a quantitative analysis.\(^{176}\) However, Alkan notes that religious militancy increased over time, and he attributes the high frequency of mentions of religion and secularism at the beginning to the need to delineate the identity of the new party.\(^{177}\) He raises an important question: If the trend of focusing on political rather than religious issues had continued long enough, could the NSP have become a secular party for all practical purposes?\(^{178}\) To some degree, the NSP’s successors have, in fact, secularized, but generally not enough to avoid being banned.

In discussing religion and secularism, Erbakan reveals a fundamentalist Islamic worldview:

> The only source of truth is in Islam. . . . Studies show that 60-70 percent of all the existing knowledge is produced by Muslims. . . . Those [Westerners] who always look down on us and show off got the methods of calculations from Muslims. . . . The cleanliness that we witness in Europe is also taken from Muslims. So that a European does not have the right to show off and look down on us. . . . The foundations of all the present day sciences are revealed in the Koran. Thus, the age we live in has to keep to the ways of the Koran. We say that we are living in the space age. There are so many verses about space in the Koran. As if it declares that the coming age will be the space age. . . . Science, present-day science was originated by the Muslims. Nobody should dare to boast of what there is in the West.\(^{179}\)

\(^{175}\) Id. at 85-86 (quoting MILLI SELAMET PARTISI art. 42, 66, 72, 75, 87-101, 126-27).

\(^{176}\) Id. at 87, table 5.1. Religion was mentioned 112 times in 1973 compared to only 16 in 1980; secularism scored 27 hits in 1973 and none in 1980.

\(^{177}\) Id.

\(^{178}\) Id. at 88.

Erbakan stops short of calling for an Islamic state based on the *sheriat* because such a statement would directly violate Turkish law, but the *Milli Gazete* could more accurately reflect the true beliefs of Erbakan and the NSP because newspapers were not subject to the same restraints as political parties. As the National Salvation Party gained strength in the Assembly, Erbakan grew more comfortable expressing his admiration for such Islamic states as Iran and Pakistan, and he used the Islamic revival in these countries as a model for NSP strategies. The *Milli Gazete* suggested that "an Islamic revival and 'shari'a state' for all the Islamic countries" would soon come to pass and that "the Islamic revival in Turkey, in Iran, in Pakistan, and in the other Muslim countries are all interrelated." Another article sees Turkey as particularly suited to Islamic rule because the Ottoman Empire had drawn its strength from Islam: "Our country deserves this more than the others. Let us pray to Allah that those days arrive soon." In some instances, the paper stated the goal of Islamic rule in Turkey even more forcefully: "Only when Islam infiltrates into and reigns over all institutions, from the presidency to garbage collection, can we say there is Islam."

Such statements contrast sharply with the party's official approach to secularism at its establishment in 1972: Secularism should assure freedom of conscience and protect religious worshippers from state oppression, and the current restrictions on the rights of believers should be lifted. Over time, the party grew more militantly anti-secular as these quotes from 1980 illustrate:

> The political structure of the new Turkey contradicts the political principles of Islam. Islam entails the unification of political and religious powers under domination of religion. In this respect, secularism and the secular system are against Islam, *shari'a* and religion. Especially its application in Turkey is designed to assure irreligiosity.

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180 *Id.* at 89-90 (quoting *MILLI GAZETE*, Jan. 4, 1980).
182 *Id.* (quoting Ahmet Nazim Tastan, *Korkunun Ecele Faydasi Yok*, *MILLI GAZETE*, May 7, 1980).
184 Alkan, *supra* note 166, at 91.
185 *Id.* (quoting ÇETIN ÖZEK, TÜRKİYE'DE LAIKLIK, GELİSMİ VE KORUYUCU CEZA HÜKÜMLERİ (1962) (quoting Mehmet Uludag, *Laiklik Dine Karsi Degil Midir?*, *MILLI GAZETE*, Mar. 8, 1980)).
Those are the traitors and liars who say that politics and religion are different things. . . . Muslims do not separate the affairs of the world from the affairs of heaven.\textsuperscript{186}

It becomes clear that man does not have the right to [pass] legislation. If he passes laws or claims to do so, he sins against God. . . . The creator of Islamic law is the creator of man as well. God created men in accordance with these laws. Human laws do not fit human nature. . . . Islam is the rule for all times. . . . It is both religion and state . . . the Koran has not been revealed to be recited in graveyards or to be closed down in temples. It has been revealed to reign.\textsuperscript{187}

The architects of National Salvation Party ideology viewed Islam as totally incompatible with secularism and seemingly sought a return to the \textit{din-u-devlet} of the Ottoman era. Using arguments reminiscent of the Ottoman traditionalists in the eighteenth and nineteenth centuries, they proclaimed in their literature the evils of Western influence. Despite their radically conservative views, NSP politicians did not hesitate to advocate human rights and democracy when it suited their purposes, even to the point of supporting freedom of thought for “Communists and Leftists,”\textsuperscript{188} although the voting record does not substantiate this rhetoric. In 1975, as part of the National Front government (the Justice Party, the National Action Party, the Republican Reliance Party, and the National Salvation Party), the NSP supported a government policy to discriminate against the Alevis, a Shi‘i sect, and the Kurds in southeast Anatolia.\textsuperscript{189}

The most important contribution of the National Salvation Party to political thought was its revival of the argument of the reformers in the eighteenth century, that to adopt Western technology without its culture is not incompatible with Islam. Because NSP leaders like Erbakan and his immediate circle had technological training, they supported industrialization but with an eye toward protecting the small artisans by inculcating the populace with Islamic morality. Thus, they suggested that Islam may not present the barrier to progress that Atatürk believed it did.\textsuperscript{190}

\textsuperscript{186} \textit{Id.} (quoting Necdet Kutsal, \textit{Islam Felsefe Degil, Bir Millet Insa Etti}, MILLI GAZETE, Mar. 16, 1980).

\textsuperscript{187} \textit{Id.} (quoting M. Emin Demircan, \textit{Kelime-i Tevhid ve Islam Nizami}, MILLI GAZETE, Apr. 6, 1980).


\textsuperscript{189} AHMAD, \textit{MAKING OF MODERN TURKEY}, \textit{supra} note 50, at 167.

\textsuperscript{190} DODD, \textit{supra} note 33, at 117. Dodd believed that these proposals would not be sufficient to control such innovation, and that this position seemed untenable. \textit{Id.}
d. Supporters of the National Salvation Party

How well did the National Salvation Party's message of pan-Islamism, anti-Westernism, and anti-Semitism resonate with the electorate? A 1973 election poll in the national paper Milliyet revealed that 42.5 percent of NSP voters supported it because it was a religious party, but at this time religious statements were more frequent and less militant. Serif Mardin suggests that the NSP appealed mostly to marginalized groups in society—those who are not assimilated into the "modernist center." His stereotypical NSP supporter was a small merchant or artisan, disgruntled by social and economic failure, who turned to religion for a sense of identity in a rapidly changing world. Toprak found in examining voter surveys conducted by the Political Science Faculty at Ankara University that those who were 60 years of age and older supported the NSP in greater numbers than other age groups. Moreover, in a Milliyet survey, "[t]he NSP was labeled 'the least preferable party' by the majority of the young people (21-30 category)." Of those who held this opinion among all age groups, 36.8 percent disliked the NSP's exploitation of religion, 18.2 percent considered it "reactionary," but only 5.7 percent believed the NSP was "anti-secular."

One might predict that the NSP would do well among disaffected members of society. Karpat's survey of political affiliations in gecekondus ("overnight" squatter settlements of village migrants around Ankara and Izmir) revealed a decided majority of these marginalized members of society preferred the Republican People's Party and considered İnönü the most reliable and trustworthy political leader, yet the NSP fared better in the polls in rural areas than in the urban centers. Most of the NSP's support came from the rural countryside; in the ten administrative districts in which the NSP received the most votes, none had a higher level of urbanization than the national average. The conservative attitudes of the NSP naturally appeal to the traditional peasant villager concerned with preserving Islamic principles and account for the success

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193 See id.
195 Id. (citing MILLIYET, Oct. 9, 1973).
196 Id.
198 See TOPRAK, supra note 115, at 110.
199 Id.
of the NSP in the countryside. The preference of the gecekondu dwellers for the RPP perhaps indicates their transition to urban life; the importance of religion to an individual tends to vary inversely with the level of development.200

Toprak’s analysis of the backgrounds of the NSP candidates for office reveals a different picture from its constituency. The majority of the party’s electoral candidates were young, professional, well-educated, and probably of middle or upper-middle class in terms of income. These candidates do not fit the category of “hav[ing] been adversely affected by modernization . . . .” Erbakan himself comes “from a notable provincial family” and his father was a judge who was “an admirer of Atatürk.”202 Erbakan’s shining academic performance enabled him to attend the prestigious Istanbul Technical University, and upon completion of his Ph.D., he received a grant to continue post-doctoral studies in the Federal Republic of Germany. His subsequent career as a professor certainly qualifies him as a member of the Turkish elite. Erbakan differs from the mainstream of Turkish elite, however, in his deep interest in religion. A closer look at the forty-eight NSP members of the Assembly in 1973 reveals that nineteen of these had backgrounds directly connected with religious associations or had attended religious schools. Erbakan and the NSP as a whole represent a new form of elite with a contrasting cultural orientation to that of the more or less monolithic social group that had composed the elite since the foundation of the republic.203

The NSP emerged as the third strongest party in 1973, but it did not sustain its initial level of support.204 By 1977, the number of NSP delegates was reduced by one-half, but it remained the third strongest party.205 In that election, both major parties had campaigned on a platform of eliminating coalition governments and asked the voters for a mandate to govern alone, but the vote split sufficiently between the JP and RPP as to still require the NSP for a coalition partner.206 The NSP’s initial rapid rise among the population indicates an established base of support, but its declining percentage of a growing number of voters indicates that this support is stagnant, and, in the opinion of Türker Alkan, the religious support could never have threatened the established secular system.207 Walter F. Weiker agrees, and he predicted that because the NSP lost several of its seats in 1977, voters supporting the radical right would increas-

201 Toprak, supra note 115, at 107.
202 Id.
203 See id. at 107-08.
204 Alkan, supra note 166, at 99.
205 Id.
206 Id.
207 See id.
ingly seek redress of their grievances with modernization through secular means. The correlation between urbanization and secularism seems to substantiate this claim. As Turkey becomes increasingly urbanized through rural-urban migration and through technological improvements (which the NSP supported), the percentage of likely religious party voters should decrease.

e. Civil Disorder and Military Intervention

Between 1977 and 1980, terrorism and political violence once again ran rampant. Some sources estimate that as many as 2,000 died as a result of the violence in the 1978-79 period. Demirel refused to risk the position of the coalition government by allowing a full investigation into the terrorist activities, so violence on the right increased, and leftist groups retaliated in the hopes that state reaction would polarize the country and lead to revolution. In forming the Second National Front coalition after the 1977 elections, Demirel made a tactical error in associating himself too closely with the political right. Defections within the party over dissatisfaction with killings and oppression of the Kurds in the southeast resulted in enough loss of support for Demirel for the government to be defeated in a vote of confidence. Ecevit formed a coalition with the JP defectors and other Independents, but he fared little better—fighting broke out on the floor of the Assembly even as he read his program. In this polarized environment, even the police were divided along political lines, making enforcement of the law difficult and keeping terrorists under control impossible.

