DEMOCRATIC CONSOLIDATION IN TURKEY: CHALLENGES AND PROSPECTS

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DECLARATION

I declare that the dissertation entitled **"Democratic Consolidation in Turkey: Challenges and Prospects"** submitted by me for the award of the degree of **Master of Philosophy** of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this University or any other university.

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CERTIFICATE

We recommend that this dissertation be placed before the examiners for evaluation

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CHAPTER 1

INTRODUCTION

The 20th century has been the century of democratization, first in Europe and later in the rest of the world. Democratization has been a major global phenomenon during the twentieth century and the struggle of nation-states to move in a democratic direction and to sustain and entrench democratic political systems is one of the central narratives of the nineteenth and twentieth centuries.[1] According to Samuel Huntington, democratization occurred in three waves: the first "long" wave of democratization began in 1820s,with the widening of the suffrage to a large proportion of the male population in the united states, and continued for almost a century until 1926, bringing into being some 29 democracies. The second wave of democratization began after the triumph of allies in Second World War which brought up at least 36 countries to a democratic set up until its zenith in 1960. The third and most important wave of democratization occurred between 1974 and 1990, at least 30 countries made transitions to democracy.[2] During this period the unprecedented transitions of authoritarian countries towards democracy made the scholarly world filled with various works on conceptualizing or defining democracy, democratization and its related concepts like democratic transition and democratic consolidation.

Defining Democracy

The merits and demerits of democracy have been debated since the days of Aristotle and since then the concept of democracy has occupied a central place in the discipline of political science. Given the acceptance of democracy today, "it has become the most general term of approval in the political lexicon, it is the word that resonates in people's minds and springs their lips as they struggle for freedom and a better way of life, and so has become emptied of all content; democracy is whatever we choose it to mean."[3] Even the most ruthless dictators will claim the mantle of democracy, because they are carrying out the 'true will of the people'; for them, dictatorship is only a distinctive way of practicing democracy in their country.[4]

[1] David Potter et al. (1997), '*Democratization*', Cambridge: Polity Press,pp.1-37
[2] Samuel P. Huntington, (1991) , '*The Third Wave: Democratization in the Late Twentieth Century*', Norman: University of Oklahoma Press, pp.3-4
[3] Philippe C. Schmitter and Terry Lynn Karl (1991) , 'What Democracy Is... and Is Not', *Journal of democracy*,Vol.2,No.3, pp.75-78

[4] David Beetham (2006 eds.), '*Defining and Measuring Democracy*', California: SAGE Publications,pp.6-25

Dwelling upon the merits of democracy and making the case for a democratic system over authoritarianism, it has been argued that democratic governance is a very important aspect of political system in the sense that it makes a difference from the perspective of people living under a particular political system. The difference between a democratic government and autocratic system of governance is that by its very nature democratic governments are inclined to take care of the many and serve their interests in the endless struggle for survival in this world of scarcity, whereas it belongs to the nature of autocratic systems to serve the interests of the few. Thus, "democracy is one; others are autocratic, authoritarian, despotic, dictatotrial, tyrannical, totalitarian, absolutist, monarchic, oligarchic, plutocratic, aristocratic, and sultanistic."[5] Here, the concept of power as a central variable in the hands of political actors and its use as per the will of the people becomes an important factor in imparting a benevolent character to democratic political systems. Consequently, "Power becomes a means for directing the effective outcomes of policies and for deciding the constituencies to whom the outcomes of the policies cater to".[6] Power is shared by the many in a democracy, power is used, or at least attempted to be used, for the advantage of the many. In an autocracy power is concentrated in the hands of the few it is also used to serve the interests of the few.[7]

This is the reason why subjugated and common people living under autocratic systems dream of democracy or something like it and why they start to struggle for democracy as soon as they are able to challenge their rulers. It is reasonable to assume that a democratic system provides a better framework for the good life and human dignity of the many than an autocratic system, but this is not a sufficient reason for the ruling few to give up their monopoly of power and to share power and the fruits of power with the many. As a consequence, democracies do not emerge easily, and it is often difficult to maintain established democratic institutions. The majority have to struggle for democracy and defend their democratic freedoms and rights against the few who would like to establish their own hegemony. It is difficult to know the results of such struggles in advance. In

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[5] Schmitter and Karl, 'What Democracy is', p.76

[6] Beetham, '*Defining and Measuring Democracy*',p.73

[7] Tatu Vanhanen (2003), '*Democratization: A Comparative Analysis of 170 Countries*', USA & Canada: Routledge,pp.25-47

fact, most political systems may be somewhere in the twilight area between the rule of the few and the rule of the many.[8]

At this point, it becomes important to discuss and conceptualize democracy in its literal way. In linguistic terms 'democracy' is derived from the Greek *demokratia* that can be broken down into *demos* meaning the people and *kratos* meaning rule. Although the translation of democracy as 'rule by the people' implies decision making, viewing democracy primarily in this way covers only some of the meanings often assigned to the word. Lincoln summed up democracy by declaring a commitment to 'government of the people, by the people, for the people'. This simplistic but powerful summation of democracy clearly establishes 'the people' as both the means and ends of democracy. While talking about democracy as a form of government the definition of democracy has been varying widely. Since its popularization after World War I the protagonist of that period talked of a system of government which upholds welfare for all. Since then 550 subtypes of democracy are identified in David collier and Steven Levistky's review of some 150 (mostly recent) studies.[9] For the purpose of understanding democracy as the system of government two main types of democratic system has been examined by the scholars of democracy from the various subtypes of democratic systems such as *electoral democracy* and *liberal democracy*. The electoral democracy stands for those regimes which are able to manage more or less free and partial elections but they are not able to provide civil and political rights essential for full realization of masses aspiration and their development. The liberal democracy stands for those regimes which are able to manage free and transparent elections besides providing civil and political rights. In addition to this the regime must govern constitutionally, rule of law must be adopted and so on.

Thus, "The above elements of liberal democracy compose most of the criteria by which Freedom House annually rates political rights (of contestation, opposition and participation) and civil liberties for the nations of the world. Political rights and civil rights are each measured on a 7-point scale, with a rating of 1 indicating the most free and 7 the least free. Countries with an average score on the two scales of 2.5 or lower are

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[8] Tatu Vanhanen (1997), *'Prospects of Democracy: A Case Study of 172 Countries'*, London: Rutledge, p. 4

[9] Larry Diamond, (1999), *'Developing Democracy: Toward Consolidation'*, Baltimore: The John Hopkins University Press, p.7.

considered "free"; those scoring between 3 and 5.5 are "partly free" and those scoring 5.5 and 7 are "not free". Thus the "free" rating in the Freedom House survey is the best available empirical indicator of liberal democracy."[10] The recent report of Freedom House on "Freedom in World-2010" states that around 89 countries are free, 58 are partly free and 47 are not free after measured by 7-point scale.[11] The report can be analysed that the 89 countries around the world are liberal democracies up to the time. Whereas 58 countries are stated electoral democracies and 47 are still under authoritarian control. The prime motive of democratizing an authoritarian regime is to achieve the final status of liberal democracy while moving away from an authoritarian breakdown to electoral democracy to liberal democracy.

Democratisation

Originally, Democratisation is a complex historical process consisting of several stages, which generally begins with the loosening of restrictions and increasing civil liberties in an authoritarian regime. The word 'democratisation' was first used by British politician, historian and diplomat James Bryce, who identified the process as beginning with the French Revolution.[12] Democratization is an all encompassing process, a government's effort to provide open access to information reflects democratization, so does its effort to involve and engage the civil society in solving the problems affecting the society. Thus, democratization involves everything that may make a democracy deliver its goods effectively and efficiently. The process of democratization and its starting point (conditions) emerges from interacting changes in three analytically separable but interdependent sets of social relations: public politics, inequality, and networks of trust. Huntington, however explains the democratization under the third wave as the product of five key factors:

- The deepening legitimacy problems of authoritarian systems in a world where democratic values were widely accepted, the consequent dependence of these

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[10] Ibid,p.12

[11] FREEDOM HOUSE (2010), 'Map of Freedom', http://www.freedomhouse.org/uploads/fiw10/FIW_2010_MOF.pdf.

[12] Iain Mclean and Alistair McMillan (2005), 'Concise Dictionary of Politics', New York: Oxford University Press,pp.144-45.

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regimes on successful performance, and their inability to maintain "performance legitimacy" due to economic (sometimes military) failure.

