

Turkish Political and Constitutional Reforms: From Orthodoxy and Ultra-Nationalistic Indoctrination to Liberalization and Moderation

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Introduction

Up to the World War I, Turks could boast of their Ottoman empire, which had been regarded as the symbol of united global Muslim polity for the entire Muslim *ummah*. It was a great coincidence that the founder of the Ottoman Sultanate, Osman Bey, was born almost at the same time when the Arab-centric Islamic Caliphate based in Baghdad witnessed its complete destruction in the hands of Mongols invaders in 1258.¹ From Osman Bey² to the Sultan Abdul Hamid II (1842-1918)³ Ottoman constitutional reforms went through a precarious history with a very complicated path and also with much turmoil of wars with other nations. The domestic scenario of political history created by the Ottoman rules during its six centuries' existence was no less complex. The success stories of the Ottomans in building a legalist and pluralistic society had been well recorded in the Muslim history as they spearheaded many improvements of the *Madhhabi*-based legalism left behind by Arab ruling elite. However, Persian Muslims had never been happy with the upper hands of the Ottomans over the jurisprudential legacy of the Arab empires.

Arab and Indian Muslims took with great pride in the pluralistic jurisprudential legacies created by Sunni Schools of Law. Initially along the Ottomans, the Persians were also quite happy with the *Hanafi*

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¹ Baghdad was the central seat (capital) for the Abbasid Caliphs, who were regarded as the standard bearers of Islamic civilization up to their final fall in 1258 in the hands of the Hulagu Khan. From 750 up the early decades of thirteen century Baghdad had been thriving under the leadership of the Abbasid caliphs, who remained unchallenged leaders of the Muslim World. Hulagu Khan with the assistance of his Vice-Commander Guo Kan (a Chinese military General with a strong contingent of Chinese soldiers) in November of 1257 invaded Baghdad and completed its full occupation with a great deal of destruction February 10, 1258.

² Osman Bay was born around 1258. He was a son of Ertugrul Gazi, a tribal leader in the town of Busra. In 1284 the Anatolian Seldjuk Sultan recognized Osman Bey as chief of the tribe.

³ "Abdul Hamid devised his own political agenda. Through the teachings of Jamal Uddin Al Afghani (a Muslim ideologue) and his direct tutelage, he emphasized the importance of Islam as a cohesive force which was destined to amalgamate the empire's mostly Muslim peoples. Abdul Hamid intended to recreate a strong central government. This could only be achieved by the unification of the ethnically diverse yet religiously homogeneous Muslim population of the empire. The sultan's contention was that if he could accumulate this religious power in his hands, he would be able to restore his political authority as well." In:

jurisprudence and its application in the system of governance and judiciary. Unlike in the Indian subcontinent, in Turkey *Hanafi* School of Law had played quite progressive role for establishing predictable and stable system of governance, rules of law, and justice. By using many *Hanafi* interpretations of Islamic Law, Indian official *ulema* made Islamic religious scriptures too rigid to resolve many mundane problems that deserve immediate attention and resolution.⁴

However, Istanbul-based Muslim Sultanate had always been with an uneasy harness with Persian facets of legalism based on innovative paradigms sprung out from the basic Principles of Islamic Jurisprudence. Many disagreements over different legal and moral issues between the Ottomans and Persians served as one of the strongest causes leading to the gradual conversion of the Persians from *Sunnism* into *Shiism* during the period between fifteenth to eighteenth centuries.⁵

Along with the Ottomans, the Indian Muslims by and large also followed the *Hanafi* School of Jurisprudence. Still overwhelming majority of the *Sunni* Muslims claim that they follow the *Hanafi* school of law in resolving their family matters and give a great deal of importance when they exercise their State powers or try to lead a pious life as a Muslim. However, in reality for many Muslims with substantial amount of wealth and power like other Schools of Islamic Law, Hanafi school of Jurisprudence just serves some self-serving agenda in the hand of ruling elite.

[D]istinction should be made between those [Islamic] which are applicable to a particular structure of society in a particular epoch and in a particular region...[A] serious defect of the Hanafi law is the unjust and inequitable rule that a court decree awarding maintenance to a wife is enforceable [with many unfairness]...The progressive reinterpretation of the traditional Hanafi law by the courts has conferred on Hanafi wives a very important right which was unjustly denied to them by Hanafi jurists but always enjoyed by women of other Sunni schools.⁶

This is the historical and intellectual background that had prompted serious crisis in the constitutional development and system of governance in the Muslim world. Traditional Muslim way of governance was in already

⁴ “*Ijtihad* is the capacity of a jurist for making decisions in matters of law to which no express text or a rule already determined by *jima* is applicable. It is an academic research and intellectual effort which makes the legal system of Islam dynamic and its development and evolution in the changing circumstances possible.” In: Serajuddin, Alamgir Muhammad *Muslim Family Law, Secular Courts and Muslim Women of South Asia: A study in Judicial Activism*, Oxford University Press, 1st edition 2011, p. 115.

⁵ Massive conversion of the Persian Muslims from *Sunnism* to *Shiism* had occurred during sixteenth and seventeenth centuries.

⁶ Serajuddin, Alamgir Muhammad *Muslim Family Law, Secular Courts and Muslim Women of South Asia: A study in Judicial Activism*, Oxford University Press, 1st edition 2011, pp.120, 219,223.

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deep crisis before the year of 1789 that was a landmark of modern history because of the events of the French Revolution. Exactly in the same year Tipu Sultan of Mysore (India) desperately needed Ottoman help to resist the mercenary armed forces of the East India Company to resist total English colonial occupation and subjugation. In the name of English King and Royal Army, the East India Company maintained the private armies to kill the innocent people of India, especially the Muslims.⁷

By that time Persians were completely secluded from the mainstream of the Muslims and the Ottomans were unable to help Tipu Sultan.⁸ The era of Muslim constitutionalism in India had ended about which we cannot go for any further discussion here. Paradoxically it had ended at the time when the French Revolution had ignited the power of freedom for all men and women in the Continental Europe.

Despite the overall declining positions of the Muslim nations, the Ottoman armies had been engaged in wars in Russian and Austrian fronts. On the other hand domestically Istanbul-based Caliphate was keen for constitutional reforms challenging the demands of rapid industrialization and transformations it needed throughout the empire. It would not be an exaggeration to claim that in the backdrop of a splendid isolation of the Persia from the rest of the Muslim world and ongoing English colonization of the Muslim India, Ottomans were in somehow in complete disarray about the ways of constitutional reforms they should be adopting.⁹ Since then all major powers of the Muslim world were in decline and in

- ⁷ From within, the Mughals lost territory to the Sikhs and the Hindus. Externally, the Mughal rulers faced challenges from the King of Persia and the Afghan Rohillas. The Mughal Empire continued to decline and break up until it was replaced by a Western power in the form of the British Raj in the course of eighteenth and nineteenth centuries." In: Saeed, Abdullah, *Interpreting the Quran: Towards a Contemporary Approach*, Routledge, 2006, p. 10.
- ⁸ There were number of British military assaults over the regions Hyderabad and Mysore. It was quite difficult for the Muslims of Mysore to resist the English military force under the command of the British East India Company, which had already neutralized the Nizam of Hyderabad and the so-called Maratha Empire. During 1789- 92 in the battles of the **Third Anglo-Mysore War** English soldiers failed to occupy the Sultanate of Mysore, which still hoped for Ottoman military help. In fact, Sultan Tipu's resistance against English soldiers had surprised many quarters because of his innovative use of one of the first powerful rocket launcher in the world. However, in the fourth Anglo-Mysore War Tipu was defeated and was killed on 4 May 1799 near the fort of Seringapatam at the age of 48.
- ⁹ During the period between the French Revolution and the final fall of the Caucasus and Balkan regions in 1878. However, Ottomans fought many wars against Russians during the period between 1556 and 1696. By the end of seventeenth century Russian Ruler Peter I had proved that there were no points for the Ottomans to go for wars against Russian army, which had been maintaining close relationship with London to divide Central and South Asian Muslim regions between the two empires. In 1850 the Ottomans had already fully realized that unfolding events, but still fought the last Russo-Turkish War (1877-78) and then signed a peace treaty just after the war.

bewilderment in many mundane affairs Muslims needed appropriate resolutions. During the French Revolution, French army was interested in helping Tipu Sultan, who on his part built a church for French Christians. Indian Muslim ruling elite in pre-British India had been showing their deep interest to develop a kind of legal pluralism to be implemented through state mechanism.

We get an inkling of this law of nature, or the lawlessness of nature, by observing the behavior of states; "there is no altruism among nations," for there can be law and morality only where there is an accepted organization, a common and recognized authority. The "rights" of states are now what the "rights" of individuals used to be (and still often are), that is, they are mights, and leading states, by some forgetful honest of diplomats, are very properly called the "Great Powers."....Men are not by nature, however, equipped for the mutual forbearance of social order; but danger begets association, which gradually nourishes and strengthens the social instincts:....Most men are at heart individualistic rebels against law or custom: the social instinct are later and weaker than the individualistic, and need reinforcement;Conscience, however, is not innate, but acquired; and varies with geography.¹⁰

Islam is not a territorially-bounded or culturally-confined religion; its universality is well known and widely accepted by many nationalities and ethnic groups around the world. However, none of the Muslim nations could retain universal character of Islamic heritage for long. Like their Arab and Persian counterparts, Turks had also lost many vital universal aspects of Islamic worldviews and multiculturalism and that gradually gave rise to the nationalistic feelings of Mala-Turks aspiring for a nation-state instead of following the path of Ottomanism, which was a kind of reminiscence of early Caliphates established initially by the Arabs up to 750 C.A. and later on along with the Persians up to 1258.