The military generals once again plotted to reinstate stable government both to eliminate political violence and to maintain Turkey's strategic importance to the West following the fall of Iran. Following a negative appraisal by a U.S. State Department official that Demirel's failure and Erbakan's hostility toward Washington rendered Turkey incapable of handling its regional role, the generals decided once more to set the government on a stable course.

Economic difficulties, continued terrorist activities, and political deadlock over the election of a president to replace Fahri Korutürk, whose term had

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208 See Weiker, Modernization of Turkey, supra note 161, at 139.
209 See Federal Research Division, supra note 27, at 80.
210 See Ahmad, Making of Modern Turkey, supra note 50, at 168.
211 Id. at 170-71.
212 Id. at 171.
213 Id.
214 Id. at 174.
215 See id. at 175.
expired in April, caused difficulties in parliament.\textsuperscript{216} Erbakan added to the political tension by staging a rally at Konya in which "religious fundamentalists demonstrated to demand the reinstatement of Islamic law . . .\textsuperscript{217}"

On the evening of September 10, General Kenan Evren led a military coup intended to strengthen reforms of the previous interventions. It met with little resistance, and many viewed it as the only alternative to anarchy.\textsuperscript{218} The constitution promulgated by this military coup has governed the country until the present day.

The decade of the 1970s demonstrated the difficulties in forming a cohesive government with a proliferation of small political parties. Even though the Justice Party and the Republican People's Party remained the clear favorites, the fact that the conservative vote often split between the Justice Party and the smaller parties enabled the National Salvation Party to play a key role in coalition governments. Necmettin Erbakan's party offered a nationalist, anti-imperialist alternative to the mainline parties, and its program of social justice, traditional moral values, and industrialization won more support than the platform of any other smaller party. Most significantly, the NSP platform suggested that Islam does not necessarily present a barrier to progress. The party's radical views on religion, however, alarmed secularists.

V. THE TRIUMPH OF SECULARISM?

The political situation from 1980 to the present day continues a long evolutionary process toward resolving the debate over the proper role of Islam in secular Turkish society. As Islam has grown steadily in importance to the public sphere since 1923, it reached the pinnacle of its importance in politics when its representation in the Welfare Party ("WP") emerged from the 1994 municipal elections as the strongest party in parliament. This amazing victory for an Islamist party in Turkey both registered the level of discontent among the voters with the major parties and reflected the divisions in the center-right. Moreover, while establishment and Sufi Islam remain ambivalent toward the WP and center-right parties, the parties in government have provided support for religious activity, thus aiding the rise of political Islam and the fundamentalist movements that are now challenging their support.\textsuperscript{219} Religious conservatives have attained an increasing social acceptability in the government and civil service despite the military's efforts to the contrary, and the Islamist Welfare Party enjoyed remarkable success in a state where most people support secularism.

\begin{itemize}
\item \textsuperscript{216} See id. at 179.
\item \textsuperscript{217} FEDERAL RESEARCH DIVISION, supra note 27, at 81.
\item \textsuperscript{218} Id.
\end{itemize}
A. Political and Economic Restructuring

The military intervention of 1980 was far more extensive than that of 1960 or 1971, and it also had more widespread support from the people. While altering the government administration significantly, "it had no affinity with the bureaucratic-authoritarianism of the South American type. It was certainly a move to clear up 'the mess made of it all by immoderate, self-seeking and short-sighted politicians.'" The public welcomed the promise of stability offered by martial law after the rampant inflation, instability, and disorder. General Kenan Evren informed the country in a radio and television broadcast that "the Turkish armed forces were forced to take over the state administration with the aim of safeguarding the unity of the country and the nation and the rights and freedoms of the people . . . in other words, restoring the state authority in an impartial manner."

Evren set up a National Security Council consisting of commanders of the branches of the armed services in order to replace the regular government and executive bodies. He additionally dissolved parliament, suspended all political parties and professional associations (such as trade unions), and initiated legal proceedings against several party leaders. The stated goal of Evren's interim government was the restoration of democracy in such a way as to preclude the need for any future such interventions, but the military leaders who claimed to preserve democracy planned to do so by distinctly undemocratic means. At a news conference on September 16, 1980, Evren implied that extremist parties on the left and right would not participate in the political process and that teachers promulgating values that the government deemed "undemocratic" could be purged. Politicians assumed to have corrupted the system would be prosecuted on criminal charges. Perhaps these drastic measures

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221 Id. at 130.
223 See id. at 181.
224 Id. at 182.
225 See id. at 183 (citing Gen. Kenan Evren, News Conference Address (Sept. 16, 1980), in BBC, SUMMARY OF WORLD BROADCASTS, at ME/6525/C/1).
226 Id. Evren stated that "'only those who believe in democracy are entitled to democratic freedoms,'" and that "'future generations' . . . would be taught 'to defend democratic values' . . . ." Id.
227 Id.
seem harsh to American sensibilities, but they effectively decreased the number of casualties from terrorist activities.\textsuperscript{228}

1. Religious Education

Although the regime strictly enforced restraints on blatant abrogations of secularism, such as calling for a Koranic government, it promoted religious education.\textsuperscript{229} The Ministry of National Education cooperated with the Faculty of Theology at Ankara University in preparing curriculum for compulsory religious courses, and teachers attended a training program prepared by the ministry.\textsuperscript{230} The courses were taught from the fourth grade through the completion of high school for two hours per week and aimed to provide students, in elementary and intermediate schools, with knowledge on religion in general, the Islamic religion, ethics and a sufficient basic knowledge, related to these, in line with the Turkish national educational policy and its general goals and principles as well as Atatürk's principles of secularism; thus, to strengthen from a religious and ethical angle, Atatürkism (Kemalism), national unity and solidarity and humanitarianism as well as to bring up ethical and virtuous human beings.\textsuperscript{231}

Prisoners also received religious education, along with literacy training. This and the government's other adult literacy programs dramatically raised the overall literacy rate "from 67 percent in 1970 to 75 percent in the first half of 1983."\textsuperscript{232}

Generally speaking, the debate over the usefulness of teaching about religion as a means to inculcate morals and good citizenship had largely been settled in favor of the religious courses. This new curriculum, however, marked a break with the old quasi-compulsory Quran courses in that the state-sponsored curriculum now taught about Islam from a secular perspective.\textsuperscript{233} The government in effect legitimized Kemalist thought on the separation of religion from

\textsuperscript{228} ANDREW MANGO, TURKEY: THE CHALLENGE OF A NEW ROLE 24 (1994) (citing GEN. SECRETARIAT OF THE SEC. COUNCIL, 12 SEPTEMBER IN TURKEY: BEFORE AND AFTER 253-59 (1982)). "In the two years before the coup, more than 5,000 people had been killed and 14,000 injured in terrorist incidents.... [E]ight months after the military takeover, the number of murders dropped to 230 and injuries to 560." \textit{Id.}

\textsuperscript{229} GEYIKDAGI, supra note 32, at 141.

\textsuperscript{230} \textit{Id.}

\textsuperscript{231} \textit{Id.} (citing HURRIYET, Jul. 7, 1982, at 3).

\textsuperscript{232} \textit{Id.} (citing Kenan Evren, Jun. 14, 1983).

\textsuperscript{233} HEPEK, supra note 220, at 134.
the state under the guise of promoting religion. Moreover, by educating the citizens about religion, it reduced the chances that they would be susceptible to its exploitation, particularly during elections.

2. The New Constitution

In reorganizing the government, the military attempted to create a new party system that would better reflect Kemalist ideology. A major portion of the reforms contained in the new constitution pertained to electoral processes and particularly addressed the need for fewer smaller parties. Evren, like Atatürk, disapproved of any disorder in the political process and laid much of the blame for the crisis of the late 1970s on the concessions the larger parties had made to the smaller ones. He singled out the National Salvation Party for particular scrutiny, bringing Erbakan to trial. Evren sought to establish a system "in which two centrist parties would compete in a 'responsible' fashion for the right to govern."

The Consultative Assembly drafted three major pieces of legislation during its term in office: the new constitution, the Law on Political Parties, and the Law on the Election of Deputies. The constitution reiterates the commitment of the Republic of Turkey to the principles of government by rule of law, Atatürk’s nationalism, human rights, and national solidarity. As in many constitutions, provisions affirm the sovereignty of the people and state the equality of all persons before the law regardless of race, gender, or religious beliefs. However, in light of the political violence that took place before the military intervention, the new constitution emphasizes that “[n]one of the rights and freedoms embodied in the Constitution shall be exercised with the aim of violating the indivisible integrity of the state with its territory and nation, of endangering the existence of the Turkish State and Republic, of destroying fundamental rights and freedoms . . . or creating discrimination.” Despite these guarantees of certain liberties, in times of war or martial law, partial or total restriction of these liberties can be legally imposed, but even under such circumstances, the

234 Id.
235 Id.
236 See id. at 133-34.
237 Id.
238 Id. at 134.
240 Id. art. 6; art. 10.
241 Id. art. 14.
individual cannot be forced to reveal his religion, nor can his freedom of conscience be violated.\textsuperscript{242}

Article 24 covers the freedom of religion and conscience specifically:

Everyone has the right to freedom of conscience, religious belief and conviction.

Acts of worship, religious services, and ceremonies shall be conducted freely, provided that they do not violate the provisions of Article 14.

No one shall be compelled to worship, or to participate in religious ceremonies and rites, to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions.

Education and instruction in religion and ethics shall be conducted under state supervision and control. Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual’s own desire, and in the case of minors, to the request of their legal representatives.

No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political influence, or for even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets.\textsuperscript{243}

Article 25 reiterates the freedom of thought and expression for everyone,\textsuperscript{244} and Article 26 allows everyone to propagate his opinions through speech, writing, or other means.\textsuperscript{245} These freedoms can still be restricted if considerations such as state or professional secrets or confidentiality of the private life of individuals apply.\textsuperscript{246}

Article 68 clarifies the role of political parties, stipulating that their programs cannot violate human rights, popular sovereignty, or democratic or secu-

\textsuperscript{242} ld. art. 15.
\textsuperscript{243} ld. art. 15.
\textsuperscript{244} ld. art. 24.
\textsuperscript{245} ld. art. 25.
\textsuperscript{246} ld. art. 26.
lar principles. It prevents the formation of any parties that advocate the establishment of the domination of a group or class over the republic or of any type of dictatorship. It further stipulates that "discriminative auxiliary bodies such as women's or youth branches" may not be formed. Another restriction on party membership that seems directly aimed at preventing another chaotic social situation is the prevention of judges and prosecutors, students, faculty, certain civil servants, and members of the Armed Forces from joining political parties. Further restrictions on political parties and the election process were enumerated in the Law on Political Parties and the Law on Election of Deputies.

The Constitution of 1982 was adopted in a landslide referendum vote. With 95 percent of the voters participating, 92 percent voted for adopting the constitution and for retaining Evren as president for the next seven years (one full term). Feroz Ahmad suggests that this overwhelming support can perhaps be explained by the fact that a vote for the constitution was perceived by the public to be a vote for civilian rule.

The military officers drafted the constitution using the nationalism of Atatürk to reinforce the state tradition. The generals reinterpreted Kemalism and resurrected it as Atatürkism in official parlance, turning the thought behind the original modernization program into an ideology that can be applied to any occasion. Although they deviated from the original Kemalist platform in supporting liberal economic reforms and adopting a more congenial attitude toward religion, the overarching goal of the military regime was to create an orderly society of educated citizens who participated in the political process. Their well-laid plans to produce stable and enduring democracy seemed impregnable—until the government was restored to civilian control.