- rising expectations following the economic boom of the 1960s, leading to demands for raised living standards and education, especially on the part of the middle classes;

- the liberalization of the Catholic Church following the Second Vatican Council of 1963-65, assisting the transformation of national churches (and individual church leaders) and making it possible for them to act as proponents of reform;

- the changing policies of global organizations such as the European Union, and of actors such as Gorbachev and the shift in US policy towards endorsing an agenda of democratization and human rights; and

- demonstration effects, or snowballing, the result of the global growth of communication networks.[13]

In the course of democratization, the bulk of a government's subject population acquires binding, protected, relatively equal claims on a government's agents, activities, and resources. In a related process, categorical inequality declines in those areas of social lives that either constitutes or immediately support participation in public politics. The process of democratization has followed different trajectories in different parts of the word at different historical time spans. Probably, this is the reason why David Potter considers democratization processes as perhaps the liveliest and most prominent 'growth point' in the literature of comparative politics.[14] By raising some important questions like why has democratization been a strong impulse in some countries, a weaker or nonexistent impulse in others? Why democratic forms of government and politics have at certain historical points in time been more prevalent in certain regions of the world, less prevalent in others? He explains, patterns of democratization under three general types of theoretical approach: i) The modernization approach emphasizing a number of social and economic requisites either associated with existing liberal democracies or necessary for successful democratization, ii) The transition approach emphasizing political processes and elite initiatives and choices that account for moves from authoritarian rule to liberal

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[13] Huntington, 'The Third Wave',p.4

[14] Potter, *Democratization*,p.3

democracy and iii) The *structural approach* emphasizing changing structures of power favorable to democratization.[15]

The modernization approach explains democratization in terms of economic development. The classic starting point for a set of ideas that has been used to approach the explanation of democratization is the essay 'Economic Development and Democracy' by Seymour Martin Lipset in his work *Political Man*.[16] Lipset in the said work argues that democracy is related to a country's socioeconomic development or level of modernization. Based on certain empirical evidences he concluded that 'the more well-to- do a nation, the greater the chances that it will sustain democracy.'[17] He found five indicators of development like per capita income, telephones per 1000 persons, percentage of population involved in agriculture, percent of population living in the metropolitan areas and percentage of literate population.

While linking socio-economic developments with democratization, he focuses on the combination of economic development and spread of higher education as the determinants of the form of "class struggle" as both these factors provide with a capability to the lower strata to develop a long time perspective and a more complex as well as a gradualist view of politics.[18] His conclusions regarding education as a potent means of democratization come from his belief that education broadens the person's outlook, which enables him to understand the need for norms of tolerance. Thus, education restrains him from adhering to extremist doctrines and increases his capacity to make rational electoral choices. According to him, 'the lower the absolute standard of living of lower classes, the greater the pressure on the upper strata to treat the lower as vulgar, innately inferior, and hence unworthy of political rights and democracy'.[19] Socio-economic development, in his view, can strengthen the middle class, the moderates and democratic parties while penalizing the extremist groups. The modernist school based its analysis on two general conjectures. First, it portrayed political empowerment at the mass

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[15] Ibid,p.10
[16] Ibid,p.11

[17] S.M. Lipset (1960), *'Political Man: The Social Base of Politics'*, Baltimore: The John Hopkins University Press,p.31

[18] Ibid,p.45
[19] Ibid,p.51

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societal level as the foundation of democratic advancement. Second, it presumed that such empowerment could only come about through economic development.[20]

The transition approach emphasizes the role of elites as a vehicle of democratic change. Rustow in his article *Transitions to Democracy* challenges Lipset's thesis and the modernization approach in general. Rustow points that Lipset and others using the modernization approach are motivated by a 'functional curiosity' which leads them to ask a functional question: what factors can best preserve or enhance the health and stability of democracy? Whereas he asks the question: 'how a democracy comes into being in the first place'. [21] To address such a question, Rustow argued that a historical approach, marked by holistic consideration of different countries as case studies, provided a sounder basis for analysis than looking for functional requisites. To sum up, the shift of Rustow's analysis of democratization from the substantive approach to procedural one involves democratization as a gradual, long term historical process, and that democratization is a broad phenomenon, which is not only political but also economic and social. Hence the procedural approach of democratization as a dynamic and short term process makes the explanation of 'third wave' democracy's transition and consolidation clear.

Rustow's formulations on democratization process (passing through different phases) became elaborated into the transition approach. Rustow believed that certain actions, choices, and strategies of political elites are beneficial to democratic transitions, others are not. Democratization, according to him is largely contingent on what elites and individuals decide to do in a particular political context. He talks about four stages of democratization process through which every country passes in order to become democratic state. He elaborates on these four stages in his article *Transition to Democracy*. The first stage in the democratization process is the 'national unity' stage. In this stage, a consensus emerges among the vast majority of the people in a country that they share the same political identity as a member constituting the nation.[22]

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[20] Axel Hadenius (2002), "Transitions to Democracy. Pros and Cons of the Rustow-Lijphart Elite Approach", in Hydén G. and O. Elgström (eds.), *Democracy and Development: Theoretical Gains and Challenges*, London: Routledge.,p.64

[21] D.A. Rustow, (1970). "Transitions to Democracy: Toward a Dynamic Model." *Comparative Politics*,Vol.2,No.3;p.340

[22] Ibid,pp.350-352

The second stage is marked by an inconclusive political struggle in which new political elites take a center stage. This stage is characterized by a rapid industrialization and development of various economic sectors. The new elites compete with the old elites for their share in the polity and a backlash becomes imminent as the old elites want to retain their significant positions in the system. Each country goes through goes through a struggle among the elites at this stage but the mode and manner of the struggle differ depending upon the social and political set-up in which the struggles take place. However, the defining feature of such a struggle is that the conflict is major and not restricted to some kind of bland pluralism of group conflict. Democracy, in short, is born out of conflict, even violence, never as a result of simply peaceful evolution. That helps explain as to why democracy can be so fragile in the early stages, and why so many countries do not make it through the preparatory phase to the first transition. The intense political struggle can result in the demise of democracy itself.[23]

The third stage is an important stage as it is that vital 'decision phase', a historical moment, where, the parties to the 'inconclusive political struggle' decide to compromise by entering into a pact among themselves, thereby evolving some sort of power sharing mechanism guided by democratic rules. In Rustow's theory there is always a conscious decision by the political elites to adopt democratic rules, 'for a country never becomes a democracy in a fit of absentmindedness'. [24] The fourth stage is a 'habituation phase' which is also called as transitions and consolidation and these given concepts established a time horizon that permitted one to distinguish stages of democratization in the short term. Rustow stresses the importance of this phase as democracy is firmly rooted in this phase trough practice. He explains that the parties to the inconclusive struggle might have seen the conscious adoption of democratic rules during the 'historical moment' of the decision making phase as a necessity rather than something conceived as desirable. But the compromises made to evolve democratic rules, deemed to be a necessity become a habit and an accepted norm in this stage.[25]

According to the scholars of democratisation the compromises due to parliamentarianism create a better environment for a politically stable democratic transition. While

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[23] Ibid,pp.352-355

[24] Ibid,pp.355-357

[25] Ibid, pp.358-361

contrasting it with presidentialism he points that presidentialism has certain 'perils' that should make it least preferred institutional option for democracy builders. The dangers emanate from its tendency to polarize the society, engender authoritarian temptations, foster the personalization of power and retard institutional development.

The main problem with the transitional theories is that these theories do not emphasize on governmental institutions other than parliamentarianism or presidentialism and the engineering of electoral or party systems. Alfred Stepan admits the failure of transitiology to address the role of state institutions in the management of multi-ethnicity. He argues that federalism can be a key stabilizing factor in multiethnic states under democratization.[26] Lijphart has also emphasized the role of the elites in democratic transition by arguing that the inauguration of democratic government depends crucially on the democratic commitment and political skills of the elites. He qualifies his assertions with two preconditions: 1) the parties must realize that they have more to win from a peace accord than form a continuation of conflict. 2) The parties must find appropriate solution; they must apply the right techniques. To this end he proposes a proportional electoral formula and argues that any nation having an experience of national liberation movement against the colonial powers is bound to have a positive impact on the democratization process as the joint participation of the popular groups in a common struggle impart a sense of unity among the groups.[27] According to Carothers democratization tends to follow in a set sequence of stages. first there occurs the opening, a period of democratic ferment and political liberalization in which cracks appear in the ruling dictatorial regime with the most prominent fault line being that between hardliners and softliners.[28] There follows the breakthrough – the collapse of the regime and the rapid emergence of a new ,democratic system, with the coming to power of a new government through national elections and the establishment of a democratic institution structure, often through the promulgation of a new constitution. But most of the "transitional countries", however, are neither dictatorial nor clearly headed toward democracy. They

[26] Juan J. Linz and Alfred Stepan (1996), 'Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe', Baltimore: John Hopkins University Press,pp.5-7

[27] Arendt Lijphart (1999) ,Patterns of Democracy: Governments Forms and Performance in Thirty-Six Countries:, USA: Yale University Press,
[28] Thomas Carothers (2002), "The End of the Transition Paradigm', journal of democracy,Vol.13,No.1,p. 7

have entered a political gray zone. As the number of countries falling in between outright dictatorship and well-established liberal democracy has swollen, political analyst have proffered an array of "qualified democracy" terms to characterize them, including semi-democracy, illiberal democracy, formal democracy and pseudo democracy.[29]

Democratization can also be explained through the prism of structural approach which focuses on long term processes of historical change. Moore in his work *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* seeks to place the process of democratization within the gamut of changing structures of power. He attempts to understand the pattern of democratization in terms of changed interrelationships between four changing structures of power. Three were social classes-the peasantry, the landed upper class, the urban bourgeoisie; the other was the state. Unlike the transition approach, the structural approach explains democratization as a process driven by the changing structures of power rather than through the agency of political elites.[30]

The basic premise of the structural approach to democratization lies in its assumptions that the particular interrelationship of certain structures of power – economic, social, political, gradually change through history providing a set of constraints and opportunities that drive political elites and the other stakeholders within the changing structure along a historical trajectory leading towards liberal democracy. Thus, Moore concludes that a common pattern of changing power relationships between peasants, lords, urban bourgeoisie, and state led towards the evolution of liberal democracy. He explains the emergence of alternative political models, e.g. fascism as a byproduct of the conditions where the urban bourgeoisie was comparatively weak and relied on the dominant classes to sponsor commercialization of agriculture within the state. This enforced labor discipline among the peasantry. For the rise of communist systems, he offers the argument that, the communist revolutions occurred in conditions where the urban bourgeoisie was weak and dominated by the state, also the link between the landlords and the peasantry was comparatively weak and as a result the landlords failed to

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[29] Ibid, pp.9-10.