In this article we will be discussing the domestic transformation of the Turkish nation-state and its overall ramifications for the domestic and foreign policies and affairs of the country. We will examine how "foreign factors" and situation in the neighboring countries and "Big Games" of international politics directly and indirectly had been playing decisive role in the political, social, and economic transformation of Turkey that on their part play instrumental role for constitutional reforms in Turkey.

¹⁰ Durant, Will, *The Story of Philosophy: The Lives and Opinions of the Greater Philosophers*, 1933, pp. 190-1.

Russian Revolution of 1905 and Rise of Mala-Turks

The Russo-Japanese War (8 February 1904–5 September 1905) was ended with the humiliating defeat of the Russians, who had established the second largest empire the human history has have ever recorded so far. The imperial ambition of the Japanese had yet to be recognized fully by the Europeans in general and the Russians in particular. This thesis is equally applicable to the Germans as an aspiring nation to build their own empire. The uneven competition in building and expanding empire was nothing new by then.

However, both the Germans and the Japanese emperors had proved to be the latecomer in the race of empire-building ambitions and endeavors of modern history. On the other hand, none of the older empires such as the Ottoman, English, and Russian could imagine fully that their days were numbers to put to an end of their respective efforts to expand their imperial territorial boundaries.

Unlike other empires, the Ottoman had been facing serious domestic turmoil leading to the disintegration of the last Muslim Sultanate. Since the early decades of the nineteenth century in terms of system of governance and rule of law, the Ottomans were obviously in the paths of decadence rather than any shift toward progress. On the other hand, European colonial forces had been occupying more foreign territories mainly at the expense of the Muslim nations throughout the world.

Negative forces, thereby, continued to gain strength until they reached a climax in the seventeenth century after the unsuccessful Siege of Vienna, in 1683, under Mehmed IV (1648-89). Furthermore, an overburdened rural economy was incapable of supporting the military superiority as well as the economic and technological advances that were necessary to face the challenge from the West. The Ottomans did not even have adequate resources to improve the technology and professionalism of their armed forces in which the West was rapidly advancing. The price for this neglect was paid through a number of defeats starting with Russia on the Danube in 1770....In spite of several efforts to initiate reforms and improve the situation, conditions did not improve significantly and Turkey descended from a position of 'magnificence' to that of 'the sick man of Europe'. By the time of the First World war, Turkey was exhausted economically as well as militarily.¹¹

However, deep crisis in the Ottoman Empire during the early days of the twentieth century made its collapse inevitable as it was the case with the Russian empire. The 1917 Bolshevik Revolution has saved the Russians from losing any of their major important colonial territories and put the

¹¹ Chapra, M. Umer, *Muslim Civilization: The causes of Decline and the Need for Reform*, second impression, 2008, pp. 91-2.

stage to build another empire commonly known as Soviet States or Empire. On the other hand, ultra-nationalist Turks opted to get hold of their State sovereignty under a nation-state system and abandoned all ambitions to have any kind of empirical power of their own. Main concern of the Turks was how to keep the heartland of Turks under the control of their nationalist leaders instead allowing foreign powers, especially English and Russian armies to occupy Istanbul or any other traditional Turkish cities that were built under the Ottoman Sultanate.

Russians by abandoning ultra-nationalist ideologies and sentiment had adopted Socialist Constitutionalism and Communist economic system as a state ideology, while Mala-Turks rejecting the principles of Islamic system of governance and multiculturalism or Internationalism opted for a kind of extreme form of chauvinistic nationalism and anti-Islamic secularism as their state-ideology.

Rivalry between the Russians and Turks had been intensified before and during the entire period of Cold War. But both the countries fostered and nurtured all kinds of anti-Islamism up to the final collapse of the Soviet Union. The softening process of anti-Islamism in Turkey has gradually started after the death of the Kemal Ataturk in 1938. But anti-Islamism along with ultra-nationalism had been protected as the State ideology and constitutionalism by the direct involvement of the military in the national political system.

Turkish Domestic and Foreign Policy Predicaments between World War I and II

The Ottoman Turks fought many unnecessary wars with many of its neighbors and European Powers. Rivalry with the Russians caused the Turks many losses in terms of territories and manpower. Moreover, London continuously made Istanbul a target of attack in so many ways that history yet could not record all the episodes in details and with full accuracy. Despite many destructive and unwise domestic policies, Turkey as nation-state came to realize that it could not effort to make any more strategic blander in its foreign relations.

The state-centric understanding of Islam among Gulen's followers is the outcome of the culture of insecurity in Anatolia that evolved from the legacy of the disintegrated Ottoman Empire. Nursi and his first generation of followers witnessed the elimination of Muslim hegemony in the Balkans and the Caucasus and the partition of Anatolia by the Sevres Peace Treaty of 1920.¹²

Turkey could not repair its relations with the Russians, who had been seeking everything through their experiments with historical materialism

¹² Yavuz, M. Hakan, "The Gulen Movement: The Turkish Puritans", In: Yavuz, M. Hakan and Esposito, John L., *Turkish Islam and the Secular State: The Gulen Movement*, Suracuse University Press, 2003, p. 22.

and Marxist ideology.¹³ Rivalry between secular and anti-Islamic Turkey and communist Russia had been fueled by “great powers” of world politics. Turkey and Germany decided to maintain their friendly relations at very highly tested and trusted grounds. Ankara did not indulge in any warfare during World War II. That strategy was a beginning of the shift of Turkish foreign policy toward peaceful co-existence with foreign powers and countries. Western powers feared that Turkey might have become friendly with the Soviet Union as well. That was why in 1952 Turkey was made a member of NATO and led Turkish nation to be a closest ally of the State of Israel at the cost of friendly relations with many Muslim countries.

One of the main features of post-Ataturk Turkey was that Ankara had started looking for realistic foreign policy as Moscow had softened its anti-religious ideological stands. But unlike Turks, Russian leaders under the Soviet Constitutionalism consistently had been cultivating close relationship with a good number of Arab and Muslim countries after the World War II. Turkey apparently neither needed nor afforded to get hold of any high moral grounds in its foreign policies, which were by and large disconnected to the domestic predicaments of the Turkish people at the time. Moreover, any shift of Turkish foreign and domestic policies demanded a sort of re-Islamization process of Turkish politics that was under full control of military intelligence with close collaboration of Israel and its only unwavering friend, the US.

Thus Turkey was caught by a military triangle of the armies of its own State, Israel, and the US from the very beginning of the Cold War era. It could not even become the member of EU, which gave Turkey an Associate Membership in 1964. That was a kind of blessing of the Cold War for Turkey; otherwise Ankara might not get even that symbolic gesture of the EU aspiring to create a kind of Super-State in the region albeit limited to the European continent.

Turkey as a Muslim Member of NATO

Anti-communist and anti-Islamic policies of Turkey gave it prominence at regional and international arenas. Without any reservation, like Iran led by Shah, military led Turkey was very eager to have cozy relationship with Israel. Iran was not given any opportunity to think even to become a NATO

¹³ Max Weber did extensive studies about these issues, which were ignored by both Moscow and Istanbul. Germany had begun the quest of right kind of foreign policies long before the beginning of the World War I. However, the race for having and building bigger empires between the European powers could not be stopped in any way. Moreover, Washington had joined in that destructive European race in a different way. “Long decades of peace for Germany, from 1870-1914, coupled with general prosperity, had entirely changed the conditions of German scholarship. The petty bourgeois professor, harried by money matters, had been replaced by an upper-class academician with a large home and a mind. This change facilitated the establishment of an intellectual salon. It is from this position that Weber saw the residences of American university professors.” In: Gerth, H. H., and Mills, C. Wright, *From Max Weber: Essays in Sociology*, A Galaxy Book, NY, 1958, p. 24.

member as that could break or weaken the triangle created by the US, Israel, and Turkey. Becoming the only Muslim member of NATO in 1952, Secular and anti-Islamic Turkey had started to pursue anti-Soviet, anti-Arab, and anti-Iranian policies more aggressively than ever before.

The legacy of Kemal Ataturk had been regarded sacred and constitutionally protected. Any criticism of Kemalism had been regarded as a kind of blasphemy and unpatriotic tantamount to treason leading to life imprisonment or death sentence. A God-less Turkey with all kinds of its anti-Islamic attire had become a symbol of modernity and progress. It did maintain many repressive policies against regular Muslim masses within Turkey and practically millions of Turks had escaped from Turkey during the Cold War era. Though its foreign policy implications were known to the outsiders, but its domestic ramifications were either ignored and had been treated as trivial domestic affairs of Turkey.

Particularly between 1945 and 1989, many cases of sanctions arose in the context of the East-West conflict and thus took on the character of a conflict between NATO and the Warsaw Pact. In this situation, the United States in its role as the leader of the NATO alliance faced high incentives to take the lead in confronting Moscow. Having the highest level of military commitment to NATO, low levels of trade with the Soviet bloc, and a unique position within cold war institution such as NATO, Washington had little choice but to respond to perceived Soviet provocations.¹⁴

The founding members of NATO had little trust in the UN and might have expected its UN) incapacitated position similar to that of the League of Nations, which had utterly failed to prevent or stop wars between the European nations. But establishing NATO the US successfully brought Turkey within the fold of anti-Soviet Bloc and put Ankara again on war footing. Both sides of the Cold War simply used the UN as a tool to justify respective Big Players' policy implementations at the world stage. For the Western powers and capitalist bloc main policy imperative was to resist the Soviet or Chinese communist movements across the world.