B. Turgut Özal: Union of Religion and Progress

The 1983 general elections allowed the public to voice their preferences for political parties for the first time under the new constitution. In their efforts
to ensure stability, the military had attempted to prevent smaller parties from participating and to restrict the contest to a center-left and a center-right party.\textsuperscript{255} All members of the 1980 parliament were disqualified from political activity for five years and all party leaders for ten years in order to prevent Ecevit and Demirel from coming to power.\textsuperscript{256} The other leaders were not considered threatening by this point.\textsuperscript{257} Of the seventeen parties formed, only a few had any real influence: the Great Turkey Party, the Social Democratic Party, the Nationalist Democracy Party, the Populist Party, and the Motherland Party.\textsuperscript{258} The Great Turkey Party was an attempt by Demirel to resurrect the Justice Party, and it was banned from the elections.\textsuperscript{259} The Social Democratic Party (“SODEP”) was led by Erdal İnönü, son of İsmet İnönü, and was targeted toward members of the old RPP.\textsuperscript{260} SODEP was not banned, but the NSC’s ability to veto candidates at will prevented its participation in the election.\textsuperscript{261} The Nationalist Democracy Party (“NDP”) represented the right and had General Sunalp as its leader; the military publicly backed this party.\textsuperscript{262} The Populist Party (“PP”) attempted to fill the vacuum on the left from the loss of the RPP and was led by a former private secretary to İnönü.\textsuperscript{263} The Motherland Party (“MP”) under Turgut Özal claimed to represent all the political tendencies in the pre-1980 period, but it actually occupied the center.\textsuperscript{264} The junta did not ban the Motherland Party,\textsuperscript{265} perhaps because Özal had spearheaded a strategy to improve Turkey’s economic position, and he had impressed the Western nations with Turkey’s potential for growth and economic stability.\textsuperscript{266}

Due to Özal’s stance against statist and bureaucratic policies and to uninspiring leadership in the other parties, the Motherland Party won the election.\textsuperscript{267} Even with the support of the popular President Evren and the imposition of a fine on those who failed to vote, General Sunalp lost.\textsuperscript{268} Although the

\begin{itemize}
\item \textsuperscript{255} MANGO, \textit{supra} note 228, at 25.
\item \textsuperscript{256} AHMAD, \textit{Making of Modern Turkey}, \textit{supra} note 50, at 187.
\item \textsuperscript{257} \textit{ld}.
\item \textsuperscript{258} \textit{ld.} at 187-89.
\item \textsuperscript{259} \textit{ld.} at 188-89.
\item \textsuperscript{260} \textit{ld}.
\item \textsuperscript{261} \textit{ld.} at 189.
\item \textsuperscript{262} \textit{ld}.
\item \textsuperscript{263} \textit{ld}.
\item \textsuperscript{264} \textit{ld}.
\item \textsuperscript{265} \textit{ld.;} FEDERAL RESEARCH DIVISION, \textit{supra} note 27, at 260-62.
\item \textsuperscript{266} FEDERAL RESEARCH DIVISION, \textit{supra} note 27, at 172.
\item \textsuperscript{267} AHMAD, \textit{Making of Modern Turkey}, \textit{supra} note 50, at 189-90.
\item \textsuperscript{268} \textit{ld.} at 190.
\end{itemize}
Motherland Party won 45 percent of the vote, Özal did not have a strong position because the two main parties had been kept out of the election. He secured his position by setting the date for the upcoming municipal elections immediately to prevent the other parties from organizing and by using patronage to ensure his advantage. Following the 1983 election, the National Security Council was dissolved, though Evren remained in office as president and martial law remained in effect in many troubled provinces.

1. Politics of the Motherland Party

Turgut Özal truly led a party of the center, in that his party contained elements of all the main parties before September 12th, including the Justice Party, the National Salvation Party, and the Republican People’s Party. It combined the liberal market policies and social justice of the left with the conservative cultural views of the right. With such a diverse group of adherents, Özal found that his personal charisma and political acumen played key roles in maintaining unity.

After Özal assumed office, his comprehensive export promotion package began to lag, and inflation and unemployment increased. Özal manipulated the political situation to his advantage in sustaining the loyalty of his party members. He had recruited young men from provincial backgrounds to the party—men who would never have involved themselves in politics had a vacuum not been created by the disqualification of hundreds of politicians. Özal’s cabinet reflected his absolute control over the party and his insistence on loyalty in that most portfolios were given to friends and relatives, many of whom were previously not known to the public. Özal also sustained his position by utiliz-

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269 Id.
270 AHMAD, MAKING OF MODERN TURKEY, supra note 50, at 190.
271 FEDERAL RESEARCH DIVISION, supra note 27, at 263.
272 Id. at 268-69.
273 Id.
274 Id.
275 Id. at 269.
276 AHMAD, MAKING OF MODERN TURKEY, supra note 50, at 193.
277 Id. The men of the party generally had less experience, less education, and less potential than those who had been restricted from the public forum. Id. The women of the party, on the other hand, were highly qualified. Id. Many party deputies owed their career entirely to Turgut Özal or his brothers Korkut and Yusuf. Id. Korkut attracted conservatives, and Yusuf and Turgut’s son Ahmet recruited liberals and “Princes” (men responsible to Turgut personally). Id. Yusuf and Ahmet had ties with the World Bank and U. S. financial markets and were well qualified for the top posts they received. Id. The inexperience and loyalty of many of the deputies aided Özal in maintaining control; some described these members as the “Turgut Özal Fan Club.” Id.
ing a vast system of funds created in the early 1980s (whose intended purpose was to strengthen the executive against the legislature) to patronize special projects with expenditures outside the budget. No one knew the exact number of these funds; the cabinet had developed its own rules for the funds' management, and the revenue that supported them came entirely from special taxes that could be levied by government decree. A study conducted on these funds concluded that they essentially legitimized corruption and that their sole purpose was to buy elections.

Turgut Özal left martial law in place in order to implement his economic reforms. By using his patronage and charisma, he maintained party unity while the opposition was too divided to present a threat, but by 1986, previously banned party leaders reemerged in new guises: Demirel led the True Path Party ("TPP"), Bülent Ecevit the Democratic Left ("DSP"), Necmettin Erbakan the Welfare (or Prosperity) Party, and Alparslan Türkes the Nationalist Labor Party. The SODEP and Populist Party merged into the Social Democratic Populist Party and became the principal leftist party. Nine different parties targeted the conservatives, but only the Motherland and True Path mattered. Although Demirel was still officially banned from politics, he still managed to become Özal's principal threat from the right by working behind the scenes while Hüsamettin Cindoruk held the chairmanship. Ecevit arranged for his party to escape dissolution through similar means; his wife Rahsan officially chaired the organization.

In the elections that year, the government removed restrictions on the smaller parties in order to divide the opposition. Demirel's official reentry into politics became a major campaign issue. Özal blamed the instability and ter-

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278 Id. at 190-91. The "fund economy" expanded tremendously under Özal's control, and his discretionary spending projects ranged from parking lots to helping the poor to perhaps rewarding champion weightlifters. Id. at 191.

279 Id. at 191.

280 Id.

281 AHMAD, MAKING OF MODERN TURKEY, supra note 50, at 193.

282 Id. at 193-95; FEDERAL RESEARCH DIVISION, supra note 27, at 269-72.

283 AHMAD, MAKING OF MODERN TURKEY, supra note 50, at 194-95; FEDERAL RESEARCH DIVISION, supra note 27, at 269-72.

284 AHMAD, MAKING OF MODERN TURKEY, supra note 50, at 195; FEDERAL RESEARCH DIVISION, supra note 27, at 269-72.

285 AHMAD, MAKING OF MODERN TURKEY, supra note 50, at 195.

286 FEDERAL RESEARCH DIVISION, supra note 27, at 269-72.

287 Id.

288 The Blue and Orange of Turkish Democracy, THE ECONOMIST, Aug. 22, 1987, at 41, 41. Özal's economic policies were unpopular, and Demirel campaigned on the slogan, "Free me from my bonds and I will free you from your poverty." Id.
rorism of the 1970s on Ecevit and Demirel while taking credit for the current stability.\(^{289}\) He described the election as a struggle between the old and new; ironically, his new party increasingly turned to the same old right-wing Islamist and neo-fascist voters as competitors siphoned off his more liberal faction.\(^{290}\) The results of this general election in 1987 gave Özal a 36.29 percent plurality (and 64.9 percent of the seats in the assembly), with the Social Democrats as the principal opposition, but True Path won its own small victory with the passage (by a small fraction over 50 percent) of the referendum allowing Demirel to return to politics.\(^{291}\) The votes for True Path and Motherland divided along traditional cleavages; the prosperous farming regions in Western Turkey solidly supported Demirel, while the central Anatolian vote tended to favor Özal.\(^{292}\)

Even though Özal did not want Ecevit and Demirel to return to politics, the lifting of the ban both advanced democracy and furthered his goal of impressing the European Economic Community, which Turkey applied to join. Özal’s economic reforms saw Turkey’s real growth rate rise to 5 percent per year and the dollar value of its exports grow by 13 percent per year, a good sign to the Europeans, but for the average “Turk-in-the-bazaar,” whose income failed to keep pace with 30 percent annual inflation, improvement seemed distant.\(^{293}\) Özal may have reestablished Turkey’s credit record abroad, but his credit with the voters eroded rapidly.

Özal’s economic package began to go awry and inflation climbed to 80 percent.\(^{294}\) He also faced divisions within his own party over Ecevit’s and Demirel’s return to politics, and many members of the public resented his family’s ostentatious lifestyle and perceived corruption.\(^{295}\) The local elections in March proved disastrous, with Motherland winning only 22 percent of the vote, despite Özal’s extensive patronage over the years.\(^{296}\)

In his unpopular position, Özal would surely lose the next general election of 1992 as prime minister, so he ran for president in 1989 to succeed Evren.\(^{297}\) He won, but only because the opposition boycotted the election.\(^{298}\)

\(^{289}\) AHMAD, MAKING OF MODERN TURKEY, supra note 50, at 195.

\(^{290}\) Id.


\(^{292}\) Yes to What?, supra note 291, at 52.


\(^{294}\) If I Say It’s a Victory . . ., THE ECONOMIST, Oct. 1, 1988, at 56, 56.

\(^{295}\) AHMAD, MAKING OF MODERN TURKEY, supra note 50, at 198-99.

\(^{296}\) See AHMAD, MAKING OF MODERN TURKEY, supra note 50, at 198-99; Message to Ozal, THE ECONOMIST, Apr. 1, 1989, at 41, 41.

\(^{297}\) AHMAD, MAKING OF MODERN TURKEY, supra note 50, at 198-99.

\(^{298}\) Id.
Although legally elected, Özal lacked moral authority because only 20 percent of his constituents had voted. Özal did not take the traditional nonpartisan stand of the president: He selected a weak and pliable prime minister, Yildirin Akbulut, whom he controlled from behind the scenes; he took steps to ensure that the Islamic wing of his party did not gain too much power; and he actively campaigned for his wife's candidacy as party leader for Istanbul. When Mesut Yilmaz successfully challenged Akbulut for leadership of the Motherland Party in June 1991, Özal's effective power decreased, then it ended with the victory of Demirel's True Path Party in October 1991.

2. Religion and the Motherland Party

Özal made significant concessions to the Islamic traditionalists while in office and demonstrated himself to be generally sympathetic to their viewpoint, although his personal political leanings were generally more secular. A pro-Western enthusiast derisively referred to Özal as a "clerico-liberal," but this intended insult actually reflects the very tension in the MP and in Özal's policies. He had run unsuccessfully as a National Salvation Party candidate, and his son Korkut had held ministerial office as a member of the NSP in the 1970s until the military intervention. Korkut had amassed great wealth after his release from prison in the early 1980s, primarily from business and financial links with Arab countries, particularly Saudi Arabia.

