

TURKIJE INSTITUUT
TURKEY AND DEMOCRACY – 30 YEARS AFTER THE COUP
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A Concise History of the Republic's Democratization

From Semi-feudal Empire to Nation-state,
From Nation-state to Democracy

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THE TWO WAVES OF TURKEY'S MODERNIZATION

- ✕ 1920s & 30s: Kemalism
 - + A simulation of W. Europe by "Revolution from Above"
 - + Everyone knows that
- ✕ 2000s: EU Harmonization Packages
 - + A simulation of W. Europe to reach the present European civilization, and consummate the unfinished modernization of the 30s
 - + Many people don't know that.

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THE KEMALIST REVOLUTION - AN APPRAISAL

- ✗ A great leap forward thanks to the main dictum: **“Contemporary Civilization”**
- ✗ Very much in line with the European civilization of its time,
- ✗ Contradictory to the present European civilization (EU)
- ✗ “Kemalists” made 3 military coups “to bring back Atatürk’s time”: 1960, 1971, 1980.

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THE COUP OF 12 SEPTEMBER 1980: PART ONE: THE PURGE

- ✗ Done by the Military, backed by the Grand Bourgeoisie. A reaction to “2 K”s: **K**omunism and **K**urdism created by Kemalist modernization. Antidote: **“Turco-Islamic Synthesis”** and compulsory Sunni Islam courses.
- ✗ Persecutions:
 - + Filed by the police: 1.683.000
 - + Arrested: 650.000
 - + Judged: 230.000
 - + Executed: 50
 - + Fired from job on Military’s order: 30.000
 - + Deprived of nationality: 14.000
 - + Banned from traveling abroad: 388.000
 - + Officially destroyed: 39 tons of newspapers and magazines
 - + Deaths under torture: 171
 - + **Conditions in prisons:** Deaths: 229; Deaths under torture: 17; Deaths by suicide: 43; Deaths by hunger strike: 14; Suspicious deaths: 144.
 - + Military Court, on 24 Jan. 1984: “Torture is being done to extract the truth from the suspect” (The Inquisition?)
 - + Gen. Evren: “Do you expect us not to hang them but feed them?”
 - + Provisionary Art. 15 of the new Constitution: “Total immunity for the entire Coup process and authorities”

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THE COUP OF 12 SEPTEMBER 1980: PART TWO: THE TUTELAGE REGIME

- ✗ The Military proclaim the new Constitution of 1982. Its central theme: To protect “the holy Turkish State” from its citizens
- ✗ The two pillars of the new Constitution:
 - + The Military + The President (the leader of the Coup)
 - + The Judiciary, already purged in 1960 coup:
 - ✗ ½ of the High Administrative Court,
 - ✗ ¼ of the Court of Cassation,
 - ✗ 1/6 of the prosecutors/judges of the local courts.

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THE COUP OF 12 SEPTEMBER 1980 PART THREE: THE TWO PILLARS OF THE TUTELAGE REGIME

- ✗ **1) The Military. Practically autonomous.**
 - + Constitutional power from: President Gen. Evren, Chief of the Coup
 - + Juridical power from: Military courts judge civilians as well
 - + Practical power from: The General Staff free from civilian control and audit
- ✗ **2) The High Judiciary. Totally independent and partial:**
 - + The High Judiciary Council (HJC) selects the members of the Cassation Court (CC) and the High Administrative Court (HAC), and these two courts elect the members of the HJC with the participation of the President
 - + The Constitutional Court (CoC) is directly and indirectly chosen by the President
 - + This caste, already “restructured” by the purge of 1960 Coup, controls the State but no other force controls it: **Juristocracy**. No “Separation of Powers”, no “Checks and Balances”.

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THE OUTCOME OF THE 1980 COUP: THE UPSURGE OF THE KURDS AND OF THE ISLAMISTS

- ✗ The Coup makes:
 - + Political life unbearable for the intellectual
 - + Poverty widespread among masses
- ✗ Creates the antitheses of the 1930s Kemalism
 - + Eruption of the armed Kurdish resistance (PKK) in 1984 as a result of tortures
 - + Eruption of the Islamist party as a result of the rise of “Green Capital”, also called “Islamist” or “Anatolian” or “Anatolian Tigers”
 - ✗ Against EU, against foreign capital, against liberalism, etc.
 - ✗ Ideological impact of the “Turco-Islamic Synthesis”
 - ✗ Economic impact of the “gold coins under the pillow” turned into investments under Prime Minister Özal.