Ultimately NATO had not been needed to fight against the Soviets or Chinese, but imposed wars on many Muslim countries. That is why Turkey has not been comfortable with the Western NATO members over a number of issues including UK-USA-led war in Afghanistan, Iraq, and many other countries. On the other hand, as one of the winners of the Cold War era against the Soviets, Ankara could not find its share or dividend during post-Cold War period. Still Turkey has kept its alliance with other NATO members, especially with the USA for changing its domestic and foreign policies with much trouble from outsiders. All that did

¹⁴ Martin, Lisa L., "Credibility, Costs, and Institutions: Cooperation on Economic Sanctions." In: Martin Lisa L., (ed), *International Institutions in the New Global Economy*, An Elgar Reference Collection, 2005, pp. 129-130

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not help Turkey to become a member of the EU for which Turks have been trying for last three decades.

Arch rivalry between the USA and USSR and the formation of NATO and Warsaw Pact were the outcome of the initial stage of the Cold War that sharply divided the Muslim World as well. However, the most dangerous ramification of the Cold War for the Muslim world was either Afghan or Somalia syndrome. All Muslim countries were united to resist Soviet military aggression in Afghanistan at any cost, but all credits for the collapse of the Soviet Union acclaimed by the London or Washington.

In contrast to the Afghan scenario, by supplying arms to Somalia, Pakistan, Iraq, Egypt, Algeria, Libya and many other Muslim countries, Western powers have been claiming that democratic reforms had to began such violent ways in the Muslim world otherwise the so-called Islamic fundamentalists might have captured state-powers either by popular mandate or uprising. In the middle of all these military adventures perpetrated by the Western arms and ammunitions, Turkey wanted to demilitarize its politics.

The EU wanted to demilitarize the Turkish politics for the successful implementation of legal reforms for which Ankara has been committed for sometime. However, along with Washington, many European capitals have been showing their eagerness to impose democracy in many Muslim countries, which are now in continuous inferno that nobody can put off. This is the double standard of the Western policy and democracy Muslims have been talking about for many decades now, but that rational Muslim voice has been taken over by the Islamophobia, the strongest anti-Islamic voice overwhelmed by both electronic and print media.

General Yirmibesoglu who served under the Ozal Presidency has raised serious questions about the military expenditure of Turkey because of its involvement with NATO activities. Being a former military General he could not possibly dare to criticize NATO so openly without active support of civil administration and military elite. The following questions came out very loudly in public directly from the mouth of the General Yirmibesoglu.

We have placed emphasis upon NATO interests rather than our own national interests. A number of European states have reduced their defense expenses by relying on the protection provided by NATO, whereas Turkey has expanded its defense budget as if it will prevent a probable World War III all by itself, and prioritized its consideration of NATO requests. The most visible example of this is the Cyprus issues, as well as relations with Greece. Germany and Japan have made miraculous progress since the end of World War II by reducing their military expenses. We have not....For how long

will we serve US national interests rather than paying attention to our own national priorities?¹⁵

As a member of NATO Turkey has been trying to make a balance of being an Western Ally in the war fronts over Syrian Arab Syndrome that we have witnessed in Somalia, Lybiya and many other Muslim countries. Many quarters believe that over the issues of Syria, Turkish foreign policies have been failing as it could not involve the UN as a decisive player in the region. However, in the face of Russian resistance and Iranian involvement in the Syrian affairs, Ankara hardly can think of any remarkable success in mitigating disputes over Syrian issues.

Experiment of Bicameral Parliament and the Constitutional Court of Turkey

In 1961 Turkey wanted to resolve some of its constitutional problem through a referendum, which for the first time clearly demonstrated that Turkish public opinion was not in consensus in Kemalist ideals of brutal secularism. Creation of National Unity Committee (NUC) headed by General Cemal Gursel was an utter failure to create an atmosphere of unity in Turkey. As a compromise formula two university professors were assigned to write a new constitution. They created a bicameral legislature.

It appears that newly established constitutional arrangement under 1961 Constitution wanted to have an upper chamber of the parliament by naming them Senators. Constitutionally they were supposed to be elected for six years. But practically for many Senators it was a life-long lawmaking job.

Compare to 1924 constitution, constitution written by two professors in 1961 was comparatively a progressive one in the sense that it recognized the freedom of thought, expression and association. Such a literal constitutional assertion in reality meant very little for religious rights or freedom of association to criticize governmental policies.

Leaving aside the imperatives of Kurds and predicaments with Armenian issues, Turkey is quite a homogeneous country ethnically. In the past, ethnic configuration of Anatolian region and its surroundings up to the Easter regions of Turkey was very different as we find it today. During Ottoman time, Turkey was a very multi-cultural and ethnically diverse country. Since its emergence as a Nation-State after the World War I, it could become a successful Federation based on territorial or administrative divisions of the country.

The name of the Turkish parliament is Grand National Assembly. Without creating a federation or making a federal legislative organ for the government, Turkish ruling elite wanted to have a bicameral parliament. In 1961 with more than 600 members the Grand National Assembly as a

¹⁵ Mercan, Faruk, "The Authenticity of ant-Americanism in the Turkish Military and its Reasons", In: *Turkish Review*, Vol 1, Issue, 1, Istanbul, 2010, p. 31.

bicameral parliament had started its unsuccessful journey to make it more representative for Turkish voters. Soon it had been proved that neither the bicameral parliament nor the numbers of seats there was a fundamental issue to create a check and balance in the governmental mechanism of modern Turkey. Since 1961 number of parliament members has never been dropped below 450, and since in 1998 it became 550. But two-house parliamentary system did not work for Turkey.

Turkish constitutional court was and still remains a very strong and influential legislative organ. Unlike many other countries where constitutional court are in place, the Turkish constitutional court acted more arbitrarily and arrogantly leading to frequent amendments of the constitutional provisions. However, the positive affect of the Turkish constitutional court is that the regular courts could remain a little bit less politicized.

Turkey has so far not been able to shake off the inherited notion and institution of the authoritarian state and transmitted undemocratic and non-egalitarian habits of its military-bureaucratic reformers, a new modern elite has emerged in the Turkish Republic. Based on a cartel of interest and legitimized with the Kemalist ideology, this elite controls the resources of the modern sectors of Turkish society.¹⁶

This is an outdated stereotype analysis about Turkish reform movements of 1990s. During 1980s a wider spectrum of Turkish elite made it clear that Ankara did not want to follow the suit of Tehran in transforming Turkey into a modern and de-militarized democratic society. However, Turkish reformist movements found that Western powers and “Great Players” of international politics can easily make Turkey another Algeria, if reformist forces took over powers through election.

After the World War II, we have witnessed numerous attempts in the Arab world to create a united political and diplomatic forum based on Arab nationalism and/or Pan-Islamism. Many Arabs might have thought that if Turkish and Iranian nationalist forces could triumph in those respective countries, Arab nationalism also should be working for the benefits of Arab-States.

Nationalism may serve very well during the period of colonial occupation and foreign military invasion, but for national building efforts it may become the source of many ideological and religious tensions as well. Turkish nationalism was neither free from any political tension nor stigma of its own for its ultra-secular nor religious identities. In this regard, Arab or Iranian nationalisms were not that different from Turkish secularly based and constitutionally stipulated nationalist policies.

¹⁶ Hale, William, “Turkey’s Domestic Political Landscape: A Glance at the Past and the Future”. Cited in: Cetin, Muhammed, *The Gulen Movement: Civic Service Without Borders*, New York, 2011, p. 102.

Major Features of 1982 Constitution of Turkey

1961 Constitution of Turkey was practically an outcome of 1960 military coup. Military leaders and even the top-ranking bureaucratic leadership had no serious problem with Kemalism, anti-Islamic Secularism and ultra-nationalist features of constitutional arrangement under which Turkey was ruled. However, being a non-communist country why Turkey still could be governed by one part-rule was a major dilemma for many regular Turkish voters.

It took about two decades to find some kind of resolution to this fundamental constitutional dilemma of Turkey. But it was not an easy fight for the diverse political forces in Turkey. In September 1980 many influential political leaders, about 100 parliamentarians, and even the than Prime Minister of the country were arrested.

By 1983, it was found that more than two thousand prisoners had been facing death penalty for political reasons, especially for their involvement in religious or communist activities. As a result of adoption of 1982 Constitution aspiring for liberalization ultimately led most of those political prisoners to get life imprisonment. Still about fifty or even more prisoners of conscious were executed. For the European capitals willing to keep Turks under strong capitalist sphere of influence that political scenario of Turkey and its excessive politicized judicial system had appeared to be unbearable.

In 1981 Military generals had directly nominated the members of Constitutional Consultative Assembly and they were appointed by the NSC to draft a new constitution. Thus nothing really changed in the system of governance and method of drafting the constitution. However, political polarization was just under the surface of the fragmented “Turkish State Ideology” no more to be contented with Kemalism and brutal secularism fighting the shadows of “Turkish Souls” of all kinds raising the voices against visible suppression and oppression.