Traditionally, parties of the center-right have supported the reinterpretation of secularism in order to allow for more religious expression, with the liberals claiming that obsessive fear of reactionaries was unjustified and conservatives wanting to use religion to inculcate moral values. The Motherland Party extended the rightist trend of accommodating religion to allow Islamist elements

299 Id. at 199.
300 Kazancigil, supra note 69, at 353-54.
307 Id.
308 See Ayata, supra note 219, at 44.
to occupy a major wing of the party; for the first time, religious conservatives had a significant voice in a mainline party. Although Özal deliberately selected the MP candidates for parliament from diverse ideological persuasions and had formed alliances with religious organizations that allowed the MP to monopolize the religious vote.

After the Motherland Party came to power in 1983, the Nakshibendi sect (a Sufi brotherhood) evolved into a highly influential lobbying organization. Özal had personal affinities for Nakshibendi and appointed Nakshibendi friends and acquaintances to cabinet positions. Deputies in the Assembly had affiliations with various other religious organizations as well, and these representatives in key government posts allowed persons within the Islamic networks to gain positions with the civil service, provided public funds for Islamic activities and businesses, and increased participation and prestige in Islamic education. The Nakshibendis and a multitude of other Islamist groups and networks grew in power and influence in both state and civil society, resulting in an appreciably greater Islamic influence in society as a whole and a significant role for the “Holy Alliance,” the Motherland Party’s Islamist wing.

The tension between the liberals and the Holy Alliance in the Motherland Party even affected Özal’s own family. His mother Hafize called for all Turkish women to strictly follow Islamic principles in their manner of dress; his daughter Zeynep married a drummer in a rock group and ran an avant-garde boutique in Istanbul; and his cigar-smoking wife Semra publicly repudiated such views. Turgut Özal managed to reconcile such diverse opinions (and maintain the support of both Islamists and secularists) with clever statements like his ruling on headscarves: Female students had been prohibited from wearing the traditional headscarf on university campuses, but Özal said that the students “should be free to wear what they like in accordance with Western liberal standards.” Özal’s appeal to liberal tolerance did not impress those who saw the scarf as less an insignia of religious piety and more a statement of pro-Khomeini sentiment.

309 Id.
310 Id.
312 BULUT, supra note 311, at 376-90; Ayata, supra note 219, at 45 (citing Ergüder, supra note 311, at 160)).
313 BULUT, supra note 311, at 376-90; Ayata, supra note 219, at 45 (citing Ergüder, supra note 311, at 160)).
314 Fun for All the Family, supra note 306, at 54.
315 Blocking the Goal, THE ECONOMIST, Mar. 18, 1989, at 47, 47.
316 Id.
Özal demonstrated his personal commitment to Islam in fulfilling the religious duty of the pilgrimage to Mecca in 1988. He was the first prime minister to complete the *haj* while in office.\(^{317}\) Although about 90 percent of Turks did not see any conflict of interest between Özal’s *haj* and his duty to uphold a secular constitution, a few secular intellectuals found his action an affront to Atatürk himself.\(^{318}\) Özal claimed that thanking Allah for his narrow escape from an assassin motivated his decision, but political observers saw the trip as a calculated effort to preempt the challenge to his authority from the Islamic wing of the party. The leader of this wing, Deputy Chairman Mehmet Kececiler, accompanied Özal on the *haj*.\(^{319}\)

Özal’s government allowed the Islamists more influence than any other regime in the modern Turkish era up to that time. In the 1980s, Turkey experienced a period of conservative backlash in response to the turmoil of the 1960s and 1970s, and the Motherland Party’s political platform uniquely combined parochial conceptions of Islamic identity with liberal economic principles that would enable Turkey to integrate with the world economy.\(^{320}\) Islamists gained respectability during this decade, “occupying a central position as the new intelligentsia of what was formerly a closed movement of marginals which was pushed by militant republican secularism to the fringes of political power, intellectual activity, and social status distinctions.”\(^{321}\) These new intellectuals differed from shaykhs and other fundamentalist leaders because their secular educations inspired them to translate the distinctions between the various *tarikat* political philosophies into a language of consensus.\(^{322}\) Their writings reflected knowledge of Western social and political thought, used modern Turkish, and presented their ideas systematically with sound reasoning, as opposed to older writers whose logic and language were nearly incomprehensible to the lay reader.\(^{323}\) As a result, more Muslims read the books, and the ideas of Muslim intellectuals reached a larger audience.\(^{324}\) The development of more widespread interest in Islam laid the political groundwork for the success of a new party whose ideology reflected the thought of these Muslim intellectuals.

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318  *Id.*
319  *Id.*
321  *Id.* at 244.
322  *Id.* at 245.
323  *Id.*
324  *Id.* at 245-46.
C. The Rise of the Welfare Party

Established in 1983 as the successor to the National Salvation Party, the Refah Partisi (Welfare Party or Prosperity Party) slowly increased its base of support at the expense of the center-right Motherland and True Path parties. In the 1995 general elections, the party captured twenty-four mayoral seats, a plurality of the vote, and the largest number of seats in the Assembly. After the collapse of a coalition agreement between Motherland and True Path, Erbakan formed a government with True Path. As Turkey’s first Islamist prime minister, Erbakan’s premiership raised questions over whether the government would significantly change the secular character of the country and whether Erbakan’s election signaled an Islamic revival. This section will explore Refah’s rise to power, the policies advocated by the party, and its impact on Turkish society.

1. A New Political Challenge

With the resurgence of Islamic fundamentalism in the 1980s, the Welfare Party (“WP”) could derive support from a broader spectrum of society rather than just the lower income groups from rural and conservative areas that had supported its predecessor, the National Salvation Party.325 The WP first competed in a general election in 1991, winning 17 percent of the vote and 62 seats in parliament.326 In that election, True Path captured the largest number of seats. Demirel still had to find a coalition partner to form a government—he chose the Social Democrats rather than Erbakan.327

At this time, two major problems confronted the government: bringing down inflation and resolving the Kurdish struggle in the southeast.328 President

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325 Although Refah can now claim more upwardly mobile businessmen in the ranks of its membership, the regional distribution of its votes shows that its strongest support comes from the same areas that most supported the NSP in 1973. See Ayata, supra note 219, at 53.


327 Turkey Steps Back to Demirel, supra note 304, at 59; The Worst Thing to Leave Undone, supra note 326, at S5.

328 MANGO, supra note 228, at 38, 41-53. The Kurdish leftists in this area were influenced by the anti-imperialist, Marxist ideology prevalent in the 1960s, and they viewed themselves as victims of Turkish ethnic domination. In 1984, the PKK (Kurdistan Workers’ Party), a Marxist organization, launched a terrorist campaign aimed at establishing an independent Kurdish state. Although the terrorist organizations seek a separatist solution, such a plan would not be viable, since Kurds are dispersed throughout Turkey and the Kurdish areas form an integral part of the Turkish economy. Mango suggests that by consensus, the government should use its resources to more fully integrate the southeast into the economy and to reduce disparities in income, education, and standard of living between this region and the rest of the country. To this end, the monumental Southeast Anatolia Project (Güneyologu Anadolu Projesi, or GAP), comprising a series of dams to produce hydroelectric power, to permit large-scale irrigation, and to greatly improve the economy of the region, was formulated during Özal’s presidency. Id.
Özal recognized the Kurds as having an identity distinct from Turks, but this recognition was exceptional among Turkish politicians, who wanted to believe that Kurds shared the national identity and spoke only obscure dialects of Turkish rather than their own languages. After Demirel succeeded Özal as president, Tansu Çiller, an American-trained economics professor, became party leader of True Path and headed the coalition with the Social Democrats as prime minister. Immediately after she assumed office in 1993, inflation and terrorism ran rampant.

In this context of disarray, Necmettin Erbakan’s party grew in power and influence, partly because of the Islamic resurgence in the country, partly because of divisions among the center-right parties, and partly in response to anti-Western sentiment. Many Turks blamed the West for failing to protect the Muslims in Bosnia, for rejecting Turkey’s bid to join the EU, and for failing to end mistreatment of Turkish immigrants in Germany. Turks also resented the United Nations trade embargo against Iraq after the Gulf War because they lost billions of dollars in border trade in eastern Turkey, a loss that depressed the already underdeveloped region and intensified the rebellion of the Kurdish minority.

The Welfare Party attracted the peasants who had recently migrated to the major cities and growing towns in the Istanbul and Marmara area. In the provincial elections of 1994, the WP received 19 percent of the vote, and it won control of the metropolitan areas of Istanbul and Ankara in the mayoral elections, a signal of Welfare’s growing importance in politics. The new mayor of Istanbul, Recep Tayyip Erdogan, opened his first city council meeting with a reading from the Koran instead of the traditional moment of silence for Atatürk, then “vetoed the election of deputy mayors from rival parties, adjourned the council, and set about running the city himself.” Secularists panicked at his “fascist” methods, and they feared that if the Welfare Party should win the next general election, Turkey would become another Iran. Prime Minister Tansu Çiller warned, “If Turkey falls, fundamentalism will reach Europe.”

330 MANGO, supra note 228, at 30.
331 Id.
332 Id. Bülent Ecevit said that “[d]isappointment with the [NATO] allies is to a certain extent responsible for the fundamentalist gains in the recent [1994] elections.” Id.
333 Id.
334 Id. at 81.
335 Fred Coleman, Will Turkey Be the Next Iran?, U.S. NEWS & WORLD REP., Jun. 6, 1994, at 51, 51.
336 Id.
337 Id.
secularist apprehension, however, fails to account for the appeal of the Welfare Party that extends beyond mere religious preferences.

2. The Strategy of the Welfare Party

The Welfare Party owed its electoral success to three major factors: growing public dissatisfaction with the pro-secular parties of the center-right and center-left, the WP’s elaborate and efficient party organization and its dedicated grassroots membership, and the increased role and visibility of religion in Turkish society. The decline of the mainstream parties reflected the electorate’s frustration with these parties’ apparent failure to solve Turkey’s social and economic problems. The voters turned to the WP because the party offered new, although untested, ideas. Additionally, a majority of the electorate was too young to remember the NSP’s role in coalition governments in the 1970s. The Welfare Party’s radically different platform and notions of populism, Islamic fundamentalism, “nostalgic nationalism for the glory days of the Ottoman Empire,” and anti-Westernism appealed to voters who had grown tired of the old rhetoric.

The grassroots organization of the Welfare Party provided the main vehicle for reaching potential voters, and its well-financed organization included disciplined, highly motivated membership—it had the largest number of party workers of any Turkish political party. The party activists viewed their political cause as a mission ordained by God, and they visited individual families at home to help them find solutions for their problems. The party’s organization continually planned activities as though an election were imminent. This grassroots organization offered constituents a simple, yet comprehensive ideology that explained what was wrong with society and what needed to be done, helped the poor to get health care, jobs, and necessities, and developed a sympathetic personal relationship with the voters that allowed the party members to disseminate its ideology from a strong moral position. Other parties failed to show such interest in the people at the grassroots level.