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METAMORPHOSIS OF THE ISLAMIST CAPITAL: FROM RP TO AKP

- ✗ Over the last two decades Green Capital has transmuted:
 - + **In late 80s** the Green Capital, unlike the Grand Bourgeoisie, does not do business with the State, instead it exports and directly articulates to Globalization/international capitalism.
 - + **In late 90s**, enrichment causes the veil to become a visa to go out on the street and meet a boyfriend, and smoke a cigarette. Advent of the “Green Pop” and Islamist stand-up stars
 - + **In the beginning of 2000s** the new key concept is the EU
 - ✗ It's values (freedom of expression, of belief, etc.) profits the Islamists
 - ✗ Islamists are now the New Rich: “Monsieur Jourdain”s in search of interior designers .

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LIVING ROOM OF A NEW RICH MUSLIM HOUSE, ISTANBUL



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THE BEDROOM



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A NEW TYPE OF MUSLIM YOUNG WOMEN



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ISLAMIST (MUSIAD) WOMEN PLAY PAINTBALL, DO BUNGEE JUMPING



✕

(daily *Milliyet*, Sept. 10, 2010)

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AKP

- ✗ In 2001 a new party is born from RP: AKP. Equally religious, but very different:
 - + Very conservative in life style, but economically and politically liberal
 - ✗ Welcomes foreign capital, privatizations, IMF
 - ✗ Human rights reforms: EU Harmonization Packages
- ✗ AKP represents the latest stage of capital accumulation in Turkey
 - + 1915 + 1923 + Kemalist State incentives +1942 → Istanbul Capital
 - + 1915 + 1923 + 1980s incentives under Özal → Anatolian (Green) Capital
- ✗ AKP now represents the “Protestant-ization” of the Turkish Sunnis, the Kemalists being the Catholics
- ✗ Projection in foreign policy: AKP is more pro-Western and pro-EU than its laicist predecessors .

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AKP AND THE 2ND WAVE OF WESTERNIZATION: EU REFORM PACKAGES (2001-2004) - KEY REFORM CATEGORIES

- ✗ More freedom of expression, less “national security State”
 - + “Fundamental rights & freedoms can only be limited on grounds of reasons mentioned in the Constitution, and only by law”
 - + Deleted: “No language prohibited by law can be used to express and diffuse thought” and “To contend that minorities exist is punishable”
 - + Abolished: Capital punishment
 - + Custody period limited, next-of-kin will be notified
- ✗ Contain Military’s political power
 - + NSC: Its decision will be advisory only; civilian authorities will no longer be obliged to provide it with secret information; its Secretary General will no longer have to be a Military;
 - + the High Court of Auditors will now be able to audit the Military [not applied yet]
- ✗ Make torture more difficult
 - + When damages are decided by ECtHR on grounds of torture, the State can now recover the damages from torturer himself
 - + Prosecution of torture suspects will no more be subject to special administrative permission
 - + Prison sentences for torture cases will no longer be converted into fines or suspended .

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VIOLENT REACTIONS AGAINST EU REFORM PACKAGES: “SÈVRES PARANOIA”

- ✗ Trigger: Fear
 - ✗ of Globalization (concretized as the EU policies alienating Turkey)
 - ✗ of an “Islamist” government
 - ✗ of losing privileges (for Kemalist elites), and fear to have to settle for a *primus inter pares* position only (for Muslim masses)
 - ✗ of the 4 Zombies: Cyprus, Armenian, Kurdish, Islam questions
 - ✗ fear as the situation is worsened by the recipes of 1930s
- ✗ Slogans:
 - ✗ “Christian & imperialist West will split us” (PKK)
 - ✗ “Islamic law will take over” (AKP)
 - ✗ “All this, it’s because of democracy” (EU Harmonization)
- ✗ Actions:
 - ✗ The website of the General Staff: “He who doesn’t say ‘I’m proud to be a Turk’ is an enemy and will stay so”
 - ✗ Lynching Leftists and Kurds; killing non-Muslim citizens and Christian missionaries .

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WEAKENING THE MILITARY FOOTHOLD OF THE TUTELAGE: ERGENEKON TRIALS

- ✗ A series of scandals start to shake the tutelage in the second half of 90s:
 - + Susurluk (1996), Şemdinli (2005) (the “Deep State”)
 - + Failures against PKK,
 - + Buried military material discovered,
 - + Systematic torture by JITEM revealed,
 - + Several Coup preparations since the advent of the AKP discovered, etc.
- ✗ Generals are questioned, arrested, and prosecuted
- ✗ The General Staff, traditionally eager to make frequent political comments, stays silent vis-a-vis the spectacular claims of daily *Taraf*.
- ✗ The Military suffer important loss of prestige and are no more able to dominate politics .