[30] Barrington Moore, (1993), *Social origins of dictatorship and democracy: Lord and Peasant in the making of the modern world*, USA: Beacon Press, Chp.1

commercialize agriculture. In such a situation the peasantry became a cohesive force and forged alliance with the organized industrial workers who led the revolution.[31]

Finally one can say that the process of democratization is necessary to bring up overall development for a country ranging from economic prosperity to civil and political rights for all. However, such achievements cannot be materialized merely going through the processes of democratisation. The first stage begins from the break up in totalitarian or authoritarian regimes which further heads towards conducting regular, free and transparent elections. The phase is generally characterized as the transitional phase. Once the transition from authoritarian or non-democratic to a new type of regime is finished, the next phase starts with the consolidating of the newly born regime, which is usually called as electoral democracy. The process of democratic consolidation is the last phase of democratisation, which is directed towards achieving the status of liberal democracy. The last phase is one of the most critical phases to establish and consolidate a functional democratic system which is based on constitutionalism, rule of law and welfare for all.

Democratic Consolidation

The concept of democratic consolidation has become one of the most frequently used concepts in comparative politics.[32] The idea of democratic consolidation was first introduced as a concept for addressing the challenges of regime stabilization and to provide an answer to the vital question: when are democracies reasonably secure from breakdown? The concept soon developed to cover a whole array of political problems confronted by the "third" and "fourth wave" democracies. Originally, the term "democratic consolidation" was meant to describe the challenges of making new democracies secure, of extending their life expectancy beyond the short term, of making them immune against the threat of authoritarian regression, of building dams against eventual "reverse wave". The term "reverse wave" delineates the probability of a democratic regime moving towards the autocratic or non-democratic one. "The variety of literature on 'democratic consolidation' has adopted a forward-looking, future-oriented perspective. Rather than studying past regimes, it tries to assess the life expectancies of

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[31] Moore, *"Social origins of dictatorship and democracy"*,pp.453-83

[32] G.L. Munck (2001), 'Democratic Consolidation'. *Encyclopaedia of Democratic Thought*, eds. Paul Barry Clarke and Joe Foweraker. London: Routledge,pp.215-219

new democracies. In addition to this, new democratic polities, after completing their transitions from authoritarian, enter a new phase, the consolidation of democracy".[33]

It is popularly conceived that sustaining democracy is often a task as difficult as establishing it. As a result, the list of 'problems of democratic consolidation' (as well as the corresponding list of "conditions of democratic consolidation") has expanded beyond all recognition. It has come to include such divergent items such as popular legitimation, the diffusion of democratic values, the neutralization of anti-system actors, civilian supremacy over the military ,the elimination of authoritarian enclaves, party building, the organization of functional interest, the stabilization of electoral rules, the routinization of politics, the decentralization of state power, the introduction of mechanism of direct democracy, judicial reform, the alleviation of poverty, and economic stabilization. Incidentally, the available literature on the consolidation of democracy moves around these given, one and another item on problem and possibility of democratic consolidation. Here, the distinction between democratic and non-democratic (authoritarian) regimes becomes imperative to explore the type of democratic system which has to occur once a country goes through the process of democratization and achieve the status of consolidation. The most widely accepted criteria for identifying a country as democratic have been put forwarded by Robert Dahl, who term the democracy as "polyarchy" which maintains following seven characteristics but they are more commonly referred as "liberal democracy" :--

- Control over governmental decisions about policy is constitutionally vested in elected officials.

- Elected officials are chosen and peacefully removed in relatively frequent, fair and free elections in which coercion is quite limited.

- Practically all adults have the right to vote in these elections.

- Most adults also have the right to run for the public offices for which candidates run in these elections.

- Citizens have an effectively enforced right to freedom of expression, particularly   political expression, including criticism of the officials, the

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[33] Andreas Schedler, (1998), How Should We Study Democratic Consolidation?, *Democratization*,Vol.5,No.4, p. 1

conduct of the government, the prevailing political, economic, and social system, and the dominant ideology.

- They also have access to alternative sources of information that are not monopolized by the government or any other single group.

- Finally, they have an effectively enforced right to form and join autonomous associations, including political associations, such as political parties and interest groups, that attempt to influence the government by competing in elections and by other peaceful means.[34]

There are other borderline cases that possess some but not all of liberal democracy's essential features, and therefore fall somewhere in between democracy and authoritarianism, such democratic regimes are called "electoral democracies". A minimal definition of electoral democracy is given by Joseph Schumpeter as "a system of governance for arriving at political decisions in which individual acquire the power to decide by means of a competitive struggle for the people's vote."[35] In a simple way, electoral democracy is one that manages to hold (more or less) inclusive, clean and competitive election but fails to uphold the political and civil freedoms essential for liberal democracy. Thus, these two categories, electoral and liberal democracy, between authoritarian and advanced democracy represent the empirical referents of all debate on democratic consolidation.

Further, electoral democracy and liberal democracy constitute normative horizon for each other where electoral democracy appears as liberal democracy's proximate horizon of avoidance, liberal democracy appears as electoral democracy's proximate horizon of attainment.[36] Thus, the concept of democratic consolidation admits both "maximalist" and "minimalist" understanding. The maximalist views emphasizes the embrace of democratic values by most citizens after a long socialization process, while the minimalist viewpoint stresses the mere absence of significant challenges to

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[34] Robert Dahl (1989), 'Polyarchy : Participation and Opposition', New Heaven: Yale University Press,p.38
[35] Joseph Schumpeter (1947), 'Capitalism, Socialism and Democracy', New York: Harper, p.269

[36] Andreas Schedler, (1998), 'What is Democratic Consolidation?', Journal of Democracy ,Vol.9, No.2, pp.91-91

the legitimacy of democratic institutions –particularly the prevalence of free and competitive elections.[37]

According to Linz and Stepan, "three minimal conditions "that must obtain before there can be any possibility of speaking of democratic consolidation such as "stateness", a completed democratic transition and a government that rules democratically. Once a country fulfills the given three minimal conditions, the prospects of the consolidation of democracy begin to appear as a political regime in which democracy as a complex system of institutions ,rules, and patterned incentives and distinctiveness has become , "the only game in town."[38] Therefore, the definition of democratic consolidation combines behavioral, attitudinal and constitutional dimensions. Behaviorally, a democratic regime in a territory is consolidated when no significant national, social, economic, political, or institutional actors spend significant resources attempting to achieve their objectives by creating a nondemocratic regime or by seceding from the state. Attitudinally, a democratic regime is consolidated when a strong majority of public opinion, even in the midst of major economic problems and deep dissatisfaction with incumbents, holds the belief that democratic procedure and institutions are the most appropriate way to govern collective life, and when support for antisystem alternatives is quite small or more or less isolated from predemocartic forces. Constitutionally, a democratic regime is consolidated when governmental forces alike become subject to, and habituated to, the resolution of conflict within the bounds of the laws, procedures and institutions sanctioned by the new democratic process.

On the ground of a functioning state, five other interconnected and mutually reinforcing conditions must be present or be crafted, in order for a democracy to be consolidated. First, the conditions must exit for the development of a free and lively

[37] Guillermo O'Donnell (1991), 'Transitions, Continuities and Paradoxes', in Scott Mainwaring ,Guillermo O'Donnell, and J. Samuel Valenzuela, eds., Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective, Notre Dame, Ind: University of Notre Dame Press, pp.48-49

[38] Juan J. Linj and Alfred C. Stepan, (1996), 'Toward Consolidated Democracies', Journal of Democracy, Vol.7,No.2,pp.14-15

civil society. Second, there must be a relatively autonomous political society. Third, throughout the territory of the state all major political actors, especially the government and the state apparatus, must be effectively subjected to a rule of law that protects individual and associational life. Fourth, there must be a state bureaucracy that is usable by the new democratic government. Fifth, there must be an institutionalized economic society.[39] The theories of consolidation of democracies are criticised by many scholars of subsequent period that the authors are referring to the formal rules of polyarchy[40] which is not sufficient to analyse the process of democratic consolidation where democracies are informally organised. They are too critical of highly institutionalised democratic polity.