338 Sabri Sayari, Turkey’s Islamist Challenge, 3 MIDDLE EAST Q. 35, 36 (1996).
339 Id.
340 Id.
341 Id.
342 Id.
343 Ayata, supra note 219, at 52 (citing RUSEN CAKIR, NE SHERIAT NE DEMOKRASI [NEITHER SHERIAT NOR DEMOCRACY] 51-59 (1994)); Sayari, supra note 338, at 36.
344 Ayata, supra note 219, at 52 (citing RUSEN CAKIR, NE SHERIAT NE DEMOKRASI [NEITHER SHERIAT NOR DEMOCRACY] 51-59 (1994)); Sayari, supra note 338, at 36.
345 Ayata, supra note 219, at 52.
346 Id.
Islamists had more success winning over supporters than other parties, particularly in the gecekondu neighborhoods. With income from the newly emerging business class active in the movement and from Turkish immigrants in Western Europe, the party mobilized to disseminate its message.\textsuperscript{347}

The Welfare Party's popularity reflected the rise of an Islamic movement in Turkey. This movement evolved from a marginal role into "a major force that includes political parties, professional associations and interest groups, educational and welfare foundations, religious sects and orders, financial and investment institutions, publishing houses and newspapers, television and radio stations, and a new generation of Muslim intellectuals."\textsuperscript{348} Mosque construction flourished, and the imam-hatip schools for training religious personnel proliferated.\textsuperscript{349} The increasing numbers of Islamist sympathizers in government service aided the Welfare Party in establishing political legitimacy.

The Welfare Party, like its predecessor, the National Salvation Party, believed that the backwardness found in Islamic society was a consequence of the Western domination of Muslims, not through any fault of Islam.\textsuperscript{350} It taught that Muslims needed moral recovery, struggle against Western powers, and support for technological development in order to improve the country and society.\textsuperscript{351} The Welfare Party criticized the oppressive rule of the corrupt government and sought to establish a just order based on the all-powerful and comprehensive authority of Islam.\textsuperscript{352} This call for a just order resonated well with the people, as Turkey has one of the most unequal income distributions in the world, and blaming unemployment, absence of social security, poor social services, and widespread poverty on Western imperialism and "Zionist" exploitation proved popular.\textsuperscript{353} The WP's focus on issues of social justice set it apart from the other parties, even the leftist parties, who tended not to discuss "populism."\textsuperscript{354}

\textsuperscript{347} Sayari, supra note 338, at 37.
\textsuperscript{348} Id.
\textsuperscript{349} Id. Since 1983, when these religious schools were deemed equivalent to secular high school, imam-hatip graduates have attended universities and found careers in the civil service. In a similar vein, the party began a campaign to change the policy of military academies so that imam-hatip graduates may attend them. Id.
\textsuperscript{350} Ayata, supra note 219, at 54.
\textsuperscript{351} Id. This teaching is similar to that of the Nakshibendi sect.
\textsuperscript{352} Id.
\textsuperscript{353} Id.
\textsuperscript{354} Id.
3. Islam in Power

After the Islamists' success in the 1995 election, they were unable to find coalition partners for a government. After nearly three months of bargaining, and at the urging of business circles and the military, bitter rivals Tansu Çiller of True Path and Mesut Yılmaz of Motherland formed a popular center-right coalition supported by Bülent Ecevit and the Democratic Left. Unfortunately, the personal animosity between Yılmaz and Çiller made governing particularly difficult; the coalition held only because of the Islamist threat. After only three months, the government lost its legitimacy as a result of mutual calls for probes into allegations of corruption on the parts of Çiller, Yılmaz, and Erbakan. Çiller and Erbakan successfully called for Yılmaz to hand over his mandate to form a government and formed a True Path-Welfare coalition dependent on a mutual agreement not to investigate corruption allegations.

The moral legitimacy of this coalition might be questioned; but nevertheless, Erbakan headed the coalition as Turkey's first Islamic prime minister, giving the Islamist forces more influence in the government than at any time since 1923.

D. Implications of an Islamist Government in Turkey

The prospect of an anti-secular, anti-Western Erbakan government alarmed liberal Turkish voters, and it concerned those who wished to maintain Turkey's membership in NATO and to continue its efforts to join the EU. Erbakan's worldview challenged mainstream Turkish domestic and foreign policy. The Welfare Party drew on an old Islamic tradition of challenging the established order with a sacred duty to "dethrone tyranny and install justice in its place," but it differs sharply from other fundamentalist movements in the Middle East such as Ayatollah Ruhollah Khomeini's government in Iran or Algeria's National Salvation Front. Turkey has some radical Islamic fundamentalists who engage in violent demonstrations, such as an attempt on President

355 Turkish Politicians Agree on Cabinet; Stocks Rise, BLOOMBERG NEWS, Feb. 27, 1996, LEXIS, News Library, Bloomberg News File.
358 Id.
359 Sayari, supra note 338, at 35.
Demirel’s life in protest against a defense agreement with Israel, but the majority of Turkish Islamists prefer nonviolent means to achieve their objectives.

Although Erbakan’s Refah Party rose to power through legitimate democratic means, its presence as the senior partner in the governing coalition implied a challenge to the democratic regime itself, secular institutions, and economic policy. It pursued a moderate platform, pledging that the government would provide “all conditions of a free market economy” and maintain “a democratic, secular and social state based in law and the principles of Atatürk.”

But such statements perhaps indicated Refah’s willingness to compromise in order to obtain legitimacy as a partner in government rather than a reversal of party ideology. Refah’s part in government should not have posed a threat to secularism as long as it had to compromise with secular parties to maintain political power, but the secular parties were right to take its popularity seriously.

1. Democracy

Was the Refah Party a democratic organization committed to constitutionalism? Those who believed Erbakan used democratic methods only to gain enough power to establish a religious government did not think the secular factions could restrain such changes if the Islamists ever attained a decisive parliamentary majority. Others asserted that integrating the Islamists into the democratic process moderated their rhetoric and behavior and that their inclusion in the government deprived them of their status as opposition, making them accountable to their constituents for their policies.

Certain members of the Welfare Party warranted each of these classifications, and as a result, the party’s actions supported both conclusions. WP leaders stated that they supported democracy, but then they characterized it as a “fraudulent regime,” challenging the legitimacy of the system itself. WP leadership also sought to distinguish its party not only from the secularists, but from the system. As Istanbul mayor Recep Tayyip Erdogan put it, Refah “is not just an alternative to the other parties but to the political regime in Turkey itself.”

361 The attempt was made by a well-known Islamic fundamentalist, but evidence suggested he acted alone, not as part of any fundamentalist group. 

362 Sayari, supra note 338, at 37.


366 Id. (citing REFAH PARTISI’NIN ANAYASA DEGISIKLIGI UZLASMA TEKLIFI 11-13 (no date)).

367 Sayari, supra note 338, at 39 (citing RUSEN CAKIR, NE SHERIAT NE DEMOKRASI [NEITHER
Regardless of the party's actual motives, the Turkish public generally believed it had earned the right to participate in the political process. Although many Turks disapproved of Welfare's position on the issues, they felt it had demonstrated its ability to work within the system. Such statements testify to the extent to which democracy is entrenched among the Turkish intelligentsia and illustrate the tolerance for conservative religious groups that had not existed until the last two decades.

2. Equality for Women

Liberal Turkish women feared for their rights under an Islamist government, rights that constituted an important part of Atatürk's secularism. In some conservative areas Islamist mayors successfully segregated public transportation by gender, and secular women in Istanbul worry about their future under an Islamic mayor. Indeed, of all the outward appearances of secularism in Turkey, the most contested is the status of women. "In the public struggle to determine that status, the most powerful symbols remain, as always, matters of dress. Rulings on such matters as skirt lengths and head coverings are the moves played out on the chessboard of the female anatomy, in terms everybody can understand."

The party's reluctance to make any firm statement on women's issues struck secularists as a clue to its leaders' intentions, and the fact that Refah's leadership included no women, nor did the party nominate women candidates, suggested that its adherents would not grant them the full equality demanded by the Turkish constitution. Erbakan explicitly stated that Turks "do not want to be represented by women." Party activists, on the other hand, argue that they have worked to expand women's opportunities, such as the ability to wear a headscarf (hijab) as a student in the university or as a civil servant. Moreover,

\[\text{SHERIAT NOR DEMOCRACY}] 71 (1994)).

369 Id. "Welfare no longer fits the stereotypical image, the one you see in other religious groups or parties out in the streets pursuing power," according to political commentator Ali Mehmet Birand. "Now it has proved it is a party within the system. If you say you recognize and support democracy, then you have to accept Welfare." Id.
370 Amy Schwartz, Atatürk's Daughters, 19 WILSON Q. 68, 70 (1995). Sirin Tekeli, professor of political science at Istanbul University and director of the Women’s Library in Istanbul, complained that "You never hear the answer to the question. It's pretty clear what they would like to do [with women], but at that stage the whole population would rise up—they know that, so they're being very careful." Id. at 75.
371 Id. at 75.
372 Sayari, supra note 338, at 40.
373 In Milestone, Islamic Leader is Turk Premier, N.Y. TIMES, Jun. 29, 1996, at 5 [hereinafter Islamic Leader is Turk Premier].
the WP publicly announced that it did not support the street harassment of women on the basis of their dress, a unique position for an Islamic party.  

Nonetheless, secular Turkish women saw a direct challenge to their private lives with the Welfare Party in government. Women voters in the Motherland Party sent Mesut Yilmaz's wife headscarves in protest of the possible Welfare-Motherland coalition after the elections in December; they were disillusioned with the party that had portrayed itself as the opposition to the WP. Secular women took an active role in monitoring the actions of the RP and training women to resist threats to their freedom—they felt directly threatened and feared that secular men would not support their struggle when needed. Like secular women, Islamist women also wanted better standards of living and education, but they felt oppressed by the secular regime.

3. Economy

The economic platform of the Refah Party was less a plan of action than it was a criticism of the government. Like the National Salvation Party, it called for improving social justice, ending dependency on the West, promoting the national economy, and fostering ties with the East. The WP's economic package, called "Just Order," was based on ideology rather than sound policy. Erbakan campaigned against interest rates, claiming that their removal will solve problems of inflation and unemployment. He also planned to eliminate capital investment.

Although the Islamists claimed to favor private enterprise and initiative, they sharply criticized capitalism in Turkey and the West, decrying it as the rea-
son for an “unjust economic and social order.” Their opposition to the privatization of state-owned industries exhibited their preference for a more prominent state role in the economy, even though state ownership of these industries was commonly recognized as the primary cause of Turkey’s budget deficits and high inflation. Erbakan continued to advocate policies that failed when he implemented them in the 1970s; his indiscriminate building of factories and plants led to the rapid growth of the budget deficit and the severe economic crisis at that time. He also decried Turkey’s application to enter the European Union, favoring instead the formation of an Islamic Common Market. Despite the fact that nearly half of Turkey’s imports and exports involve trade with EU countries, the Welfare Party believed that investments from Islamic states would offset losses from Western countries.

While a Welfare government would certainly have set back the Turkish economy if it had been allowed to attempt such wishful schemes, forcing it to take full responsibility for the economic effects of these pipe dreams that have attracted the voters might have been the most effective way of publicly discrediting the party. Erbakan tried to increase Arab investment in Turkey during the 1970s, but the extent and scope of the market in Europe precluded its replacement by countries with smaller economies. Moreover, he did not explain how he would repay Turkey’s government bonds in a system with no interest; a government that defaulted on payments to its citizens would not remain popular for long.