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WEAKENING THE JUDICIAL FOOTHOLD OF THE TUTELAGE: THE REFERENDUM OF 12 SEPT. 2010

- ✗ Unable to reach a consensus at the Parliament for constitutional reforms, AKP presents a “light” package to referendum, with articles pertaining to:
 - + Fundamental rights & freedoms: Ombudsman, etc.
 - + Restricting the jurisdiction of military courts:
 - ✗ They’ll no more be able to prosecute civilians, etc.,
 - ✗ Abolished: Prov. Art. 15 of the Constitution (immunity to military leaders)
 - + Diluting cooptation, in other words “self-insemination” of the Judiciary, by involving the Legislative in the appointment process .

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WHY TARGET THE HIGH JUDICIARY?

- ✗ **High Judiciary now substitutes the weakened Military**
 - + **HJC**
 - ✗ Dismissed from job a DA trying to prosecute the Chief of Land Forces in Şemdinli affair (Apr. 2006),
 - ✗ Dispersed the Court that condemned to 36 years the NCOs of Şemdinli (June 2007),
 - ✗ Now is trying to disperse the judges and DAs of Ergenekon trials
 - + **CC**
 - ✗ Had submitted to the leader of 80 Coup its “feelings of gratitude for being the guarantor of the rule of law and of the independence of the Judiciary” (1985),
 - ✗ Dismissed from job a DA trying to prosecute the leader of the ‘80 Coup (Feb. 2003),
 - ✗ Transferred to military court the case of the NCOs of Şemdinli (2007)
- ✗ **High Judiciary destroys the Balance of Powers and Checks and Balances**
 - + **HAC** replaced the Executive by exercising a judicial review of the exercise of its discretionary powers (bus tickets),
 - + **CC** replaced the Legislative by ignoring laws, the Constitution, and international treaties (Greek foundations case: Const. Art. 3, Art. 90/5, Lausanne Art. 42)
 - + **CoC** also replaced the Legislative by violating Art. 148 of the Constitution .

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WHY TARGET THE HIGH JUDICIARY? (CONT'D)

✖ High Judiciary is independent, and very partial

- + CC President: “Judges cannot be impartial when it comes to the Star & Crescent, and to the indivisible unity of the State and Nation”
- + Interviewed DAs and judges: “I couldn’t care less about law when my country is in question” (TESEV study)
- + Acquitted on grounds of “freedom of speech”: The following sentence pronounced for 2 professors, members of the Human Rights Advisory Council: “If they want to know who their fathers are, let them ask their mothers”,
- + Condemned to heavy fine: A professor of Constitutional Law for writing: “The judges of the Cassation Court don’t know anything about law”.

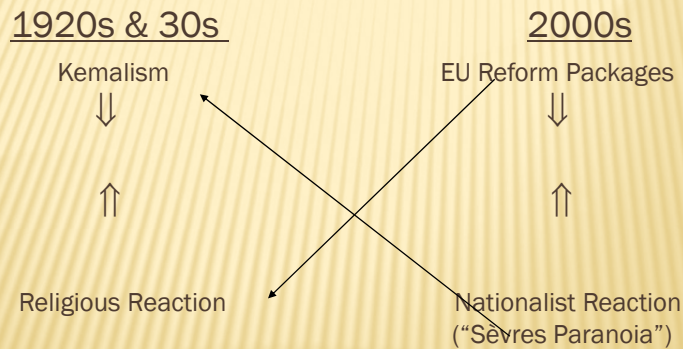
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TWO WESTERNIZATION MOVEMENTS: A COMPARISON

Ottoman Empire	Kemalist Revolution (1920s & 30s)	EU Reform Packages (2001-2004)
Semi-feudal empire	Nation-state (monist)	Democratic state (pluralist)
Subject	Citizen (compulsory)	Citizen (voluntary)
Umma	Nation (homogenous and secular)	The Individual
Muslim	Turk (Muslim Turk)	<i>Türkiyeli</i> (“from Turkey”)

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ANALYSIS OF THE PRESENT SITUATION DESPAIR AND HOPE



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EPILOGUE ON: "ARE YOU AWARE OF THE DANGER?!"

- ✗ Are we heading straight to an "Islamist" tutelage replacing Military + Judiciary tutelage?
- ✗ A double answer:
 - + Do we have to presuppose that Turkey is condemned to tutelages after a hundred years of modernization / Westernization / democratic process?
 - + Isn't this presupposition the end-product of a mental tutelage itself?
- ✗ Turkey in a point of no return
 - + Civil Society: Democrats and Leftists
 - + Grand Bourgeoisie
 - + Middle classes
- ✗ Despite two giant "bloque mental":
 - + Monist Nation-state system since 87 years,
 - + Religious Millet System since 1454 ..

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