1981 was marked as one hundred years of birth of Kemal Ataturk. State-sponsored centenary anniversary of the founding father of so-called modern Turkey apparently was very colorful and successful. However, there was no enthusiasm in proclaiming success stories of Turkey. All educational institutions, including Turkish universities also had celebrated the founding leader’s birthday and volumes of compilation had been published on him. But the number of universities and their quality that time caught the imagination of the divided Turkish Soul, which had been looking for political liberation, religious freedom, intellectual enlightenment, and of course, economic emancipation. To meet this challenge of time, Turkey had created Council of Higher Education aimed to the improvement of university education and backward nation-building process. This was the background of the adoption of 1982 Constitution of Turkey and establishment of the constitutional provision of forming only secular political parties.

With the newly arrival of opportunity Turgut Ozal founded his Motherland Party. Why not Fatherland Party? Countries like Russia and Germany like to call their countries as Motherlands. Turks are no different either. Why then Ozal named his party in the line of Mother rather than Father. Muslims by that time had already earned enough bad images for being unjust and oppressive against their own women folks. In reality Kemalite Turkey oppressed their women from different direction than the so-called Wahhabite Kingdom of Saudi Arabia. All the miseries Muslim women endured in modern Turkey or any typical tribal Arab, Pakistani, Afghan, and many other Muslim communities were the outcome of many sociopolitical and economic dynamics rather than influence of religious factors. Otherwise how a "Modern Turk" and a "Tribal Arab or Afghan" would behave in a similar fashion when it come to the issues of constitutional and human rights?

1982 constitution of Turkey did not change many things in the constitutional rights of Turkish voters, who got only three different option of voting in three different political parties: National Democratic Party (NDP), Populist Party (PP), and Motherland Party (MP). Who could have thought that MP would get 45 percent leading to an absolute majority in the Parliament under the Majoritarian system, while military backed NDP would finish in third place with few members in the Parliament? Fortunately by that time the system of Upper Chamber in the parliament was abolished and Election Commission (Supreme Election Council) and Council of Ministers had started to exercise their power without too much of intimidation of the NSC.

However, constitutional position of NSE had been reiterated in the preamble of 1982 constitution. It clearly states that the 1982 constitution was written by a Consultative Assembly and ultimately that had been approved by the Council of National Security (CNS), which still remained its upper hand in exercising the State-powers at the highest levels of governance. Without prior approval of the CNS Turkey hardly could go for any constitutional or judicial reforms. Gradually the electorate system underwent some reform with a substantial empowerment of the Election Commission without which no creditable election was possible. As a constitutional body the composition and status of Supreme Election Council was determined by the laws rather than any bureaucratic interventions. Article 79 of 1982 constitution stipulates:

The Supreme Election Council shall be composed of seven regular members and four substitutes. Six of the members shall be elected by the Plenary Assembly of the High Court of Appeals, and five members shall be elected by the Plenary Assembly of the Council of State from amongst its own members, by secret ballot and by an absolute majority of the total number of members. These members shall elect a Chairman and a Vice-Chairman from amongst themselves, by absolute majority and secret ballot.

President of the Turkish Republic still remained a weak constitutional institution. Moreover to keep an watchful eye on the activities of the Head of the State two different offices were formed under the names of General Secretariat of the President of the Republic (Article 107) and State Supervisory Council (Article 108) both of which practically made the post of country's president helpless in exercising any power of his own.

Moreover Article 118 kept the NSC¹⁷ as strong as before that could bring military in the civil administration at any time it wanted. However, in reality NSC had been losing its grip over the expanding civil administration at various levels of the administration. Still every Turk used to know the pulse of NSC at any given national and economic policies adopted by the government.

Influence of Neighboring Countries on Constitutional Changes in Turkey

The ultra-secularist Turkey could not support the Russian invasion into Afghanistan in 1979 and was very fearful of the Islamic revolution of Iran at the same time. From 1789 to 1979 Turks as a nation was in great confusion about what to do with the rise and fall of Islamic forces and diverse Muslim culture within the country. The general impression was that Turkey as a nation-state could not be the Second Iran in terms of Islamic revival; Turks could not ignore Islamic and European factors at the same time.

Like the 1979 Islamic Revolution of Iran, last three decades of Turkish transformation and reforms have remained mostly ignored by the serious academic circles around the world. Moreover, many observers thought that ultra-secularist and militarized Turks were the final destiny for the post-modern Turkey as well. Such an assumption had appeared to be incorrect and, in political and constitutional terms, Turkey has been undergoing unprecedentedly peaceful dramatic changes.

Neither the Iranian nor the Pakistani Muslims took any serious lessons from the political landscape of the Russian or Turkish history. Pakistan had emerged as a nation-state in a similar fashion that had been followed in the case of Israel. Thus the division of Pakistan in 1971 was inevitable outsiders was hardly ready to accept the revolutionary events of Iran in 1979.

However, 1979 Islamic Revolution of Iran has influenced directly or indirectly the political landscape in a number of Muslim countries. Assassination of the Egyptian President Anwar Sadat in 1981 pushed most of the Arab countries backward in their own quest for constitutional reforms. Post-revolutionary Iran has witnessed many dramatic political

¹⁷ "The National Security Council shall be composed of the Prime Minister, the Chief of the General Staff, the Ministers of National Defence, Internal Affairs, and Foreign Affairs, the Commanders of the Army, Navy, and the Air Force, and the General Commander of the Gendarmerie, under the Chairmanship of the President of the Republic." (Article 118)

and constitutional changes that have overshadowed the political and economic reforms undertaken by the reformist-minded Turkish leaders.

One may compare the NSC of Turkey with the Guardian of Council (GoC) of Islamic Iran. NSC could bar anything to any Turkish national institution and body if the concerned act or decision may appear pro-religious and anti-secular. The Iranian case in regard to the powers and functions of GoC may sound diametrically opposite to the Turkish constitutional arrangement. Both these neighboring Muslim countries with their contrasting Shia-Sunni orientation and dynamics knew very well that in real political life and constitutional arrangement they cannot afford to move their respective countries diametrically opposite direction at a time when

Prime Minister Erbakan-led Turkey faced many challenges and stood at the cross-fire of the reformist forces and the military backed government under the controlled of the National Security Council (NSC). A 'post-modern coup' in 1997 compelled Erbakan to agree to an eighteen-point well-planned strategy to curb the influence of Islamic factors in Turkish political affairs. That strategy saved Turkey from an Algerian-type civil war, but could not make Turkey isolated from the neighboring countries, including Iran, Iraq, and Russia.

In 1998, the constitutional Court of Turkey banned the Welfare Party, which was a very popular among the Turkish voters who brought its leader Erbakan to the helm of Turkish power struggle and made him the Prime Minister in 1996. Neither the Welfare Party nor its leader Erbakan was incidental outcome of Turkish reformist movements.

In 1994 results of municipal elections in Turkey had given a very clear mandate the reformist minded Turkish political and religious forces to take charge of Turkish wellbeing at all local and municipal levels that brought Welfare Party led by Erbakan to the power. Maybe the biggest rhetorical mistake Erbakan had committed when he announced that he would not tolerate any interference of NATO into the Turkish domestic affairs and promised to his constituencies that if it would be necessary then Turkey was already in a position to create an "Islamic NATO".

Such political rhetoric apparently was a great setback for the "Muslim Revival" in Turkey in late years of the twentieth century, but it had played its positive role to rethink Muslim nation to follow blindly the orders coming from foreign leaders with their own political vendetta and/or economic vested interests. However, realistically it was an impossible task for Ankara to create another NATO-type military alliance while the Pack like WARSAW could not successfully resist NATO's objectives anywhere in the world.

National Security Council: Basic Structure of Turkish Constitution

Neither the Grand National Assembly nor the Constitutional Court of Turkey could have last words to the reformative policies of any Turkish

government. It is the NSC (National Security Council) could determine the fate of any government. It was the NSC that did not allow President Demirel to serve as a president for the second time. But that was not still a big political shock for Turkish voters. Outright denial of European leaders in 1997 to allow Turkey to acquire a full membership of EU shocked the entire Turkish nation aspiring for at least some formal recognition of dignity at European levels after so many decades.

Despite its bad name acquired even before the dismantlement of the Ottoman Sultanate, the Turks were determined not to lose their last stronghold in their own homeland. Involvement of the Turks in the World War I made the collapse of the Istanbul-based Sultanate inevitable, still millions of supporters of the Ottomans wanted to keep Istanbul as a symbol of unity for all Muslim nations in the planet.

On behalf of the Indian Muslims and Hindus, Mahatma Gandhi joined very actively to a popular movement in India called Caliphate Movement to save the Ottoman State during the World War I. Gandhi's argument in favor of the Ottomans was very clear and loud. He predicted the severe consequences of the division of the Ottomans, Arabs, and Indians and warned that so many unsustainable states to be controlled by the former colonial powers would make human civilization a vulnerable one.

Unlike the English, French, and Russian colonialists, Mala-Turks abandoned all kinds of imperial ambitions and wanted to have their own Nation-State based on strong Turkish nationalist ideals. However, the emergence of the USSR and the rise of communist forces in the Near East made the founders of the modern Turkey unnerved and pushed them to an ultra-secularist and even anti-Islamic tendencies making the regime hostile to other Muslim nations and also a pro-Israeli entity.

Turkey joined NATO in 1952 as the lone Muslim country to escape any kind of pressure from the Communist Russia and made Turkish military available to be an active party to Cold War on the behalf of the Western and European countries. Now after half a century NSC by claiming itself as the basic structure of the constitution and the most powerful constitutional institution could not deliver any goods to the ambitious generation of Turkish people.