4. Foreign Policy

Long opposed to Turkish membership in NATO and the EU, Necmettin Erbakan dropped his opposition to the EU Customs Union agreement in an attempt to allay secularist concerns. Erbakan also agreed that, contrary to some of his earlier criticisms, he would not pull Turkey out of NATO, an organization he claimed is an instrument of the United States to facilitate the creation of “Greater Israel.” He still favored closer ties with Iran, Iraq, Libya, and Islamic groups such as Hamas. He also supported forming “an Islamic United Nations, an Islamic NATO, and an Islamic version of the European Union” in

381 Id. at 41.
382 Id.
383 Devrim-Bouvard, supra note 375, at 41 (citing REFAH PARTISI, ADIL DÜZEN, 21 SORU/21 CEVAP, at 20-21).
384 Id. (citing REFAH PARTISI, ADIL DÜZEN, 21 SORU/21 CEVAP, at 20-21).
385 Id. (citing REFAH PARTISI, ADIL DÜZEN, 21 SORU/21 CEVAP, at 20-21).
386 Id. at 41.
387 REFAH PARTISI, GENEL SEÇİMİ REFAH PARTISI SEÇİM BEYANNAMESI, 20 ÇIKIM 1991, at 12-13, quoted in id. at 42.
addition to creating an Islamic currency. Not surprisingly, Turkey’s generals influenced the cabinet appointments for the portfolios of Defense, Foreign Affairs, and Interior, ensuring that members of the True Path Party held these key positions. Evidently, the military “hope[d] to build a fire wall between Mr. Erbakan and foreign policy.”

Turkey has pursued closer ties with the Central Asian Republics since the breakup of the Soviet Union. With the reemergence of Turkish communities in these areas, a growing awareness of other Turkish Muslims provides a natural opportunity for Turkey to play a role as regional leader in an area once referred to as “Turkestan” and recognized as a cultural unit. Atatürk’s foreign policy avoided any sort of “pan-Turkist adventures” for fear of provoking the Soviet Union, but after its disintegration, Turkish politicians sought to promote relations with these Turkic republics. *Milli Gazete*, the press organ of the Welfare Party, covered events in Central Asia and Azerbaijan extensively, and its editors strongly supported closer ties with these republics. For example, Turkey attempted to negotiate agreements to finance the construction of an oil pipeline to transport Caspian oil between Baku and Supsa and signed an agreement of eternal friendship with Uzbekistan. Erbakan’s dream of an Islamic NATO was shattered by clashes between Kurdish groups backed by Iran and Iraq. Oddly enough, he refrained from criticizing the American missile attacks on Iraq in September 1996 and did not attempt to mediate between Iran and Iraq or between Kurdish factions.

The Iraq issue presented a setback for Erbakan, but his visit to Libya nearly ended his premiership. Colonel Muammar al-Qaddafi met with Erbakan in October 1996, but rather than welcoming Erbakan as a Muslim brother, he condemned Turkey for its ties to NATO and Israel and called for an inde-

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388 See Islamic Leader is Turk Premier, supra note 373, at 5.
390 Graham E. Fuller, *Turkey’s New Eastern Orientation*, TURKEY’S NEW GEOPOLITICS 67 (Graham E. Fuller & Ian O. Lesser eds., 1993).
391 Id. at 68.
395 Id. The major newspaper Sabah concluded that “[t]he foreign policy Erbakan wanted to establish on the illusion of Muslim brotherhood has collapsed. The prime minister has gone on vacation at a time when the capital should not be left empty.” Id.
396 Id.
Erbakan did not disassociate himself from Qaddafi's remarks, and leading politicians called for his resignation. In visiting Iran, seeking to improve ties with Iraq, and inviting a Sudanese official and Nation of Islam leader Louis Farrakhan to a party convention, Erbakan had already concerned Turkey's Western allies, but the Libya incident provoked calls for his resignation. Other visits to Egypt and Nigeria had also resulted in diplomatic insults to Turkey, but not as severe as Qaddafi's. The Libya incident, along with charges that Refah received contributions from the Libyan government in violation of Turkish law, provided an excuse for the opposition to call for a vote of censure. Erbakan survived the vote to topple the government, but it rang the death knell for his pan-Islamic foreign policy. At home, Erbakan reneged on his campaign promise to pull out of NATO; he maintained Turkey's military agreements with Israel and extended the mandate for the U.S.-led Operation Provide Comfort to protect the Kurds in northern Iraq from Saddam Hussein.

5. Secularism

Despite the increasing significance of religion in Turkish society, Erbakan's rhetoric still considered the secular state "a policy of enmity towards Islam" and "a system of repression against the Muslims." Refah avoided calling for a return to the sheri'at (perhaps remembering the Konya rally which influenced the army to intervene in 1980), but changing the constitutional and legal rules concerning the regulation of religion (which would require a two-thirds vote of the National Assembly) remained an important objective.

The party additionally planned "to expand the role of Islamic institutions, organizations, and activities in all areas of Turkish life while placing greater emphasis on Islam in the educational process." Erbakan asserted that

397 Id.
398 Id. His failure to assert his country's honor "buried his thirty-year political career in the Libyan sands," according to legislator Kamuran Inan. Id.
400 Id.
403 Sayari, supra note 338, at 39 (citing RUSEN CAKIR, NE SHERIAT NE DEMOKRASI [NEITHER SHERIAT NOR DEMOCRACY] 71 (1994)).
404 Id.
405 Id. (citing REFAH PARTISI, 20 EKIM 1991 GENEL SEÇİMİ: REFAH PARTISI SEÇİM BEYANNAMESİ 88-105 (1991)).
the Islamists are not hostile to "secularism based on neutrality in religious matters, as is the case in the United States and France"; the problem in Turkey is that the idea has been "misinterpreted, misapplied, and exploited to the benefit of parties that have nothing secular about them."406 The Welfare Party proposed several measures to facilitate the free exercise of religion, such as adjusting civil servants’ lunch breaks to enable them to attend Friday noon prayers, opening the National Assembly’s plenary sessions with prayer, exempting pilgrims to Mecca from exit taxes, and amending the constitutional article forbidding the establishment of religion.407 Although freedom of religion was an important concern of the Welfare Party, a major secularist concern was that such freedom would not be extended to minority religious sects, such as the Alevi.

While in government, Refah toned down its rhetoric and governed effectively at the municipal level. Party leaders adopted a reassuring formula that states that the sheriat offers only a general program, and democracy and pluralism preclude its implementation without popular consent.408 For example, the Welfare Party won control of the Istanbul city hall with promises to eliminate brothels (a symbol of Turkey’s social and economic ills), but it did not attempt to close them after taking office.409 Instead, it has focused on delivering city services more efficiently and with less evident corruption.410 The WP’s record in Istanbul indicated that it would moderate its agenda when in office, but even if Refah supported a democratic government, whether or not it would uphold basic liberties for dissenters if it were not politically necessary was not clear. Erbakan’s desire for political power probably motivated the softening of the WP’s public rhetoric, but another equally important factor was the moderate wing of the party itself. Those who labored to reframe Refah’s image as less radical saw Erbakan as a barrier to the party’s progress, “with his caricature vision of a world dominated by Freemasons and non-Islamic bankers.”411 Many members were more extreme than Erbakan in their intolerance and rejection of secularism. For example, a Welfare Party member of the National Assembly’s committee for human rights once complained that Hitler had failed to eliminate all the Jews.412 Importantly, Erbakan took steps to remove such extremists from positions of party leadership, purging eight leaders of regional committees

412 Id.
who were considered too radical, among them the chairman of the militant Islamic Raiders Association. Apparently, Refah intended to move toward a more moderate approach, if it could do so without losing the radical vote.

E. Closure of the Welfare Party

As the military giveth, the military taketh away. The armed forces themselves provided the initial impetus for Refah's growth by encouraging religiosity as a weapon against communism and requiring compulsory religious education in schools. Despite these attempts at moderation, Refah could not hold the government. Erbakan resigned in June, 1997 under heavy pressure from those guardians of secularism, the military. Erbakan's unorthodox views on the role of Islamic law in the country and his attempts to form alliances with rogue states like Libya and Iran greatly troubled the secular elites. He instituted other radical reforms that Westerners would consider a mere accommodation of religious exercise, such as allowing female civil servants to wear headscarves to work and rearranging the working hours to accommodate fasting times during the month of Ramadan. He also received leaders of Muslim brotherhoods at his official residence while wearing traditional religious dress. These measures, coupled with his radical statements, convinced the military and some members of the secular elite that Erbakan was secretly plotting to turn Turkey into an Islamic state. Unlike the coups of 1960-61, 1971-73, and 1980-83, the military did not take over the government. Thus, in one sense, Erbakan's peaceful departure suggested that the forces of democracy have strengthened in Turkey.

Mesut Yilmaz succeeded Erbakan as prime minister with a coalition of three secular parties. Refah was still the largest party in parliament. Significantly, Yilmaz reversed the gains in legitimacy by the imam-hatip religious schools. He recommended, and parliament approved, a law that increased the years of compulsory education from five years to eight, which essentially shut

413 Kinzer, Silent on Iraq, supra note 394, at 3L.
down the imam-hatip middle schools.\textsuperscript{417} Within a year, the number of these schools in operation had dropped by one-half.\textsuperscript{418}

This move illustrates a broader pattern of suppressing what the Turkish secularists call “political Islam.” As Islamists have grown in popularity and agitated for free religious expression, secularists view these outward signs of religiosity, such as women wearing the hijab, or traditional head scarf, as political statements against the secular state. This view is reflected in the constitution itself, which states that “there shall be no interference whatsoever of sacred religious feelings in state affairs and politics.”\textsuperscript{419} The state currently controls many aspects of religious practice—the ministry of religion even writes the weekly sermon for delivery at Friday worship.\textsuperscript{420} Although such control may seem harsh by standards of Western liberalism, the Islamists gave the secularists due cause for concern. Erbakan called Welfare an “Islamic jihad army” and threatened that his party’s Islamic principles would one day control the country whether the transition is “sweet or bloody.”\textsuperscript{421} He also stated that “democracy is not an end, but a means for us.”\textsuperscript{422}

In November of 1997, Refah was brought before the constitutional court on charges of being “a center for activities incompatible with the articles of the constitution on the secular state,” and attempting to introduce Islamic law.\textsuperscript{423} The Turkish constitution prohibits parties based on ethnicity, religion, or communist ideology.\textsuperscript{424} In its defense, Refah claimed that it had upheld “democracy, human rights, and the rule of law.”\textsuperscript{425} Erbakan lauded Western democracy as the best government to protect human rights, poignantly noting that “[t]he West should ask the so-called pro-Western parties ruling Turkey why they do

\textsuperscript{417} Maryann Bird, \textit{Turkey on the Brink}, \textit{TIME}, Jan. 12, 1998, at 14. Refah deputy Ahmet Demircan called the move “a violation of all rights gained toward the freedom of faith.” \textit{Id.} Education Minister Hikmet Ulugbay countered that it was necessary to “keep politics out of schools, army barracks, and mosques.” \textit{Id.}

\textsuperscript{418} Sylvia Poggioli & Robert Siegel, \textit{All Things Considered} (NPR radio broadcast, Mar. 5, 1998) (Transcript # 98030514-212).

\textsuperscript{419} \textit{Id.}

\textsuperscript{420} Bird, \textit{supra} note 417, at 14.

\textsuperscript{421} Alemdar, \textit{supra} note 414.

\textsuperscript{422} Kinzer, \textit{High Court Orders Disbanding, supra} note 415, at A1.


\textsuperscript{424} Alemdar, \textit{supra} note 414.

not respect now the Western values." He also claimed that it was unconstitutional to shut down the entire party because of the actions of a few of its members.