Finally most writers on democratisation agree on two propositions. One is that the process of consolidating democracy, which begins where the 'transition to democracy ends, i.e., with the inauguration of a new government at the first free and fair elections since the end of the pre-democratic regime, is a much more lengthy and difficult process than the transition itself. Establishing democratic electoral arrangements is one thing sustaining them over time without reversal is quite another. The second proposition: the factors for the consolidation of democracy are not necessarily the same as those contributing to its inauguration; the explanation fro the transition from authoritarian rule. Further, the test of a democracy to observe that to be consolidated and not was given in various ways. Like the 'two-election' test or more properly the 'transfer of power' test, longevity or generation test.[41]

Democratic Consolidation and Civil Society

"Civil society is a kind of intermediary space located between citizens' private sphere and the state in which various individuals act publicly, usually in collective form, to express and advance their interests, make demands of the state, and oversee the work

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[39] Ibid, p.16

[40] Guillermo O'donnell, (1996), 'Illusion About Consolidation', *Journal of Democracy*, Vol.7, No.2, p.38

[41] David Beetham (1994), 'Conditions for Democratic Consolidation', *Review of African Political Economy*, Vol.21,No.60, p.159-161

of the government".[42] The civil society has become a catching phrase in recent times whenever people talk of democracy. In result of this there has been various definition of civil society given by scholars around the world. A procedural definition of civil society becomes imperative as the civil society is considered the very breeding ground for democracy. A more modest definition of civil society is also given by Larry diamond as the realm of organized social life that is voluntary, self-generating, (largely) self supporting, autonomous from the state, and bound by a legal order or set of shared rules.[43] Civil society encompasses a vast array of organizations, formal and informal. These includes groups that are:[44] 1) economic (productive and commercial associations and networks); 2) cultural (religious, ethnic, communal, and other institutions and associations that defend collective rights, values, faiths, beliefs, and symbols); 3) informational and educational (devoted to the production and dissemination- whether for profit or not- of public knowledge, ideas, news and information); 4) interest based (designed to advance or defend the common functional or material interest of their members whether workers, servants, professionals); 5)developmental (organizations that combine individual resources to improve the infrastructure, institutions, and quality of life of the community); 6) issue-oriented (movements for environmental protection, women's right, land reform or consumer protection); 7) civic (seeking in non partisan fashion to improve the political system and make it more democratic through human rights monitoring, voter education and mobilization, poll watching, anti corruption effort, and so on so).

Further, a vibrant civil society is probably more essential for consolidating and maintaining democracy than for initiating it.[45] A vibrant civil society serves the development, deepening, and consolidation of democracy in many ways. The first and most basic democratic function of civil society is to provide "the basic for the limitation of state power, hence for the control of the state by society, and hence for

[42] Mehran Kamrava and Frank O Mora (1998), "Civil Society and Democratisation in Comparative Perspective: Latin America and The Middle East", *Third World Quarterly*, Vol.17,No. 5,p.894

[43] Larry Diamond (1994), 'Rethinking Civil society: Towards Democratic Consolidation', *Journal of Democracy*, Vol.5,No.3,p.5

[44] Ibid,p.6
[45] Diamond, 'Rethinking Civil society',p.16

democratic political institutions as the most effective means of exercising control.[46] "However, the most active, pluralistic, resourceful, institutionalized, and internally democratic civil society is, and the more effectively it balances the tensions in its relations with the state (between autonomy and cooperation, vigilance and loyalty, skepticism and trust, assertiveness and civility), the more likely democracy will be to emerge and endure."[47]

Democratic Consolidation and Political Institutionalisation

Political institutionalisation is all about strengthening the formal representative and governmental structures of democracy so that they become more coherent, complex, autonomous, and adaptable and thus more capable, effective, valued, and binding.[48]The merit of institutionalization in democratic consolidation has been debated to an extent as political institutionalization is a necessary but not a sufficient condition of democratic consolidation. O'Donnell is correct to question the theoretical equation of consolidation with political institutionalization. In principal, countries can have weak, volatile party system but highly stable and legitimate democracies. Practically, however, some degree of political institutionalization appears to be crucial for democratic consolidation. The strength of formal democratic institutions and rules (opposed to the informal practices of clientelism, vote buying, rule bending, and executive domination) no doubt facilitates the endurance and the consolidation of democracy but the two are not the same, and other factors "have strong independent effects on the survival chances of polyarchies."[49] But there is a group of scholars who conceive that a sufficient level political institutionalization is necessary for building a political culture of democracy and enhancing the legitimacy of the democratic system.

Democratic consolidation, therefore must address the challenge of strengthening three types of political institution: the state administrative apparatus (the bureaucracy); the institutions of democratic representation and governance (political parties,

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[46] Samuel P. Huntington (1984), 'Will More Countries Become Democratic?', *Political Science Quarterly*,Vol.99, p. 204

[47] Diamond, '*Developing Democracy*',p.260

[48] The criteria of institutionalization are elaborated in, Samuel P. Huntington (1968), '*Political Order in Changing Societies*', New Heaven: Yale University Press,p. 12-26

[49] O'Donnell, 'Illusion About Consolidation, p. 39

legislatures, the electoral system); and the structure that ensure horizontal accountability, constitutionalism, and the rule of law, such as the judicial system and auditing and oversight agencies. New or troubled democracies are invariably weak in at least one of these three arenas of political institutionalisation, often in two or all three. Making political institutions effective involves not only strengthening them in terms of capacity and resources but also designing them to fit the circumstances. This is a particularly complex and controversial challenge with respect to the electoral and constitutional rules that shape representation and government.[50] The roles of external agencies or factors are too important behind successful democratisation and consolidation of democracies. Such as guided by its national interest and foreign policy considerations America was a major promoter of democratization during the 1970s and 1980s period. The ongoing world democratic movements have been highly inspired by American value of democracy and free rule.[51]

Until the recent time democracy has become a universal value to which every state wants to adopt and practice as a system of government. Consequently, "the promotion of democracy, even when embraced and, according to many, tainted by the most powerful country in the international system, has also become an international norm."[52] The reason behind democracy becoming as an international norm is clear from its very definition conceived by masses around the world as "democracy helps prevent rule by cruel and vicious autocrats, guarantees citizens a set of fundamental rights, ensures a broader range of personal freedoms, helps people protect their own fundamental interests, provides the maximum opportunity for self-determination—the freedom to live under laws of one's own choosing—provides the maximum opportunity for the exercise of moral responsibility, encourages human development, fosters a relatively high degree of political equality, promotes peace—as modern representative democracies do not fight one another—and generates prosperity."[53] The role of external agencies to promote democracy in a given country begins with

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[50] Diamond, 'Developing Democracy', p.93

[51] Huntington, 'Third Wave'.p.6

[52] Michael MacFaul (2004-05), 'Democracy Promotion as World Value', The *Washington Quarterly*,vol.28,No.1,p.148

[53] Ibid,p.149

identifying following factors such as: domestic actors committed towards democratic norms and values for instance NGO's and civil society groups; the area where to provide economic assistance for building up welfare infrastructure, and by offering direct material support and technical assistance to electoral commissions, parliaments, courts, human rights monitor, political parties, trade unions and business association to further make democratic system of government run.[54] In addition to this, the external agencies have been working to bring up significant protocols or conventions to safeguards the basic value of citizens such as UN's convention on human rights and so on so.

Although promotion of democracy has been a vital agenda of American foreign policy since cold war era but it is not the sole promoter of democracy until the time. After the end of the Cold War many agencies such as European Union, World Bank and UNDP (United Nations Development Programme) has emerged as successful promoter of democratization. The example of EU is a case in point. Through treaties such as the Lome IV agreement of 1989, the European Initiative for Development and Human in Rights in 1999, and the European Neighborhood Policy in 2003, the EU has made the promotion of democratic values a core policy objective of its external relations.[55] Unlike the American promotion of democracy by coercive measures the EU has been promoting democratisation in compliances with its normative rules and conditionality. The conditionality is specified as gaining membership to the EU and certain other benefits for the member countries. For instance, the EU has played a pivotal role in anchoring democracy in Portugal, Spain, and Greece.[56] The process to bring up a few more South and Eastern European countries under the path of democratization is on up to the time.