Post-Ozal Turkey (1993-) is no more a typical Kemalist and anti-Islamic Turkey. Instead of an anti-secular and ultra-nationalist Turkey we have been witnessing a sensible, rational, and moderate emergence of new enlightenment of Turkish political and constitutional landscape. With the new constitution approved by referendum in 1982 and subsequently Turgut Ozal's moderate leadership had made a substantial change in the political and constitutional climate of Turkey. For new emerging Turkish technocrats and elite anti-Islamism was no more have been treated as a sign of modernism in the age of post-modernism. Still a huge number of secular Turkish voters were scared about Islamic mannerism or any kind of Muslim cultural attire or symbols.

Islam must be confined to the private domain. Since for them 'modern civilization' is at stake, any form of public visibility for Islam is perceived as a direct threat to, and loss of, the constitutive public sphere and system, and as a rebellious attack on Ataturk's reforms and secular regime he established. More objective commentators have argued, however, that it would be rash and senseless to assert that all women who adopt the headscarf or the new, urban Islamic dress in the city are supporters of the Islamic party or to associate it with politicized Islam in Turkey.¹⁸

Algerian failure of democratization process during the early days of 1990s through the Islamic avenues made the Islamic groups in Turkey unnerved. They could neither follow the Iranian revolutionary process nor did dare to go for any confrontation with any secular and military forces within the country. Power sharing through elections was the best option for the revival of Islamic values in Turkey.

Despite the fact that the 1979 Islamic Revolution of Iran has influenced directly or indirectly the political landscape in a number of Muslim countries, including Turkey. Assassination of the Egyptian President Anwar Sadat in 1981 pushed most of the Arab countries backward in their own quest for constitutional reforms. Post-revolutionary Iran has witnessed many dramatic political and constitutional changes that have overshadowed the political and economic reforms undertaken by the reformist-minded Turkish leaders.

Prime Minister Erbakan-led Turkey faced many challenges and stood at the cross-fire of the reformist forces and the military backed government under the controlled of the National Security Council (NSC). A 'post-modern coup' in 1997 compelled Erbakan to agree to an eighteen-point well-planned strategy to curb the influence of Islamic factors in Turkish political affairs. That strategy saved Turkey from an Algerian-type civil war, but could not make Turkey isolated from the neighboring countries, including Iran, Iraq, and Russia.

The Recent Transformation Process

The transformation process from the Ottoman state into a nation-state left the Turks the so-called sick men of Europe. The Ottoman state as an empire had fought many external battles against a number of European imperial and colonial powers. However, until World War I the Turks were always more than a nation thanks to their historical, religious and cultural identity and heritage. The direct involvement of the Turks in World War I not only made them a nation in a more typical sense of the term, it also isolated them from the rest of the world. Philosophically, the emergence of a new nation-state indicates that its national interests are unique and

¹⁸ Cetin, Muhammed, *The Gulen Movement: Civic Service Without Borders*, New York, 2011, p. 44.

those interests might be in frequent conflict with the economic interests and political strategies of other nation-states.

Turkey, as a nation state, from its inception took secularism and nationalism very seriously and made those ideological doctrines as its constitutional principles to be followed at all levels of governance and cultural activity, under a one-party dictatorship. From this perspective, state-secularism in Turkey under the rule of Mustafa Kemal Atatürk – and even afterwards – appeared to be anti-Islamic, very similar to USSR under the Stalinist regime.

However, being a Muslim country, Turkey could not follow suit in terms of the Soviet atheist system. Unlike socialist Russia, most Western European nation-states did not accept atheism as a state ideology. Secularism up to the beginning of the Cold War, both in Turkey and the USSR, was practically based on atheist interpretations of science, system of governance, societal issues and family affairs.

During the height of the Cold War between the US and the USSR, both sides had to soften their anti-religious strategies and stances. Turkey being the only Muslim member of NATO had been adhering to the US paradigms of state-building and governance, and as a result had partially been alienated from the typical welfare-oriented European civility and totally isolated from the process of revitalization of traditional Muslim values at the state level.

It has been proved again and again that the state institutions of Turkey felt more comfortable with US and Israeli strategies than the pragmatic state policies pursued by many Western European states. However, for many obvious reasons, Turkey also maintained very close and comprehensive bilateral relations with Germany.

With the demise of the Cold War and the collapse of the USSR and the Berlin Wall, Ankara became very enthusiastic about integration into the European Union. In its efforts to be a member of the EU, Ankara found itself quite unsuccessful under the ultra-nationalist and overtly anti-Islamic regime, ruled with a militarized form of governance. On the other hand, the list of pre-conditions prescribed by the EU for accession seems to continue to grow ever longer. Thus Turkey's becoming a full member of the EU has become a complicated political, diplomatic and cultural game, with frequent changes to the rules of engagement.

The direct involvement of the military elites in formulating state policy proved detrimental to many Turkish interests at home and abroad in terms of generating international support for ongoing democratic reforms in the country. Similarly, without showing appropriate respect for many religious and Turkish traditions, the new generation of Turkish leadership could not generate active support for the much-discussed and needed political, educational and social reforms regular Turkish people had been yearning for so long.

Against this backdrop, so-called Islamic forces and factors have started to play more visible and stronger role in formulating new strategies and policies that were prudent, beneficial and attractive to wider segments of the Turkish population. However, apprehension has grown that Turkey might follow in the footsteps of revolutionary Iran or the Western-backed militarism of Algeria or Pakistan.

It is now just over a year (early 2011) that the Arab world has been shaken by the tides of popular uprising to topple the autocratic regimes in a number of Arab and African countries. In a number of countries the initial stage of overthrowing of the dictatorial leaders has been successful. However, fear of political instability and civil war still has been hunting these countries. In a country like Libya, it appears that the political uncertainty and tribal feuds has been becoming a phenomenon rather than a short period of transition to an elected government. One can only hope a better scenario for the unfolding events in Bahrain.

The Tunisian and Egyptian transition process toward elected government is quite different than that of Libya or Bahrain. Many analysts believe that some Arab countries, especially countries in the Maghreb, have been looking for a model of transformation similar to that of present-day Turkey, which has been going through a peaceful stage of whole-scale reforms including a quest for a more democratic constitutional legal framework with a wide range of expansion of constitutional, religious, and human rights. We need to examine how far some Arab countries have been taking serious interests in the lessons of Turkish model of transformation.

Justice and Development Party: A New Player with Farsighted Strategies

The leadership of the Justice and Development Party (AK Party) has been showing serious sensitivity to the issues of secularism, religious beliefs and traditions, and factors related to Europeanization and globalization. The AK Party has been demonstrating that Turkey will not imitate Western or European policies without first performing serious scrutiny of its own.

In the changed political landscape in Europe and Asia, Turkey has been looking for economic opportunities to make its people independent and prosperous. In doing so, the leadership of the AK Party was no longer hesitant to use "Islamic and Muslim factors" for the benefit of the Turkish masses in general and the traditional segments of the population in particular.

The AK Party's economic policies have addressed the entire nation rather than a particular segment of the population. The economic dividends of a Turkish independent foreign policy were substantial and apparent to the vast majority of regular Turks, who ultimately started to rally round the policies of the newly emerging political forces.

Opponents of the AK Party have been trying to portray the party as religiously unacceptable to secular Turkey, and it has often been termed a

fundamentalist Islamic party. Such an assault on religiously biased political force is not something new for the ultra-secularist and corrupt nationalist forces. For the AK Party, the main challenge is not its Islamic or secular image; the fundamental challenge is how to keep its own leaders away from the economic corruption that was for a long time the norm for all kinds of Turkish political parties and leaders.

The image of Turkey as a moderate Muslim state has gradually become a reality for all the parties involved. Anti-religious and ultra-secularists parties have been increasingly discredited by their corrupt practices, based on group or class interests. This challenge has been taken seriously by the AK Party, under which the judicial environment has also been improved significantly.

A substantial intellectual, professional and cultural transformation of secular Turkey has taken place within all professional groups, including business circles, which have increasingly become capable of creating jobs of all kinds. This phenomenon has created a sense of Turkish pride within the country, and for its part, the AK Party has been making sure this message is heard loud and clear around the world.

The foreign policy of any state is essentially an extension of its major domestic ideological and political strategies. However, until very recently neither the AK Party nor the government led by it could successfully demonstrate what exactly it meant by a major shift in foreign policy. What the leadership could make clear, however, is that it took the altered political and ideological scenario seriously in terms of Turkish issues and was very keen to use the newly arrived opportunity for Turkish policy applications both at home and abroad.

Thus some constitutional changes are needed to reflect the newly created and/or accepted factors, and to make Turkey a strong state again. Here both Turkish credibility and acceptability has been under serious scrutiny, at both regional and international levels. After AK party's decisive victory in the parliamentary elections of 2002, there was a wide speculation that Turkish military might took powers from the civil administration of the country.

In May 2003 there was an attempt by the then-Chief of General Staff General Ozkok to stage a military coup against the AK party government. However, the staged military coup against the government has been aborted by the civil and military establishment jointly. Since then there is a strong belief that the ongoing democratic process in Turkey is safe under the leadership of AK Party, which enjoyed a wider support from the cross-boarder sections of people.