On January 16, 1998, the eleven-member constitutional court found the Welfare Party in violation of the constitution by a vote of 9-2. They officially banned the party, effective February 23, 1998. Erbakan and five Welfare deputies lost their seats in parliament and were banned from political activity for five years. The state treasury took all of the party’s assets. Most observers of Turkish politics fully anticipated the ban, and 34 Welfare Party members set up a new Islamic Party called the Virtue Party well in advance of the court’s decision. Tansu Çiller, former prime minister and coalition partner with Erbakan, publicly opposed the ban. Mesut Yilmaz also expressed regret at Refah’s closure, encouraging its members to engage in self-criticism and reassessment. Many other Turkish intellectuals with anti-Islamist views echoed her opposition because they feared outlawing the movement would only stir the very political discontent that fueled its popularity and radicalize its supporters. Some Islamist hardliners wish to pursue an Islamic state based on the

426 Kohen, supra note 423.
428 Yongming & Jinfà, supra note 427. The Constitutional Court held that the Welfare Party had violated paragraph 6 of article 69 and paragraph 4 of article 68 of the constitution, and section B of article 101 and paragraph 1 of article 103 of the Political Parties Law No. 2820. Turkey’s Constitutional Court Orders Closure of Pro-Islamic Party, BBC MONITORING EUROPE, Jan. 16, 1998, at 1998 WL 12504614.
430 Onaran, Turkey Shuts Down Islamic Party, supra note 421.
431 Turkey’s Constitutional Court Orders Closure of Pro-Islamic Party, supra note 428.
433 Turkish Court Resumes Debate on Islamic Party, supra note 432; Turkish Islamic Party Leader Continues to Fight Ban Bid, supra note 432.
435 Sami Kohen, Possible Ban on Party Divides Turkey, CHRISTIAN SCI. MONITOR, Nov. 26, 1997, LEXIS, News Library, News Group File; Bird, supra note 417, at 14. Journalist Rusen Cakir commented that “[w]hen secularists attack Refah, pious Muslims think they are attacking Islam, and they will rally round. . . . Refah militants stress that if their party is sidelined there will be blood.” Id.
But others favor a more moderate evolutionary approach. Although the moderates prevailed, suppressing the Islamists' participation in democracy might have increased the popularity of the hardliners.

The debate over the closure of the Refah party illustrated the tension in Turkish politics between the old Kemalist secularists and a new breed of neo-secularists who favor religion in the public square. The Kemalists fear that “political Islam” cannot coexist with democracy. As prosecutor Vural Savas put it, “Democracy does not include the privilege of destroying democracy.” In addition, Savas rightly argues that “those who use religion for political propaganda give the greatest harm to the religion.” The Islamists, however, argued that “closing a party does not and cannot change the minds of people. People can only change their thoughts if they are given better alternatives.” The very fact that the Welfare Party accepted the ban peacefully attests to the strength of Turkish democracy. Conservative Muslims, however, viewed the closure as an attack on their religion and indicated that they would vote for a new Islamic party out of protest. Younger Islamic activists, however, privately welcomed the party’s closure because it paved the way for their ascendance to power and an opportunity to revamp the party. After the closure of Welfare, the Virtue Party took up its mantle and continued to agitate for greater freedom of religious expression.

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436 Bird, supra note 417, at 14.
437 The Refah mayor of Kayseri explained: “Single-party rule operating under official ideology continues just like it did in Russia, along with state religion. They say this is Kemalist. I say it is military secularism.” Id.
438 Bird, supra note 417, at 14.
439 Susan Fraser, Turkey Warns Islamic Party to Accept Ban, CHATANOOGA FREE PRESS, Jan. 17, 1998, at A5.
440 Kinzer, High Court Orders Disbanding, supra note 422, at A1.
441 Erbakan stated, “It is the slaughter of the law 40 times over, but we respect the decision.” Fraser, supra note 439. He urged his supporters to remain calm and “not to give occasion to possible provocation actions,” but vowed to “show that the decision was judicially wrong” by referring it to the European Court of Human Rights. Welfare Party Leader Calls for Calm After Ban (KANAL-7 TV, ISTANBUL, BBC television broadcast, Jan. 19, 1998). Ironically, Erbakan turned to European international courts to vindicate his rights despite his long history of anti-Western rhetoric.
443 See The Hindu Editorial: Political Islam in Turkey, THE HINDU, Feb. 19, 1998, at LEXIS, News Library, News Group File. The political culture of Refah valued age, experience, and loyalty, offering little chance for advancement. With Erbakan essentially precluded from ever being Prime Minister again, some thought he would feel pressured to anoint a successor to prepare for the future. Id.
The Virtue Party (Fazilet) succeeded Welfare as the main Islamist political party. Although prosecutor Savas vowed to prohibit a rebirth of Welfare under a new name, the Virtue leaders took care to avoid another ban. Despite fears that banning Welfare would produce a more radical Islamist force, Virtue reflected a more moderate approach. Erbakan named Recai Kutan, a moderate, as the party's interim leader. Virtue’s formative period saw a debate among the more conservative and moderate factions of the Islamists themselves, partly due to a power struggle to fill the vacuum left by Erbakan and partly to determine the future course of the party—how much to integrate into the secular state in order to build a viable party with a broad base of support. The Islamists debated at first whether to split into several parties or remain as a single unit. Ultimately, the faction that wished to create a broader consensus in Turkish society prevailed. Most of Welfare’s 147 deputies in parliament switched to Virtue, and the leaders represented the more moderate factions.

Meanwhile, the government cracked down on the Islamists. A Refah deputy stripped of his membership by the court decision faced arrest and possible death penalty for declaring a “jihad” on the secular state. Erbakan faced up to three years in prison for his anti-secular activities. The government also enacted certain measures designed to quash Islamic businesses, noting that many devout Muslims were trading only with Islamic businessmen. It drafted a law ending certain privileges for Islamic financial institutions so that they could no longer lend money so cheaply to Islamic businesses.

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445 Banned Turkish Islamic Party Members Join New Group, AGENCE FRANCE PRESSE, Feb. 24, 1998, at 1998 WL 2229601 [hereinafter Party Members Join New Group]. Kutan said that “our new movement will be a conservative one close to the center, and will be free from extremist elements.” Id.
446 See Poggioli & Siegel, supra note 418. Morat Zeftel, a professor of economics at Bosporus University, noted that the political infighting among the Islamists reflected varying degrees of militancy. The militants wanted to impose sheriat law, but the moderates hoped to create a broader base of support. Id.
447 Id. Party Members Join New Group, supra note 445.
450 Id.
452 Id. Islam forbids charging interest, but these banks had set up profit-sharing agreements to
similarly stopped purchasing supplies or accepting bids from companies with openly Islamic politics. Recep Tayyip Erdogan, the pro-Islamist mayor of Istanbul and a prominent member of the movement, was jailed for ten months for reciting a folk poem that was considered anti-secular and seditious. Most importantly, the government imposed a strict observance of a formerly rarely-enforced ban on overtly Islamic dress in public buildings: headscarves for women or long beards for men. This dress code prevented any student wearing the headscarf or a beard from attending classes or exams at public universities. Significantly, the ban prompted demonstrations against the policy both by Muslim and secular students.

Building a moderate Islamic party proved a popular move. The old-line Islamists may have lost their appeal because they continued to conflict with the military, which is still revered as the top institution in the country. Perhaps more importantly, many people support the Islamists as a protest against government-as-usual and not because of the religious values themselves. Indeed, Islamic attire may express a frustration at forced westernization, or merely mask an inability to afford more expensive western styles. The headscarf is often a protest more than a religious statement. Considered in this light, the secularists are correct to argue that their fight is against "political Islam," the manipulation of religious symbols, rather than with religious values. At the same time, their strong measures are unwarranted because to the extent that the Islamic movement is a political protest and not a religious one, the chances that the people would actually support the establishment of sheri\text{iat} law are slim.

Virtue demonstrated its restraint and moderation when Kutan did not insist on his rightful opportunity to head the government. Mesut Yilmaz lost the premiership in a no-confidence vote following a mafia scandal, and the Virtue Party, as the party with the most seats in parliament, should have taken the lead

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453 Id.
454 Id.
455 Poggioli & Siegel, supra note 418.
456 Id.
457 Id.
458 Id. Former Prime Minister Tansu Çiller has noted that "[d]espite the fact that the military is trusted by the people more than any other institution, nonetheless we have come to the point where I don’t think the people want the military making social and political decisions on a daily basis." Patrick Quinn, Eyeing Past, Turkey Faces Uneasy Future, CHICAGO TRIB., Nov. 22, 1998, at C8, LEXIS, News Library, News Group File.
460 Id.
461 Id.
in forming the new government. Leftist Bülent Ecevit eventually formed a minority government with pledges of support from the True Path and Motherland parties.

The party clashed again with the forces of secularism after the next election. Virtue deputy Merve Kavakci arrived in Parliament wearing an Islamic head scarf in direct defiance of the law banning headscarves in public buildings. Kavakci sought to wear the head scarf to reflect her religious principles and to take a stand for religious freedom for women. She was expelled from the swearing-in ceremony amid shouts from the other deputies. Later, she was stripped of her Turkish citizenship.

Kavakci illustrates the new face of Islam in Turkey. A young, well-educated computer scientist, she raises a challenge to the secular structure that prevents Muslims from freely practicing religion. This challenge is fundamentally different from Erbakan's anti-Western, anti-NATO, pro-sheriat law stance. Yet, the law treats them both the same. Prosecutor Vural Savas immediately instituted proceedings against the Virtue Party for attempting to overthrow the secular constitution. The secularists regard any wearing of a head scarf in a public building as a direct political challenge to the secular order, not as a mere exercise of religious expression. Secular feminists view it as a symbol of male oppression. But mainstream Turkish opinion no longer unquestioningly accepts the idea that the state must ruthlessly suppress political Islam, although it does not support an Islamist government. Indeed, Virtue received only 15 percent of the vote.

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462 Harmonie Toros, Turkish Party Avoids Confrontation, ASSOCIATED PRESS, Nov. 26, 1998, at 1998 WL 23033599. Kutan stated that "we have told the president that we will not be insistent. It's fine if we're in the new government. It's fine if we're not." Id.

463 Suzan Fraser, Turkey's New Government Wins President's Approval, Crisis Eases, ASSOCIATED PRESS, Jan. 11, 1999.

464 See Danna Harman, Turkish Law Clashes with Islamic Headwear, CHICAGO SUN TIMES, Apr. 19, 1999, at 20.


466 Sandro Contenta, Her Head Scarf Makes Her "Dangerous", TORONTO STAR, June 12, 1999, at 1999 WL 19360497.


469 One young woman speculated that the ban was designed to keep religious people in the lower classes: "If you wear a head scarf and want to be a lawyer, the state says no. But if you're a cleaning woman with a head scarf, then it's okay. It's a class thing. They want religious people in the underclass and secular people in the upper class." Contenta, supra note 466.

470 Id.

471 Gordon Barthos, Terrified by a Turkish Woman's Scarf, TORONTO STAR, May 21, 1999, at
In June of 2001, the Turkish Constitutional Court shut down the Virtue Party. The case against Virtue initially consisted of continuing the banned Welfare Party, and engaging in anti-secular activity, but the final court decision absolved Virtue of the charge of continuing the Refah Party and merely punished two sitting parliamentarians for the party's alleged anti-secularism. This move probably retaliated for their vocal critiques of the ouster of the Refah Party.