Based on this conceptual framework, the proposed study attempts to explain the process of democratic consolidation in Turkey. Technically speaking, Turkey is not a "third wave" but a "second wave" democracy.[57] But its illiberal character was

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[54] Ibid,p.156
[55] Ibid,p.157

[56] Ibid,p.158

[57] Ergun Ozbudun (1996), 'Turkey: How Far From Consolidation?', *Journal of Democracy*, Vol.7,No.3,p.2

reflected in the absence of democratic political culture, fragility of civil society, high level of human rights abuse and denial of cultural liberties to the Kurds who constitute a sizeable proportion of Turkish population since the inception of democratic polity way back in 1950s. The recent political and constitutional reforms set off by the decision of the European Union (EU) to accept Turkey's candidacy for membership in December 1999 in Helsinki Summit has come up as a major break through in the democratization process. Although, Turkey doesn't fall under the so-called European geographical dimension but its vital location, westernization and modernization on the line of European countries since its inception, emerging economy and willingness of vast Turkish society to acquire the membership has forced the partially setup democratic regime to move towards democratization and fulfill the norms essential for acquiring the candidacy.

CHAPTER 2
EVOLUTION OF TURKISH DEMOCRACY

The republic of Turkey emerged out from the ruins of the Ottoman Empire in 1923,[1] "which was founded at the end of the 14th century and reached its zenith in the 15th century. At the time, it was one of the greatest empires of the world, stretching from the Caucasus to the Balkans to the North Africa.[2] This extraordinary position of 'multinational Ottoman Empire" began to erode from the second half of the 16th century, the Empire slowly lost momentum during what is now referred as the period of decline. The reasons behind this decline have been stated frequently as: failure to keep pace with the west in technology; weakness of national loyalties above and beyond regional, religious and ethnic ties; continued identity of church and state; popular disinterest in economic pursuits other than agriculture; administrative and political corruption; and rise of nationalism.[3] Apart from the internal causes of decline of Ottoman Empire the frequent war with Russia and rise of separatist movement in Balkans were also the reasons behind its declination.[4] "To save the empire from declination Tanzimat, 'regulation', is the name given to the programme of reform inaugurated in November 1839."[5] Important changes were made. Among the reforms demanded – and partially effected – were a military technology equal to that of the west, guarantee of personal security, limitation of religious authority to religious matters, control of corruption, improved education, introduction of some secular law codes, and finally proclamation of a republican constitution.[6] But the early reform period could not satisfy most part of the Ottoman society and its impact was felt only by a limited class within the society – the urban intellectuals; the commercial group; and the administrative, political and military leaderships. It did not permeate to the grass roots level in village and small town where the vast majority of the people lived.[7]

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[1] Ashwini K. Mohapatra (2008), "Democratization in the Arab World: Relevance of Turkish Model", *International Studies*, Vol. 45, No. 4, p. 272

[2] Metin Heper (2000), "The Ottoman Empire Legacy and Turkish Politics", *Journal of International Affairs*, Vol.54, No.1; p. 63

[3] Richard D. Robinson (1965), *The First Turkish Republic: A Case Study in National Development*, Massachusetts: Harvard University Press, p.3

[4] Geoffrey Lewis (1974), *Modern Turkey*, London & Ton Bridge: Ernest Benn Limited ,Chp.2

[5] Ibid, p.44

[6] Robinson , *The First Turkish Republic*, p.3

[7] Ibid, p.4

The post reform period saw the emergence of a constitutional movement widely perceived as 'Young Turk Movement', a group of young western educated military officers, who subsequently came to power in 1908. The Young Turks who came to power through the constitutional movement in 1908 retained the dynasty and tried to manipulate its legacy in order to carry out a programme of radical reform and structural change.[8] Although the 1908 revolution placed the Young Turks in political control, which they retained but in 1914 the Young Turks subordinated themselves to central powers in the World War I. The result of the war was counterproductive to Turkish society and politics. Hence, the picture soon changed. The victory won by Turkish nationalists in Anatolia between 1919 and 1922, the proclamation and recognition of the Turkish Republic in 1923, and the reforms which Mustafa Kemal Ataturk (father of nation), the leader of the Turkish nationalist cause, subsequently introduced, attracted attention to the exclusion of almost all former matters of concern such as retention of constitutional monarchy. Interest was first centred on Ataturk and his work, both seen in a revolutionary light. "There was a new Turkey to be described and an old Turkey to be buried." [9] The new Turkish republic led by Ataturk experienced series of revolution and reform ranging from political and social to educational and cultural as given below :[10]

- Political revolution

  • The sultanate was abolished in 1922, November 1st.

  • The republic was declared in 1923, October 29th.

  • The caliphate was abolished in 1924, March 12th.

- Social reforms

  • The activities of religious sects were banned by law in 1925.

  • The hat as opposed to Fez was introduced (1925).

  • Western calendar was introduced.

  • International numeric system was introduced.

  • The metric system was introduced.

  • The nick name and personal titles was abolished.

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[8] Feroz Ahmad(1993), *The Making of Modern Turkey*, London and New York: Routledge,p.15

[9] Andrew Mango (1977), "The State of Turkey", *Middle East Journal*,Vol.13, No.2, p.262

[10] Lewis Loflin (2010), "An Overview of Turkey and Ataturk", [Online: Web], *http://www.sullivan-county.com/wcva/turkey.htm*, accessed on 15 June 2010.

- Religious attires were prohibited in public.

- The modern secular system of jurisprudence was, instead of religious law, integrated.

- The liberation of the women of turkey by giving them political and social rights.

- Educational and cultural reforms
  - Unity in education (1924)
  - Introduction and acceptance of Roman alphabet (1920) and the foundation of Turkish history institution.

However, the subsequent reform policies, projecting Kemalist-Ataturk's 'Six Arrow' of development as – republicanism, nationalism, populism, revolution, secularism and etatism could not appease liberals and Kurdish in Turkey. The liberals who were supporter of early Young Turks movement and constitutional monarchy in Turkey began to oppose policies and agenda of Ataturk. The Kurds, a separate ethnic group in turkey's east Anatolian villages revolted against the central government on 1925.[11] The Kurdish rebellion led by sheikh Syed urged their followers to "overthrow the godless republic and restore the caliph."[12] Thus, following the Kurdish revolt in 1925 and the suppression of the liberals and remnants of the young Turks in 1926, Turkey became for a time a totalitarian state. To restore national integrity and secularism of Turkish republic Ataturk virtually controlled all power in his own hand.[13] Although Ataturk made much effort to bring up democratic set up in Turkey on the line of European countries after the establishment of Republic,[14] "he always withdrew his experiment and tried to introduce reforms and changes by paternal exhortation and pressure."[15]

Period of Monoparty System

The republican people's party founded in 1923 by Mustafa Kemal was the only party with overall control on Turkish state and politics. However, "it may not have been the

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[11] M. Philips Price (1961), *A History of Turkey*, New York: Humanities Press, p.132
[12] Bernard Lewis (1961), *The Emergence of Modern Turkey*, London: Oxford University Press, p.261
[13] Price, *A History of Turkey*, p.136
[14] Lewis, *The Emergence of Modern Turkey*, p.275
[15] Price, *A History of Turkey*, p.137

intention of the Kemalist to establish a monoparty state. The fear of counter revolutionary forces manifested in such movements as the Kurdish rebellion of 1925 led to the outlawing of the progressive Republican Party; and the Free Republican Party, formed in 1930 dissolved itself on 17 November 1930. The appearance of an opposition party had encouraged reactionary violence against the regime, demonstrating the danger of such experiments."[16] During this period, the formalization between party and state was established. There was hardly any separation between party and government "in fact party was the government."[17] "By 1927 all opposition to the regime –military, religious or political – had been silenced and when elections were held in August and September 1927 for a third assembly of the Turkish republic, only one party the Republican People's Party (RPP) of Mustafa Kemal was there to take part in them."[18]

Effective democracy could not develop in Turkey under the long standing one party control, especially in view of the interlocking of party and government. In addition, it was extremely difficult for the leaders of early Turkish republic to implement radical reform policies in a country of traditional and religious values. The result was the development of factional groups in Grand National Assembly. But the factional groups were not as influential as the figure of Mustafa Kemal. "Ataturk at this time enjoyed prestige and popularity unprecedented in Turkish history. His enormous personal magnetism and the general conviction of the people that the military and political victories between 1920 and 1923 had been achieved by his genius enabled him to exercise more authority than the Sultans of the old Ottoman Empire."[19] Mustafa Kemal Ataturk died on 10 November 1938. The very next day the Grand National Assembly of Turkey unanimously elected Ismet Inonu as the president of republic. This marked a beginning of new era in Turkish polity. The Turkish politics experienced the emergence of many new oppositional groups in grand assembly.

Until the death of Ataturk the coalition of Kemalist regime was composed of army officers, state officials, members of the new professions –lawyers, journalist, and teachers – who composed an intelligentsia and merchants and business man and the

[16] Feroz Ahmad (1977), *The Turkish Experiment in Democracy:1950-1975*, London :C.Hurst & Company.p.3
[17] Ibid, p.1
[18] Lewis, *The Emergence of Modern Turkey*, p.270
[19] Kasim Gulek (1951), "Democracy Takes Root in Turkey", *Foreign Affairs*, Vol.30, No.1; p.137.

land-owners and magnates in the countryside running smoothly. The military of the armed forces was an important part of this composition. They enjoyed relatively privileged position in politics and society and there were hardly any tension between state and political elites at the time. The defence budget was said to be prepared at the general staff headquarter, and the ministry of national defence played only a subordinate role.[20] But this state of affairs began to change soon the differences between state and political elites appeared on the issues of land reform, price rise and state's intervention in economy and market.