Politicization of Islam vis-à-vis Islamization of Politics

Strictly speaking, the AK Party is a modern political party that is only a decade old and which has its own structure. But ideologically speaking, it is a newly emerging moderate political force with a history stretching back more than 20 years. In fact, since the early years of the Cold War era and

the introduction of the multi-party system to Turkish politics in 1950, many Turks were wondering about their religious identity and traditional legacy. From a structural viewpoint, the AK Party is an offshoot of other religiously inclined political parties, such as the Welfare Party (RP) and Wisdom Party (FP), which surfaced after the dramatic political changes of 1980 and beyond.

During the early days of the 21st century, it was clear that the AK Party had come to stay and to play an important role in the intellectual and constitutional transformation already touching every walk of Turkish life. Opponents of the AK Party fought hard to prove that leaders like Abdullah Gül and Recep Tayyip Erdoğan were a new brand of fundamentalist that should be completely banned from engaging in politics. As a result, Erdoğan was banned from politics and imprisoned on the basis of a poem he recited during a trip to southeastern Turkey while mayor of Istanbul.

The Turkish public was outraged and threw its support behind the AK Party and its leadership, bringing its victory in the parliamentary elections. This overwhelming popular mandate for the AK Party and its progressive leadership changed the entire political and religious landscape of the country.

The AK Party came to power in 2002 and implemented a good number of pro-people measures to increase its popularity and acceptability to all walks of life. However, until the general election held in July 2007, it was not clear how popular the policies of the AK Party would be, given the looming global economic crisis. The AK Party won 341 seats out of 550, and in the ensuing local elections in 2009 it was victorious in almost 50% of the 3000 municipalities across the country.

The political adversaries of the AK Party believed that the global economic crisis and failure to become a full member of the EU would lead to an early collapse of the party's government. However, the prudent economic policies and rational political behavior of the AK Party leaders made them more popular with the Turkish population both at home and abroad.

Turkey is now a quite strong member of the G20, with an annual per capita income of more than \$12,000. It now has an economy worth more than \$1 trillion. Other Muslim G20 members, such as Indonesia and Saudi Arabia, have already tacitly accepted the Turkish leadership in operation and are bargaining with Western dominating powers to make the global economic system more pro-poor and pro-people. The time has come for Turkish people to play a strong role in mitigating disputes between Muslim powers, at both regional and international levels and wish to make their country a three-trillion dollars economy by 2022.

Turkey as a nation state used to suffer from an identity crisis that almost prevented Ankara from cooperating and collaborating with neighboring countries, irrespective of their national, ideological and ethnic identities. It appears that as a party the AK Party has fully appreciated that neither

ultra-nationalism nor any kind of anti-religious ideology will help the Turks become an independent and prosperous nation once more.

In the past Turkish nationalist and ultra-secularist political parties and forces had been practically begging for equal treatment by their European and US counterparts, for whom Turks were no more than a strategic ally throughout the Cold War period. The AK Party also showed its interest in becoming a full member of the EU, but its approach was different than that of previous regimes in Ankara.

Making their economic, political and diplomatic positions stronger than before, the Turkish masses under the leadership of the AK Party stated to prove that Turkey's living standards and worldview have already become richer than a number of its European allies in Central and Eastern Europe, for whom being a full member of the EU and NATO is just a fashionable issue rather than something from which they reap any genuine economic benefit.

While both NATO and the EU have acted largely from the vantage points of military partnership, in which Turkey was a strong player that for a long time gained few economic benefits for its own people. Unlike its neighboring oil-rich states and many Arab countries with huge reserves of black gold, Turkey has practically no oil of its own. However, the diplomacy of the AK Party has now put Turkey in a position such that it is traversed by many oil pipelines, strengthening its hand to an extent that was once inconceivable. Here is the great success by the AK Party that is appreciated widely by a vast majority of Turkish voters.

It is no longer a question of whether the EU wishes to have Turkey as a full member; it will soon be a question of whether Turkey really had anything to lose by not becoming a full member of the EU. Even NATO membership is becoming increasingly irrelevant for the Turkish causes it once stood for. Thus, for Turkish interests, neighboring countries have become increasingly important, and this was recently candidly articulated by Turkish President Gül in an interview with the BBC's "Hardtalk" show in September, 2010. At present general public sentiment in Turkey is such that it says Turkey is no more interested to become "a small America or Europe."

Making Turkey a small America" was a motto first introduced by Nihat Erim, former People's Republic Party (CHP) prime minister. Right-wing political parties and administrations were accused of "making Turkey a small America." However, the Turkish military has been a small America since the 1950s.¹⁹

Anti-American policies of the revolutionary Iran have many ramifications for the Turkish domestic transformations including constitutional reforms. Iran and Turkey are now two Muslim neighbors striving for good economic

¹⁹ Mercan, Faruk, "The Authenticity of ant-Americanism in the Turkish Military and its Reasons", in: *Turkish Review*, Vol 1, Issue, 1, Istanbul, 2010, p. 31.

relations for their mutual benefits. Turkey is neither an enemy nor a tested friend of revolutionary Iran. Syrian crisis over the removal of Bashar al-Asad put the Turkish foreign policy on alert. It is surprising to see that revolutionary Iran sided with Asad regime a reminiscent of Mubarak regime in Egypt and the regimes of Shahs in Iran. As a NATO member, Turkey has been cooperating with its Western allies over Syrian issues that did not made it a hostile country to Islamic Iran over which an Israeli military assault still being looming on the horizon. In a word, Turkish domestic and foreign predicaments have increasingly becoming complicated and Turkish role in the region has become vital than ever before.

Challenges the Ruling Party Has Been Facing in Turkish Political Pluralism

Because of its comprehensive approach to many complicated issues and problems the country's people have been facing for many decades, the AK Party caused many kinds of nationalists and secularists with hunger for power to unite against it. This is both the strongest and the weakest character of the AK Party in terms of current Turkish politics.

Constitutionally the AK Party and other big political parties in Turkey have a great advantage in the outcome of parliamentary elections because of the 10 percent threshold. This constitutional provision has so far played a very generous role for the AK Party in national elections. But a coalition of all the major opposition parties against the AK Party could put the latter in a very difficult situation in the Parliamentary elections of June 12, 2011. The AK party comfortably won a simple majority in Parliament. Of course, a wholesale united front against the AK Party had never been a realistic project, given the differences between the opposition parties in ideological, political and economic policy. That has been proved in the outcome of the parliamentary elections of 2011. Before the newly formed parliament President Gul states:

After the 1921 and 1924 Constitutions, which were initiated under the personal leadership of Gazi Mustafa Kemal, the subsequent constitutions were unfortunately the product of interim periods in which democracy and consequently the people's will were suspended. The 1982 Constitution currently in force is thus the product of such an era and despite comprehensive reforms implemented in recent years, it has lost its internal systematic, becoming too narrow to accommodate the level of democratic and economic sophistication our nation has reached. As a nation, our dynamic population has surpassed the 70 million mark and in about 10 years, we will be celebrating the Centennial Anniversary of our Republic. In almost a half-century from today, we will commemorate our presence in these lands for a millennium. It is natural then that as a country and a nation, we look with hope towards a brighter and better future. This is why, we must conduct

the process for a new constitution with composure, self-confidence and determination and without sacrificing the process to mistakes in method and discourse.²⁰

President Abdullah Gul's pragmatic policies are now quite appreciated within the country and camps of Turkish friends and foes. In fact because of Turkish pragmatic policies, Ankara has been holding a number of good balance sheets with US and Iran both of which are in loggerheads for more than three decades. The assertion that Iranians are neighbors for the Turks in territorial terms and Turks cannot afford to have animosity with the Iranian as Americans cannot have bad neighborly relations with the Mexicans came from the top levels of modern Turkish polity unknown to Turks before. This foreign policy of mutual understanding has some ramifications for the Turkish domestic policies and reforms as well.

Kurdish Issue and Turkish Multiculturalism

In the past there was a tendency in the Turkish media to trivialize the problems of the prolonged suppression and oppression of Kurds by Turkish ultra-secularists, who did not know how to handle the conflicts between Turks and Kurdish Muslims. Many Turkish elite believed that the conflicting issues between these two Muslim nations are of imaginary character or just concocted by the enemies of Turks. One may find a disproportionate level of accusations against the Turks in their handling of Turkish nationalists or PKK.

However, to compare the Kurdish predicaments in Turkey or Iraq with the Armenian uprising and subsequent massacre of some Armenian population has very little to do with the Kurdish issues in Turkey. Turks could be better off with a comprehensive rapprochement with the Armenian and Kurdish issue. The secular and nationalist forces in Turkey have never given adequate attention to the problems of Kurdish people, who might have contributed immensely to make Turkey a pluralistic society.

Until the rise of Islamic forces to the highest level of powers in Turkey the principle of pragmatism had never been used in addressing the traumatized relations between Turks and Kurds. The so-called Islamists in Turkey made a clarion call to stop bloodshed between these two Muslim people. The AK Party claimed that it can resolve all nationalist and ethnic conflicts in Turkey through dialogues and negotiations. The ruling party's claim that the Kurdish issue can be resolved without resorting to military means is in itself. Giving appropriate recognition to the Kurdish language and allowing its widespread use in a special state-run TV channel (TRT 6)

²⁰ Address by His Excellency Abdullah Gül, President Of The Republic Of Turkey, To The Turkish Grand National Assembly On The Occasion Of The New Legislative Year (The Turkish Grand National Assembly, October 1, 2011) In: <http://www.tccb.gov.tr/speeches-statements/344/80885/addrb-by-his-excellency-abdullah-gul-president-of-the-republic-of-turkey-to-the-turkish-grand-natio.html>

and on several private channels made many Kurds living in Turkey happy and keener to be almost fully integrated into the general Turkish society.