The Virtue Party exhibited a much-muted form of Welfare. It continued many of the same political practices, including helping the poor and energizing the base through grassroots efforts, yet it moderated Welfare's rhetoric. Perhaps the non-public presence of Necmettin Erbakan enabled this shift to occur more smoothly. Although the Constitutional Court ultimately banned the party, the fact that Virtue felt the need to disassociate itself from the former harsh anti-secular rhetoric indicates that the party leaders understood that militant Islam would make little progress in Turkish society. The development of Virtue indicates that the Islamists who wished to create a serious opposition force in Turkish politics, and not a marginalized fringe party, realized the need to operate within secular parameters—not only to avoid closure by the Constitutional Court, but also to attract the mainstream Turkish voter. Equally importantly, the Turkish public does not support radical Islam, but it does favor increased individual liberties. With such natural democratic checks on political power, Turkey seemingly has little to fear from a conservative Islamic movement.

G. A Movement Divided Against Itself

During the Virtue Party's term of existence, a rift grew in the Islamist movement between the traditional Erbakan-led wing of the party, and the reformists who favored increased religious freedom without imposition of sheriat.

1999 WL 17637425.

472 Id.


474 Although Erbakan was banned from politics and had no official role in the Virtue Party, many believed he exerted considerable influence behind the scenes. Virtue Set to Split into Two, Americans Regret Party Closure, Erbakan Defiant, TURKISH PROBE, June 24, 2001, LEXIS, News Library, News Group File.

475 Akgonenc, supra note 473.

476 Id. One of these members, Nazli Ilicak, was a prominent journalist who had long criticized the role of the military in Turkish politics. Asli Aydentasbas, In Defense of Virtue, TURKISH DAILY NEWS, July 11, 2001, at 2001 WL 22004361.

477 Fifty-seven percent of Turks surveyed by the Turkish Daily News believed that the Constitutional Court's decision to ban the Virtue Party was wrong. Esra Erduran, Rift Deepens Between Former FP Deputies, TURKISH DAILY NEWS, July 16, 2001, at 2001 WL 22004475.
rule. Although the hard-line conservatives used the tools and vocabulary of democracy, many perceived it as a façade to mask their real intentions. The traditionalists resented the reformers, alleging that the grassroots of the movement would not follow them. Reformists, however, believed that the party needed change and noted that the traditionalists no longer drew the same large crowds.

Recai Kutan, head of the defunct Virtue Party, formed a new Islamist Party called Saadet (Contentment or Felicity). He stated that the party would not challenge the secularist principles of the state, but that the party "would seek to replace the present constitution entirely to guarantee broader human rights." The Felicity Party essentially continued the Virtue Party's program, and it faced criticism that it was just a continuation of all Erbakan's banned Islamic parties.

The old Erbakan kabal dominated Felicity's leadership, and any attempts to change the program were viewed as an act of disloyalty or a concession to the reformists. Many in the party who wanted change in leadership defected to the rival group.

The reform movement organized under the name Justice and Development Party (AKP, or Ak, which means white or pure). Its leaders hoped to turn the Islamist movement into a mainstream center-right political party. Major party leaders Abdullah Gul and Bulent Arinc stated that the new reform party would not be an Islamist party, but a new organization that represents both religious and nonreligious people and stands for personal freedom. The party also planned to have completely transparent finances audited by an internation-

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478 See, e.g., Kemal Balci, Dreams of Political Islamists Fade Away, TURKISH DAILY NEWS, Aug. 5, 2001, at 2001 WL 22005255. The fact that the European Court of Human Rights ultimately supported the Constitutional Court's closure of the Refah Party bolstered this view. See id.


480 Id.


482 Id.


485 Id.


487 Erduran, supra note 477.

488 Id.
ally respected firm in order to avoid political traps or charges of corruption. The popular and charismatic former mayor of Istanbul, Recep Tayyip Erdogan, became the movement’s leader after the Constitutional Court lifted the ban on his participation in politics. Erdogan’s popularity enabled the reformists to attract conservative deputies from other mainstream parties like True Path and Motherland. He also attracted an impressive list of founding members from all walks of life—each were well-educated and well-respected in their fields. Despite a great deal of initial excitement about the group, the secularists still regarded Erdogan as a threat, and prosecutors began investigating the party immediately. Erdogan disavowed his previous hard-line rhetoric, and stated that the party endorsed secularism and was against “the exploitation of religion and . . . distorting . . . secularism by misinterpreting it as animosity against religion.”

Erdogan is a rising star in Turkish politics, and he may well win the premiership in the next national elections. In seeking to build a broader base of support beyond the Muslim faithful, he criticizes economic failures and cor-

490 Erdogan had been sentenced to four months in prison for reciting a religious poem in violation of Turkish Penal Code art. 312, which prohibits “the provocation of the people into enmity and hostility.” Erduran, supra note 477.
491 Erdogan Storm, supra note 483.
492 Balci, supra note 489.
493 Id.
494 Suzan Fraser, Turkish Prosecutor Moves to Oust Islamic Party’s Charismatic Leader, ASSOCIATED PRESS, Aug. 21, 2001, available at http://ap.pqarchiver.com/. Prosecutors found particularly troubling the fact that five of Erdogan’s female founding members wore headscarves. Id. The Turkish constitution does not explicitly forbid headscarves for founding party members, and the prosecution of the party along these lines exhibits an extremely secular position. See Ali Bayramoglu, Sabah Columnist Says Legal Efforts Against Erdogan Politically Motivated, WORLD NEWS CONNECTION, Aug. 22, 2001, at 2001 WL 26898831. Erdogan also experienced difficulty because of a 1994 televised speech he had made using old-style Islamist rhetoric. Fraser, supra note 494. Second-in-command Abdullah Gul clarified that this was just an old style that the AK Party had abandoned. Ali Bayramoglu, Sabah Columnist Says Legal Efforts Against Erdogan Politically Motivated, WORLD NEWS CONNECTION, Aug. 22, 2001, at 2001 WL 26898831.
495 In a 1995 speech, he stated that “You cannot be secular and a Muslim at the same time. The world’s 1.5 billion Muslims are waiting for the Turkish people to rise up. We will rise up. With Allah’s permission, the rebellion will start.” Douglas Frantz, Turkey, Well Along the Road to Secularism, Fears Detour, N.Y. TIMES, Jan. 8, 2002, at http://college3.nytimes.com/guests/articles/2002/01/08/893667.xml.
497 See Frantz, supra note 495.
ruption of the governing parties, and supports NATO and EU membership.\textsuperscript{498} He also decries the Taliban’s brand of Islam, noting that “We never supported the Taliban rule. They represent blood and death.”\textsuperscript{499}

Erdogan’s shift from radical to moderate may suggest a change of heart or merely of message. The motivation, however, is immaterial. The fact that Erdogan’s reformist party exists at all is a testament to Turkey’s entrenched secularism and democracy. Naturally, the fear of party closure or being banned from politics acts as a certain deterrent from militant rhetoric. But that aside, the Islamist reformists are changing their rhetoric in order to become a mainstream party. The people of Turkey simply will not vote for a radical anti-secularist party in sufficient numbers for them to actually change the character of the government.\textsuperscript{500}

VI. CONCLUSION

The conservative Islamists in Turkey have steadily gained power over the past thirty years. Although still a minority of the population, today’s Islamist politicians have achieved more respectability than their predecessors by abandoning anti-secular rhetoric and radical positions such as pulling out of NATO or forming an Islamic version of the EU. Today’s Turkish Islamist rhetoric has shifted, to borrow from United States constitutional jargon, from seeking to establish their own version of religion in politics to merely urging neutrality toward the public practice of Islam.

Indeed, the Turkish government controls most aspects of religion. It approves the mullahs, distributes sermons, and controls the education of religious leaders. Moreover, the law bans even such simple outward displays of religious devotion as the wearing of a headscarf or a long beard in certain circumstances. Such control reflects the legacy of Ataturk, who officially established secularism in the country through relegating religion to obscurity. Ataturk’s rather drastic reform measures seemed warranted at the time to end the religious fanaticism that marked the Hamidian era, and his aim “to secure the revival of the Islamic faith, to disengage it from the condition of being a political instrument, which it has been for centuries through habit”\textsuperscript{501} could be accomplished only in conjunction with secularizing reforms. Unfortunately, the reforms did not penetrate all levels of Turkish society, nor did they attempt to harmonize secularism with Islam.

Since the development of multiparty politics in 1956, Turkey’s leaders have continued to struggle with this unresolved question regarding the role of religion in society. As secularism has gradually become entrenched in the Turk-

\textsuperscript{498} Id.

\textsuperscript{499} Id.

\textsuperscript{500} Islamist parties have historically received only around 15% of the national vote.

\textsuperscript{501} KEMAL, supra note 38 at 684.
ish context, the idea of separation of religion from the state has also incorporated the concept of free exercise of religion. Moreover, a political party's position on free exercise has ramifications with the electorate. While the role of Islam in politics has grown, secularism remains heavily entrenched in Turkish society; 90 percent of Turks support separation of religion from the state and democracy.502

Islamist parties owe their very existence to the entrenchment of secularism. Were the secular character of the Turkish republic in question, the government would not likely permit their participation in the political process. Yet, secularists question whether the Islamist parties would demonstrate the same tolerance to other groups if the parties did not have to compromise in order to retain power.

The presence of strong Islamist parties in Turkish politics may offer an opportunity to discuss the proper relationship between the secular state and the free exercise of religion. As the previous sections have illustrated, the role of religion has gradually increased since the foundation of the republic, and some of the measures that Atatürk introduced to begin the secularizing process have become less necessary as Turkey has evolved into a more mature democracy. Yet, despite meticulous legislation regulating the interaction between religion, the government, and the political process, “secularism” continues to be defined simply as the absence of religious control over the government rather than as the disestablishment of religion. The government still executes many religious duties under the Department of Religious Affairs, including disseminating the official interpretation of Islam for the public school curricula and funding religious activities. Although the Turkish constitution guarantees the right to freedom of conscience, certain types of religious brotherhoods are still officially illegal (although not prosecuted) because they once posed a threat to the state. Violent conflicts still occur between members of the Sunni majority and the Shi'i minority. Perhaps an Islamist party with concerns for religious freedom will promote constructive debate on the role of religion in government and will work toward resolving the tension between secularist and Islamist organizations in Turkish society.

The secular forces in the Turkish government could also promote harmony in society by allowing more freedom in religious exercise. Permitting simple outward expressions of religion such as headscarves in universities would not greatly erode the secular structure. Indeed, because the expression is largely a political protest for greater individual liberties, allowing such practices could actually diffuse the motivating force behind them. Similarly, removing some of the governmental controls over religious practices may have an analogous effect on enhancing the religious faithful’s approval of the government.

By contrast, continuing to close parties for vague and broadly-defined anti-secular behavior may increase the popularity of the more radical factions of

502 Fred Coleman, People Have Started Questioning, U.S. NEWS & WORLD REP., June 6, 1994, at 52.
the Islamist movement out of sheer protest for what the people view as an undemocratic process. A crackdown on Islamist parties and politicians thus far has resulted in secularizing them further, but it is equally likely to solidify the radical elements' opposition to the current system. The Islamist parties' desire for political power and a chance to effect change within the system has probably prevented such a result from occurring. This desire is in and of itself a powerful tribute to Turkey's secularism.

After the attacks of September 11, 2001, all international eyes have turned to Turkey to prove that Islam does not pose an obstacle to democracy. Indeed, President Musharraf of Pakistan has expressed his great admiration for Atatürk and his desire to lead Pakistan in Turkey's footsteps. Turkey's resolution of the Islamist question may not only affect its own future, but also enable it to act as a regional leader, mentoring other nations wishing to follow its example.