Opposition to the one-party regime began to increase during the Second World War years. Although Turkey remained neutral and did not enter the war till its very end, due to its proximity to the war zones it was negatively affected by it. In addition to the impact of the shortages in the world market, military mobilization and spending put a further constraint on the already weak economy. To finance the expenses, the government levied additional taxes, like the 'wealth tax', 'soil products tax' and increased its role in the economy with the 'National Defense Law', which gave it full authority to fix prices, demand materials and impose forced labour.[21] High inflation and new taxes undermined the support for the RPP (Republican People's Party) rule. More importantly, through its policies the RPP also alienated its traditional supporters. Throughout the war period, the Anatolian merchants who depended on trading agricultural goods were enriched and incorporated into the ruling circle of the RPP. However, the Istanbul bourgeoisie that had international links and was still mainly composed of minorities was estranged by the wealth tax. Although the wealth tax was levied on all wealthy people, it was mainly the minorities that were most affected by the tax, leading to their suppression and impoverishment. The soil tax and the Law for Village Institutes and Land Giving Policy for Peasants also estranged the big farmers and landowners. Although agricultural production increased during the war years, peasants were negatively affected by the war as a result of new regulations. They were required by the state to sell fixed amounts of products at fixed prices, before production was actually completed. This resulted in the further dissatisfaction of society with RPP rule. In order to gain their support, the RPP government proposed a land reform law which would redistribute land and supply necessary equipment for

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[20] Ahmad, *The Turkish Experiment in Democracy*, p.7
[21] Ibid, p.8

landless peasants. This, in turn, weakened the support for the RPP from the local notables with large land-holdings in the countryside.[22] The Land Reform Law was not implemented, and yet it opened an important debate in the Parliament that highlighted the divisions within the RPP. During the debate on land reform in the Parliament, in June 1945 some prominent members of the RPP submitted a petition saying that the time had come for the democratisation of political life in Turkey. The petition called for more active parliamentary control over the government, increased individual liberties and especially more room for opposition. Despite the support of President Inonu for such a proposal, the RPP group in the Parliament rejected it.

Emergence of multiparty system and democracy

President Inonu was well aware of the growing dissatisfaction with the RPP's policies in society and knew that 'heavy-handed autocracy would not be able to suppress it indefinitely'. He agreed that the main deficiency in the system was the lack of an opposition party and he declared that "in keeping with the needs of the country and in the proper functioning of the atmosphere of freedom and democracy, it would be possible to form another political party".[23] Besides, Inonu was noted to have believed in a democratic experience for the betterment of the state, basing his argument on the view that 'it has always been Ataturk's aim to see the opposition party in the country'.[24] And this was the sentence which opened the Pandora's Box of competitive multiparty politics.[25] Democratizing the political structure would also mean that another component to the Kemalist modernization project – to make Turkey completely Western with a democratic political structure – would be realized. In addition to these domestic factors, external factors were also important for shaping this decision. The necessity for Turkey to 'make friends in the West' against the Soviet demands for the joint control of the Straits drew Turkey closer to the West. Thus, a working democratic competition in politics was an important component in this attempt. Transition to multi-party politics was also in harmony with the international atmosphere prevalent in the immediate post-war era as the war was seen

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[22] Lewis, *The Emergence of Modern Turkey*, pp. 132–165.
[23] Ahmad, *The Turkish experiment in Democracy*, p.9.
[24] Kemal H. Karpat,(2001), *The Politicization of Islam: Reconstructing Identity, State, Faith, And Community in the Late Ottoman State*, Oxford: Oxford University Press, p. 308.
[25] Ahmad, *The Turkish Experiment in Democracy*, p.9.

as a victory of liberal democracies against totalitarian regimes.[26] To adapt to the rapidly changing world, Ankara felt the pressure to introduce democratic politics.

Despite the reluctance of some members in the RPP group in the Parliament, President Ismet Inonu guided by foreign policy considerations[27] such as the change in international environment following the victory of democratic regimes in the world war second,[28] Turkey's commitment toward United Nations's charter which came up for ratification in the Turkish Assembly,[29] declared in a speech on 1 November 1945 that the main shortcoming of the Turkish democratic system was the lack of an opposition party and announced the date of the general election which was scheduled for 1947. Shortly after the announcement, 24 new parties were formed, most of which tried to reach the rural population by building party branches in all large communities as well as small towns and villages. Most of them emphasised the importance of traditionalist values and Islamic principles in their programmes. They were mainly challenging the secularisation and Westernisation pillars of the Kemalist modernisation project. However, as open attacks on secularism and Kemalist principles were not allowed under the constitution, the parties chose to attack the RPP as the vanguard of secularist principles, while calling for an increased emphasis on Islamic principles in political life. A new era began in Turkey with the transition to multi-party politics. The formation of the Democrat Party (*Demokrat Parti* – DP), led by RPP rebels,[30] on January 7 1946 under the leadership of Celal Bayar together with the other MPs who opposed the Land Reform Law in Parliament is a turning point in Turkish politics. Shortly after its foundation, the DP leaders started to enjoy enormous support and were seen as the saviours of the people from the 'elitist one-party rule' of the RPP.

The formation of Democratic Party resulted into the end of one party era in Turkish politics and further paved the way for multiparty democratic horizon. All the opposition forces ranged against RPP rule gathered around the DP, as this new party had taken on the mission of 'mobilisation for freedom' or what the DP members

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[26] Gulek, "Democracy Takes Root in Turkey", p.139.

[27] Mohapatra, "Democratization in The Arab World",p.273.

[28] Ali Yasar Saribay(1991), 'The Democratic Party 1946-1960', in Metin Heper and Jacob M. Landau(edt.), *Political Parties and Democracy in Turkey*, London: I.B. Tauris & Co Ltd, p.119.

[29] Lewis, *The Emergence of Modern Turkey*, pp.298-299.

[30] Lewis, *The emergence of Modern Turkey*, p.300.

termed 'the movement against despotism'. This was manifested in their election slogan of 'That's Enough!' (Artık Yeter!).[31] DP candidates became highly popular, not as a result of the programme they were advocating, but mainly for being against RPP rule. Their speeches revolved around issues like the high cost of living, lack of freedom and liberties and anti-democratic laws. Being alarmed at the increasing popularity of the opposition, the RPP government decided to hold the elections a year earlier, on 21 July 1946, trying to benefit from the still unorganised party structure of the DP. Despite high support the DP, formed just six months before, could put forward only 273 candidates for the 465 seats in Parliament in the elections and surprisingly had only 62 of its candidates elected.[32] The RPP received 395 of the seats, while six seats were taken by independents. Despite winning the elections with a large majority, the RPP was aware of the support that the DP had gathered. By 1947, the Republican People's Party started to implement some policies advocated by the opposition, like a greater reliance on private capital and a new definition of etatism. The new five-year economic plan that was formulated by former planning members in 1946, with an emphasis on state control and etatism, had been amended in 1947 to suit the wishes of the business community.[33]

Economically, there was almost no difference between the programmes of the two parties – the RPP and the DP – after this amendment. The only difference was that the DP wanted to sell state enterprises to the private sector, while the RPP wanted to keep them, in parallel to the private sector. In the social rights sphere, in 1946 the RPP government lifted the ban on organisations with a class base, resulting in the formation of a number of trade unions. In 1947, under a new law, workers were given the right to organise, but at the same time all political activity in the organisations as well as strikes were forbidden by this law. Despite the prohibition of politics, both the RPP and the DP tried to get the support of the trade unions. The DP promised to grant the workers the right to strike in return for their support in the next elections.[34] The main policy shift in the RPP after the 1946 elections came in response to the

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[31] William L. Cleveland (1994), *A History of the Modern Middle East*, Boulder, CO: Westview Press, p. 127.
[32] Gulek, "Democracy Takes Root in Turkey", p.140
[33] M. Sukru Hanioglu(1995), *The Young Turks in Opposition*, Oxford: Oxford University Press; p.174.
[34] Cleveland, *A History of the Modern Middle East*, p. 127.