Until the formal dismantlement of the Ottoman state in 1923, Turks had played a very interesting and comprehensive role to make their society multicultural. With the rise of the Young Turks, Turkish multiculturalism came to a halt for around a century. But the rise of present-day civil society organizations, like the Gülen Movement, is reminiscent of the deep-rooted tradition of Ottomanism, based on Islam's ideal of universalism.

The results of 2007 parliamentary elections have been demonstrated that AK Party was there to win the majority seats in the parliamentary elections of 2011. However, like other political parties AK Party was also worried to find 20 MPs in the parliament solely representing the Kurdish voters. For a long time the Ottomans did integrated Armenians as full citizens of their Statehood. But just before its final collapse the Ottomans as an empire Turks could not handle the Armenian issues well. Similarly coming to the power the Young Turks had failed to appreciate that they need to address the Kurdish issues prudently.

However, to say that the AK Party has been practicing an ideology similar to that of Ottomanism would be a great exaggeration or over-simplification of a long historical phenomenon of Islamic internationalism. The correct evaluation of the AK Party would be its unwillingness to use religious issues aggressively and excessively for partisan gains in a multi-party electioneering system. However, the AK Party does not shy away from religious and cultural traditions.

Under the system of Turkish pluralism and multiculturalism there exists a fringe group of extremists with a militarism that can only be defeated with the help of the universal and spiritual prospects of progressive Islamism, the kind which can be found and nurtured within the ideological framework of the AK Party. We should not forget that the AK Party as a political and cultural force has already become synonymous with the moderation and stability without which Turkey might have been trapped in the state of political anarchy and economic stagnation characteristic of the pre-AK Party decade and prevalent in many Muslim countries around the world.

Kurdish problems in Turkey are yet to be resolved for the benefits of Kurds and Turks simultaneously. It is one OF the big challenges for achieving solid and long-lasting political stability, ethnic harmony, and religious tranquillity in the constitutional and political system of Turkey. Just by putting political ban on Kurdish activities, Turkish government no more interested in seeking national solidarity. PKK has already been discredited up to the extent that Kurdish population in Turkey in general no more subscribe the idea that an armed resistance is required to achieve a kind of provincial or ethnic authority for the Kurds in Turkey.

In 2002 when AK party won the parliamentary elections and from the government, like others, Kurdish voters in Turkey were in hesitation to

cooperate and collaborate wholeheartedly with the sitting government. Hardly anybody believed that rise of the AK Party in power was a great signal that majority Turkish voters wanted a stable government with the help of Islamic political forces with stronger sensitivity to all important challenges, including the rightful accommodation and rehabilitation of Kurds in Turkey.

In the Kurdish regions of Turkey the Peace and Democracy Party (BDP), has the majority of the Kurdish vote. The Rights and Freedom Party (HAK-PAR) and the Participatory Democracy Party (KADEP) come second and third... The AKP also announced the “democratic initiation program” to solve Kurdish issues and has had secret talks with the Kurdistan Workers Party (PKK), but over the past two years it has also started arresting Kurdish activists and BDP leaders under the pretext of ties with the PKK.²¹

Religious Factors in Turkish Politics

It is a conventional belief that the traditional religious forces have already been wiped from the Turkish political landscape and voting map. The marginalized orthodoxy cannot re-enter the political arena, provided the extreme secularist and nationalist forces do not attack the historical and cultural legacy of which the vast majority of Turks are very proud. After almost a century, the Turks as a nation have regained their national, religious and cultural pride through education and spiritual enlightenment; this rediscovered pride can be threatened only by extremist forces based on fanatical anti-Islamism.

Islam is a very practical religion aspiring for a normal mundane life for all irrespective of ethnic, religious and cultural identities. Gender related issues have also been looked as in the line of deen-al-fitrah (natural way of life). Anti-Islamism had become as the bedrock of Turkish ultra-nationalism for quite sometime. Kemalism had replaced the ethos of Islamism.

From the 1930s onward, the state emulated the Soviet mentality of destroying churches and installing personalities as goods to worship. The Turkish state applied a similar method, distancing itself from the Anatolian conservatives and forcing each village to install a statue of Ataturk. Instead of burning churches, they put Ataturk on a pedestal and turned his cult into a semi-religion. They wanted people to become modern by negating their Muslim roots and they needed to replace the void with something else to worship.²²

²¹ Khoshnaw, Hemin, “Majority of Kurds in Turkey Support a Kurdish Entity”, In: <http://www.rudaw.net/english/news/turkey/4793.html> (last visited June 3, 2012.)

²² Pope, Nicole “If you start from zero, things can only get better,” in *Turkish Review*, Vol. 1, Issue 3, March-April 2011, Istanbul, p. 60.

After the tragic incidents of 9/11 (2001) and U.S.-led war in many Muslim countries particularly in Iraq and Afghanistan gave an impression that Islamofobia is a creation of anti-Islamism in the West. However, the study of the Turkish history of twentieth century has revealed that Islamofobia was a concocted ideal to be pursued in secular Turkey up to the final decade of the past century.

On the other hand, we may consider Islamophobia as a reaction to the so-called Jihadist movements that practically non-existent in mainstream Turkish Islamic and Muslim practices in the twentieth-first century. The ugly assault of the right-wing Germans against the Turkish diaspora in Germany is one of the consequences of anti-Islamic sentiments in Europe. Turkish diaspora is no longer limited to Germany; it is growing in many countries, including Iraq, the US, Russia and many Commonwealth of Independent States (CIS) members.

It appears that within the Turkish communities living outside Turkey, Islamic factors have increasingly become a unifying force to celebrate Turkish identity and the Ottoman legacy. Too much pride in the Ottoman legacy in Turkish communities may provoke fears about Jihadist ideas among the secularists, nationalists, Westerners and even some segments of the Muslim communities. Here, Turkish politicians with stronger Islamic values and Muslim traditions need to discover the fine lines they must follow to unify the Turks both within Turkey and beyond.

Dilemma with many fundamental rights including civil and religious rights protected by any constitutional system initially tends to build a “high-Wall” between religion and secularism. However, a reconciliation process between the two is necessary to have a solid constitutional legal framework for all citizens of all colors and religions.

Conflicts in constitutional politics over religious freedom, however, involve not only deciding between and applying the nonpreferentialist or accommodationalist approach versus the high-wall theory of separation of government and religion. In the contemporary administrative state, laws and exemptions from laws may be challenged for violating either the establishment clause or the free exercise clause. There is an essential tension between these two guarantees. Exemption from the draft for conscientious (religious) objection to killing and war, for instance, may be defended by claiming the free exercise clause, but attacked under the establishment clause for aiding religion. Scholarships, grants, tax credits, or reimbursements have, likewise, been viewed as infringing on, alternatively, one or the other religion clauses.²³

²³ O'Brien, David M., *CONSTITUTIONAL LAW AND POLITICS* : Civil Rights and Civil Liberties, Vol. Two, Sixth Edition, 2005, pp. 694-5.

Conflicts between different types of rights and their realization know many historical, economic, and cultural facets and dichotomies. On the other hand, the role of civil and military bureaucracy in running the State and public affairs has been shaping and reshaping in the context of globalization as well as intensive economic regionalization. Since the last decade of the twentieth century, Turkey has been caught by the dynamics of global economy and trade on the one hand and regional liberalization on the other.

At the initial period of the post-Cold War era, Turkish domestic policies were not at all helpful to address the underlying problems Turks had been facing at different stages of global trade and international politics. In this backdrop, Turkey has been desperately trying to bring about some significant constitutional and judicial reforms.

Rewriting the Constitution and the Attempt of Adopting a New Constitution

Rewriting the Constitution and the attempt of adopting a new constitution during last ninety years, Turkey has rewritten its constitution many times. Changes did occur with some limited successes toward democratization of Turkey. Usually we criticize Turkish constitutional system for its overly institutionalized dominance of military forces over civilian governance and administration of the country. Not many analysts see the intertwined militarism and secularism in the constitutionalism of Turkey until the triumph of AK party in help of political powers in the twenty-first century.

In the West democratic institutionalization goes hand in hand with the secularization of the society. In the East, the democratic process has been renamed as authoritarian form of electorate system with Asian values. Turkey is at the cross-borders of European and Asian continents not only in terms of its territorial disposition, but also in many other considerations such its ambition to be integrated fully with the Europeans. In terms of Turkish secular and military development, Turkey was closer to a Soviet system rather than a European pattern of democratic rule that existed in the twentieth century.

However, “Soviet character” of the Turkish constitutionalism remained unnoticed because of Turkish alliance with the West European Nations and USA. Turkish military elite and ultra-secularist politicians might have thought that Turkish economic integration with the Western countries in general and European countries in particular would follow a pattern similar to the Turkish integration in the NATO system.

Since 2003 Turkey’s cooperation with the Western nations, particularly with the USA, has become rather strategic than ideological. Turkish political orientation and military involvement with Western countries came under closer scrutiny of its constituencies within the country and its Muslim friends and foes abroad. The denial of Turkish parliament to allow NATO forces to use Turkish territories and airspace in the process of USA-UK-led military occupation of Iraq had surprised the entire world.