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increasing opposition from other parties for a more liberal understanding in religious affairs. The DP joined the demands of the Nation Party (Millet Partisi – MP) for a greater role for Islam in public affairs, 'since Turkey was an Islamic country', and called for a moderate implementation of the principles of secularism without 'damaging the religious feelings of the population'.[35]

During the RPP Congress in 1947, it was decided that policies about religion and secularism should be reconsidered and more moderate and tolerant policies should be developed. The main idea of this new policy was to see religion as a necessity in daily life and that people need religion like they need food for survival. Within this framework, religious education was introduced into primary schools, foreign currency was provided for people making *hajj* (pilgrimage) and a faculty of theology was founded in Ankara. From 1946 onwards, the Quranic courses were legalised. The religious orders that had been operating secretly since their closure in 1924 had the chance of organising themselves within these Quranic courses. The graduates of these courses were appointed as *imam* and *muftu* and they started working as state officials, strengthening their position in the country. "As predicted by political analysts, the programme of the new party hardly differed from that of the old. The democrats adopted the six principles of Kemalism though they placed a different emphasis and interpretation on each of them. Apart from these six basic guide lines, the democrats dedicated themselves to their party's task of 'advancing democracy'. That would involve curbing governmental activity and increasing individual freedom, while also ensuring that political power emanated from below rather than from above."[36]

"While Turkish politics were moving in the direction of a more effective parliamentary democracy, Turkish society had entered on the transition from the rooted and enclosed conformity of the traditional order to the modern community of mobile, participant citizens. The population of turkey had been increasing rapidly since the inception of republic in 1923.[37] The increase in urbanization naturally brought up with it an increase in literacy. Thus, a literate urban population develops new interests and habits, and is anxious to be kept informed of what goes on about them. The development of modern communication system based on European style was also helpful in bringing up people together[38]. This development

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[35] Aykut Kansu(1997), *The Revolution of 1908 in Turkey*, Leiden: E.J. Brill, pp. 26–27 and 73.
[36] Ahmad, "The Turkish Experiment with Democracy",p.13
[37] Lewis, *The Emergence of Modern Turkey*, p.304
[38] Ibid, p.30.

had far reaching impact on upcoming general election in 1950 which established the reign of Democratic Party for next 10 years. "The election of May 14, 1950, which brought the democratic party of Celar Bayar and Adnan Menders, president and premier in 1950-60 respectively, to power and sent the RPP into opposition, was the turning point in Turkish politics and social life."[39] The Democratic Party won 410 seats with its roughly 4,500,000 votes, as against 69 seats for the People's Republican Party with its roughly 3,330,000 votes.

The peculiarity of the Turkish election system thus revealed has brought demands that it be improved to give fairer results in future elections. But at the same time people and intellectuals around the world began to raise the questions of loosing the uninterrupted government of RPP since its formation and coming to the power. The reasons for this unprecedented victory of Democratic Party have been given as follows: "(1) The People's Republican Party had been continuously in power for 27 years. All the hardships and resulting discontents of these years were laid at its door. (1) The People's Republican Party had been continuously in power for 27 years. All the hardships and resulting discontents of these years were laid at its door. (2) The fundamental changes in the social and political life of Turkey had been introduced by the People's Republican Party. Although these reforms were accepted by the people in general and had become part of the normal national life there still remained some who were unreceptive to the new ways, clung to cherished old customs and hoped to return to them. These voted against the People's Republican Party. (3) During the electoral campaign the Democratic Party made extravagant and exceedingly attractive promises to the voters. The Turkish people were not used to judging campaign pledges of political parties and took all these promises literally. (4) Considerable numbers of adherents of the People's Republican Party were overconfident about the Party's success and did not trouble to go to the polls. (5) Great numbers of citizens who had no party affiliations shared the view that the People's Republican Party would win anyway. They felt that a stronger representation of the *opposition* would strengthen democracy, and therefore decided that it would be both safe and advisable to vote for the small opposition party."[40]

The Democratic Party came up with a commitment to promote democratic consolidation in turkey in her agenda. The government headed by Adnan Menders was committed to promote democracy as he himself argued, on the eve of signing United Nation's charter that 'Turkey, by signing the charter, had definitely engaged to

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[39] Kemal H. Karapat(1992), "Political Development in Turkey 1950-70", *Middle Eastern Studies*, Vol.8, No.3; p.349
[40] Gulek, "Democracy Takes Root in Turkey",pp.141-142

practice genuine democracy'.[41] Consequently, leaders of Democratic Party made democracy as their tool to reach the assembly. To fulfill the commitment which democrats made during their campaign for political power began with promise of constitutional amendments and institutional innovations necessary to consolidate democracy. They promised to uphold all the reforms of Ataturk and to refrain from resuscitating any controversy over past events.[42] The main focus areas for democrats were economic policy. The economic development which had started under rather auspicious conditions created a measure of welfare which was reflected in the national elections of 1954. The democrats won 504 seats, the republican a bare 31 seats and the small Nation's party just 5 seats. But the economic policy of democrat resulted ephemeral and the negative consequences of this policy began to appear as rising prices, spiraling inflation, shortage of goods and black marketeering led the government to abandon those policies. [43]

To contain the rising voices against the failed economic welfare policies, the Democratic Party regime started to tight its grip on opposition through various measures from police forces to denying people from their basic rights like promoting Islamist against the Secular opposition led by army and RPP's party leader, tightening the press law, the opposition parties were proscribed from using the state radio, the election law was amended that a candidate rejected by on party could not stand for another party in a subsequent election.[44] Apart from these obvious reasons there were certain other factors which halted the dream of democracy promotion in Turkey by democrats such as the democrats out rightly distrusted intelligentsia, the military and RPP'S members which hampered the smooth interaction between various organs of government, there was an absence of democratic political culture conducive to a democratic government and the ruling party's intolerance towards intra party opposition.[45] At the end of the year 1959, Turkey was passing through a period of turbulence generated by Democratic Party's mischief. The support of Democratic Party to the Islamist, imposition of martial law and use of police force against

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[41] Lewis, *The Emergence of Modern Turkey*, p.299.
[42] Karpat, "Political Development in Turkey", p.352.
[43] Ali Yasar Saribay(1991), 'The Democratic Party , 1946-1960', in Metin Heper and Jacob M. Landau(eds.), *Political Parties and Democracy in Turkey*, London: I.B. *Tauris & Co Ltd*, p.126.
[44] Ibid
[45] Ibid, pp.127-28.

peaceful student's demonstration, made the Turkish secular-military establishment to handle the problem and make the country immune from further deterioration.

Military Intervention

The military *coup* of 27 May 1960 was the first and the last successful military intervention made from outside the hierarchical structure of Turkey's armed forces.[46] The coup toppled the elected civilian government of Adnan menders for the first time in Turkish politics.[47] The intervention of military in democratic polity brought up new challenges to the evolving Turkish democracy. Historically the military in Turkey played an important role in establishment of the Turkish republic. "Until the Democrats came to power, the armed forces of Turkey were perhaps the most respected institution of the republic. The role that the soldier played in the national struggle and the creation of the new state gave him an honored place in Kemalist society. The heroes of 'Kemalist Turkey' were soldiers like Mustafa Kemal Atatürk, Fevzi Çakmak, and Ismet Inönü to name only those who are the best known in the West. Society was taught to honour its military heroes and they were always visible on the newly established holidays like Victory Day (30 August) and Republic Day (29 October)".[48] Other important battles of the national struggle were also commemorated each year. The army was also influential in decision making especially where national defense was involved. Thus railway construction often reflected strategic rather than economic concerns. The same was true for certain factories; the steel plant at Karabük was placed inland, and not near the Black Sea coast, so that enemy ships could not attack it. Despite the large proportion of retired officers within its ranks, in the government and the Assembly, the Kemalists actually favoured the transition to civilian rule. As early as 1925, when faced with the challenge from the Liberal Republican Party formed by some very prominent generals, Mustafa Kemal gave the officer corps the choice of either a political or a military career. Some of the most prominent generals chose politics and resigned their commissions. In his Great Speech of October 1927, Mustafa Kemal entrusted the duty of preserving and defending national independence and the Turkish Republic to the Turkish youth and not the army."[49] A military career lost its glamour and was no longer seen as the way to upward mobility and prestige as it had been in late Ottoman times. In those days there was no 'national economy' to which Muslims could aspire. That was no longer true after the revolution of 1908, and especially in the republic. But the army continued to be a source of gainful employment for the lower

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[46] Feroz Ahmad, *'The Making of Modern Turkey'*,p.121.
[47] Gareth Jenkins (2007), 'Continuity and Change: Prospects for Civil-Military Relations in Turkey', *International Affairs*, Vol.83, No.2; p.341.
[48] Ahmad, *The Making of Modern Turkey*,p.121
[49] Ibid, p.122.

middle classes, particularly in the provinces. Youths of this class were able to acquire both a modern education, from secondary school to university, and a job with a pension on retirement. Many of the officers who seized power in 1960 came from precisely this background. Almost all of them were trained in the military schools of the republic in the shadow of Ataturk's charisma.