Within the political spectrum of Turkey, for the first time, nationalist forces found common ground with the so-called Islamic forces, which were on the rise. Ultra-secularist forces and military elite has become unnerved up to the point that they tried to orchestrate military coup against civilian-led government and wanted to curtail the powers and function of the Turkish parliament.

In fact, in the twenty-first century, Islamically oriented political forces in Turkey found many reasons why they should be cooperating and collaborating with others, including moderate secularist and patriotic nationalists, to have and protect a democratic system based on fair and free electorate system of their own. For a wider segment of Turkish population, democracy and Islamism were no more contradictory to each other. Anti-Islamic Secularism and ultra-nationalism protected by Turkish military elite has received a dubious character and in many ways unacceptable to the regular working Turkish population because of overly hostile nature of state-sponsored ideological showdown against all kinds of political adversaries.

Since the early days of the twenty-first century, Turkish parliament and election commission have been playing their active role in strengthening the democratization process in Turkey. Judiciary process and police surveillance and investigation process of crime has become more transparent than ever before. Under popular pressure military intervention in political affairs has been decreasing both in terms of intensity and frequency and politicians appears to be less corruptive in an effort to make them acceptable to the wider segments of voters.

A cleaner image of political process in Turkey has paved the way for the moderate Islamic forces to become victorious in the parliamentary elections repeatedly. The victory of the AK party in the parliamentary elections of 1911 was marked as a shift of power of balance in Turkey in favor of moderation in exercising State powers in all important national issues of the country.

Turkish constitutional system is a rigid one. AK party holds only a simple majority in the parliament. Why, then, party in power has been pushing for rapid and comprehensive constitutional reforms? How the ruling-party MPs wish to achieve their goals of rewriting the entire constitution? In fact, AK party made it very clear that it wish to adopt a new and dynamic constitution in view of the changed political landscape of the country.

It appears that AK party wishes to create political consensus over some important constitutional issues. In its efforts AK is keen to take the necessary help from other political parties and forces based on dialogues and political discourses. Instead of waiting for winning more parliamentary seats required to adopt constitutional amendments or to go for a new constitution, politicians of the ruling party decided to put the agenda in front of public and media.

It is very clear that the ruling party wishes for a swiping and dramatic change of the constitutional system of Turkey. Some are voicing for the abolishment of the Constitutional Courts and the National Security Council all together. Some politicians and reformists, including the sitting Prime Minister, Recep Tayyip Erdogan, time and again have been sending signals that they would be willing to change their existing parliamentary system into presidential form of government.

In fact, with few exceptions such as Malaysia, in the Muslim world parliamentary democracy did not bring much stability to the political atmosphere of any country. Overcoming a lot of hurdles, moderate Islamic forces in Turkey succeeded to bring political stability in the country. There is a growing fear that a united front against AK party may destroy the gained political stability during last few decades. The policymakers of the AK party appear to be conscious about their own religious lenience and the challenges they have been facing in a country where the voters are now extremely polarized.

There is no reason to assume that Turkish voters support the AK party candidates simply because of some religious and cultural reasons. Many voters simply vote for AK Party because of its better performance in formulating and executing economic policies that bring direct or indirect economic dividend to wider segments of population. Moreover, at the leadership levels the AK Party and in its running the state affairs public eyes can easily observe a cohesive governmental policy admired by non-religious forces.

It has been proven time and again that the core support basis of the AK party comes from the religiously lenient political forces or people with strong appetite for Muslim way of life with Turkish facets. But a major reason of the steady increase in popularity of AK Party is its honest patriotic character with moderate Islamic behavior. When it comes to the issues of electoral reforms, almost all political parties wish to put forward some ulterior motives of their own.

“Opposition parties complain about the flawed legislation, but never make any reference to these flaws once they come to power. Sadly, the AK Party is no exception.”²⁴ The issues of writing a brand new constitution for Turkey are almost inseparable from the overhauling the electorate system of Turkey. At present the issues of the constitutional and judicial reforms in the political landscape are open ended. However, until recently the basic structure of the constitution and the present parliamentary form of government were not under any serious review.

²⁴ Korucu, Bulent, “Turkey’s Election Law falls Short of the Mark”, *In: Turkish Review*, Vol. 1. Issue 3, Istanbul, 2011, p. 21.

Conclusion:

During the nineteenth century, Turks could not achieve any breakthrough in establishing a constitutional framework of their own. During the second half of the nineteenth century, a number of attempts had been made to reform other branches of legislation, including, Muslim personal law. However, the importance of constitutional law had been ignored and thus Turkey remained without any constitutional rule up to 1921. After that prolonged unfortunate scenario, Turkish constitutions had been adopted based on the instructions of some military leaders.

Modern Turkey has been experiencing many contradictory courses of changes in its constitutional development. Prior to the rise of Young Turks in 1908, more than three decades there was practically no constitutional rule in Ottoman Turkey. In fact, from the mid of nineteenth century up to the official dismantlement of the Ottoman Empire in 1924, Turk politicians had ignored the importance of having some visible and strong legal framework for achieving a system of good governance and rule of law in the country.

With the rise of Turkish nationalism during the early decades of the nineteenth century, Turks as a Muslim nation had become an isolated nation like the Persians and Indians Muslims. However, unlike the Indian Muslims, neither the Persians nor the Turks could be brought under any direct colonial occupation. From its inception as a nation-state in 1924, Turkey has taken secularism and nationalism very seriously, making these ideological doctrines into constitutional principles to be followed at all levels of governance almost in a similar fashion that of the Russians.

Under one-party rule Russia and Turkey took the course of anti-Islamism as their state ideology respectively. Russian atheism and anti-Islamism had been regarded as the integral part of Communist or Marxist ideology and anti-Islamism was regarded necessary in Turkey for the successful triumph of Secularism. In both cases history went wrong serious in both the countries in regard to religious and individual freedom and political liberty.

The constitution adopted in 1924 was a reactionary legal document based on anti-Islamic and ultra-secularist and chauvinistic nationalist principles. The ideological basis of the first secular constitution had been regarded as Kemalism, which had been proved to be inadequate and even destructive for the smooth development of any decent constitutionalism in Turkey. After the death of Kemal Attatuk in 1938, his cronies were determined to keep Turkey in an old fashioned anti-Islamic and anti-Arab course of development.

During the Cold War Ear, some visible changes did occur without any cohesive development in constitutional rule of the country. Military dominance in the system of governance of Turkey remained fashionable until the final collapse of the USSR in 1989. During 1990s a number of attempts had been made to make constitutional development pro-people

But in terms of trials and errors it had undergone and clear-cut division between the civil and military administrations it had achieved can be regarded as a remarkable achievement by any standard. At present there exists no serious military threat to civil administration of the country.

However, attempts to being a presidential system of government to replace the preset parliamentary system might destabilize the existing system of governance. The apparent complication with existing parliamentary democracy is that corporate entities have been increasingly becoming the power-brokers and active players in the electorate system, which may have become corrupted quickly. Moreover, Turkish Parliament has been acting very slowly to resolve the issues related to Kurdish predicaments, secular and nationalistic chauvinism.

Division of powers and functions between Head of the State and head of the Government under present-day Turkish constitutional arrangement knows very little controversy. However, both of these institutions until now have of facing a kind of vulnerability in the face of competing military and civil administration and lengthy process of *modus oparendi* when government needs to take prudent and decisive actions to resolve big national disputes and conflicts. However, any undesired attempt to change this ongoing parliamentary system into presidential system may destabilize the overall political landscape of Turkey, which needs political stability and comprehensive legal and judicial reform to prepare the country to be competitive in the regional and global economic groupings.

Secular Turkey of twentieth century hardly can be proud of any achievement it gained under ultra-nationalism and anti-Islamism. Since the adoption of 1982 constitution of Turkey, Turks have been trying hard to overcome its image of *Sick Man* of Europe and to make itself a full member of EU from its observer status.²⁶ Turkey has failed to become a member of EU and that failure has turned into many success stories in economic and political fronts within its territorial boundaries.

As the single Muslim member of NATO, Turkey had served as a balancing power in the European continent and beyond. Turkey's relationship with Israel recently soured, and that made Prime Minister Recep Tayyip Erdogan a unique hero for the entire Muslim world....Turkey is now an example of how pro-Islamic forces can draw huge number of moderate secularists and nationalists into the fold of the positive reformists, ensuring more

²⁶ Turkey got an Associate Membership of the EEC (present-day EU) in 1964. Turkish governments have been yearning a full membership of EU since then. Ankara has been aspiring to be a member of Euro-zone as well. At present many Turkish political and religious circles believe that with a membership of Euro-zone Turkey could caught up with a Greek or Spanish syndrome of failed economy, if not failed State again. This syndrome of unrest over austerely measures in Europe would continue to intensify and engulf other Euro-zone members, who might not be seriously interested in further integration of EU members.

personal liberty and religious freedom...It is now more than a decade since the pro-Islamic political forces in Turkey ushered in a solid hope that under religiously motivated leadership a smooth and peaceful transfer of power from one government to another is quite possible. Accordingly, similar political forces with moderate views of Islam in other Muslim countries can also safeguard the much-needed constitutional system of transfer of power at the highest levels of governance.²⁷

²⁷ Khan, Maimul Ahsan, "Egyptian and Turkish Constitutional Reform", In: *Turkish Review*, Vol. 2/4. Istanbul, 2012, pp. 68, 69.