Thus, "Over the past 70 years, the Turkish military has consistently regarded itself not only as the guarantor of domestic stability and the guardian of the official ideology of Kemalism but also as the embodiment of the soul of the Turkish nation."[50] This privileged position of Turkish secular military establishment automatically gives upper hand to intervene in politics ;when the secularism and territorial integrity of the republic are under threat ,which was resulted in May 1960 coup. "Despite the fact that the military intervention occurred at the worst moment of political crisis, it did not take too long for the public, including military itself, to realize that the end of civilian rule created more problem than it solved."[51]

Civilian rule was reintroduced in 1961 and a new constitution was come into being under the guidelines of military officers. The new constitutions provides for proportional representation, a bicameral legislature and a constitutional court.[52] The constitution also created a National Security Council (NSC), comprising members of civilian government and the high command of the military, to serve as the advisory council to the council of ministers. Not only did the constitution introduce bureaucratic limitations upon the power of elected Assemblies, it also proscribed religious, sectarian or ethnic politics.[53] The changes in constitutional provision for party organization resulted in an era of coalition party politics; the first coalition government was formed in 1961 between RPP and newly formed Justice Party in second Turkish republic. Thus, "from 1961 to 1965 turkey was governed by coalitions of varying degrees of instability, a new experience for a republic that had known only majority part government for nearly four decades."[54]

Despite the new electoral law favoring small parties, the justice party under Suleymna Demirel won an absolute majority in the both houses of parliament. The party was again voted in 1969 election with an absolute majority in parliament. At the same time Turkish politics saw the emergence of new ideologically oriented groups and party such as Marxist party, ultranationalist parties and so on so. As a result, "Until the 1970s the Turkish democracy showed amazing vitality, but there were still difficulties to be overcome. Some

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[50] Jenkins, "Continuity and Change", p.339
[51] Aydin Yalcin (1967), "Turkey: Emerging Democracy", Foreign Affairs,Vol.45,No.4; p.709
[52] Ibid,p.710
[53] Mohapatra, "Democratization in Arab World", p.274
[54] Ismet Giritli (1969), "Turkey Since the 1965 Election", Middle East Journal,Vol.23,No3; p.351

dissatisfied intellectuals and politicians in early 1960 lost hope of ever achieving power through ballot box, and began to favor an authoritarian solution both as an ideology and a technique of development."[55] Amidst this situation, the center right reestablished its electoral predominance despite frequent manipulations in the electoral system, some radical elements in the armed forces sought to establish a long term military regime. Consequently, "the Military staged a second coup on 12 March 1971, when in-fighting between the political parties represented in parliament brought the machinery of government to a standstill. However, this time the military remained behind the scenes, merely replacing the elected government with one composed of technocrats."[56]

The military supported a non-partisan government which failed to reach on a popular political consensus on the proposed reform package. In 1971, however the semi-military regime faced the problem critical test of electing a new president as the incumbent Cevedet sunay's seven year long term had to end in March 1973. In the long-drawn electoral process that followed, the two major political parties – RPP and JP – came to gather to defeat the military-backed candidate General Frank Guler, who led the 1971 intervention. Instead of outright take-over, as was in 1960, the army decided to withdraw into the barracks after speeding plans for general election, and return to civilian party politics.[57] During 1973-1979,Turkey passed through acute political instability and has as many as thirteen coalition government led alternatively by Suleyman Demirel of the JP and Bulent Ecevit of the Social Democratic Party. At the same time the national parties failed to get the parliamentary majority to form the government, they increasingly relied on fringe groups for the support of their stable government. This state of affairs gave birth to two new parties: the pro-Islamic national order party and the ultra-nationalist National Action Party.[58] There was also an indication of growing ideological gap between JP and RPP parties which led the polarization of Turkish society.

As a result, there was no broad political consensus available at the national level on any issue of critical importance for the state and the society at large. This undermined

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[55] Ibid,p.353

[56] Jenkins, 'Continuity and Change", p.342

[57] Roger P. Nye (1977), "Civil Military Confrontation in Turkey:1973 Presidential Election", *International Journal of Middle Eastern Studies* , Vol.25, No.2, April, pp.212-226

[58] , Mark Tessler and, Ebru Altinoglu (2004),"Political Culture in Turkey: Connection among Attitudes toward Democracy, The Military and Islam", *Democratization,* Vol.11, No.1, pp.21-50

public confidence in central authority. At this juncture, the economic package announced by Prime Minister Suleyman Demirel in January 1980 represented a radical departure from the past practices and policies. It was a replacement of inward oriented strategy based on import substitution with an export-oriented strategy in the direction of a free market system.[59] The new economic policy of Suleyman Demirel's government did not bring up prosperity for working class and rural people. The left wing revolutionary workers trade union (DISK) launched an open campaign of strikes to sabotage Demirel's economic reforms. Apart from labor unrest, inflation continued to rise above 100 percent, and encounters between the Kurds separatist and the ultra-nationalist became more violent leading to a civil war situation in turkey.[60] On the whole Turkey remained in a virtually stare of siege, as the authorities failed to deal with reactionary and subversive forces effectively. Amidst the deepening political crisis, worsening economy and growing public pessimism, the reluctant Turkish military finally made an official declaration of intervention on 12 September 1980 with an intention on the morning of the coup that 'The aim of the operation is to safeguard the integrity of the country to, re-establish the existence of the state and to eliminate the factors that hinder the smooth working of a democratic order.[61]

The military which had been planning for a long to intervene in civilian sphere brought up many new changes regarding Turkish politics and society. The status of National Security Council (NSC) was upgraded and it was headed by General Kenan Evren leader of the coup. The new constitution which was overwhelmingly ratified by 91 percent people and which is still a source of government in turkey at the present time, restricted many civil and political rights of individual. Apart from this, several changes were made regarding parliament, party functioning and government to restrict their mobility. According to the new constitution of 1982, the Chairman, general secretaries and other senior members of the former parties would not be able to form, join or hold any relationship with the future parties and would not be able to stand for elections as independent deputies for ten years. Political parties were prohibited from maintaining any sort of ties with associations, unions, foundations, co-operatives and professional organisations. Regarding the electoral system, a

[59] Ziya Onis(1992), "Redemocratisation and European Liberalization in Turkey: The Limits of State Autonomy", *Studies in Comparative International Development*, Vol.27, No.2, Summer; pp.9-11
[60] Jenkins, "Continuity and Change",p.342
[61] Metin Heper (1985), *The State Tradition in Turkey*, Hull: Eothen Press, p. 131

national threshold of 10 per cent was put in order to be able to claim parliamentary seats.

The military regime tried to stipulate many provisions to strengthen the Kemalist regime. As the article 2 of the constitution states that "the republic of Turkey is democratic, secular and social state governed by the rule of law , bearing in mind the concepts of public peace, national solidarity and justice ,respecting human rights loyal to the nationalism of Ataturk, and based on the fundamental tenets sets forth in the preamble".[62] In addition to this the 1982 constitution contained important references for the future of the Kurdish issue. The military regime tried to repress all 'divisive and destructive forces', especially those on the left including the Kurds. Article 5 of the constitution noted the fundamental task of the Turkish state as the 'safeguarding of the independence and integrity of the Turkish nation, the indivisibility of the country, the Republic', making it 'illegal to express any idea that might be interpreted by the authorities as amounting to a recognition of a separate, Kurdish, ethnic identity'. The constitution also stated in Article 26, 'No language prohibited by the State shall be used in the expression and dissemination of thought'. Thus, in October 1983 Law 2932 was accepted, banning the use of the Kurdish language for the dissemination of information.[63] The underlying theme of the 1982 constitution was to decrease the politicization of the masses and to limit the rights and freedoms that had been introduced by the 1961 constitution. The aim of the new constitution, which was even more detailed than the 1961 constitution, was to 'strengthen the state'. But the reality was far more blurred than the provisions stipulated in new constitution in post-coup era.[64]

OZAL ERA

Democratic polity in Turkey until the 1970s was not yet considered purely democratic. The role of military in Turkish politics was not segregated from civilian sphere and it had privileged position in all spheres of Turkish society and politics. Through out the period Turkish democracy remained a kind of 'controlled' or 'guided

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[62] Ibid,p.343
[63] Meliha Benli Altunisik and Ozlem Tur (2005), *Turkey: Challenges of Continuity and Change*, London: Routledge,p.42-44
[64] Ibid, p.45

democracy'. "The formal transition to democracy in Turkey", may be dated from 6 December 1983.[65] The process of democratic consolidation started under Turgat Ozal founder of Motherland Party (known by its Turkish acronyms as ANAP) whose unexpected victory in the 1983 elections brought an end to the three-year-long military rule.[66]

During his tenure in office as Prime Minister Turgat Ozal implemented economic liberalisation policies through the structural adjustment programme. He was successful to a great extent in integrating the Turkish economy with the global markets and capitalism. Although not at the level of his advocacy of promoting economic liberalisation, Ozal at times proposed measures for political liberalisation. Civil society occupied an important place in the discourse of his politics and was seen as a dynamic force in maintaining sustainable growth and enhancing the democratic structure of the country. Forces that might act as an impediment for the individual entrepreneur were lifted and what was substituted is termed as "anarchical liberalism: it dismantled traditions, freed individuals, legitimized hedonistic dreams, undermined juristic constraints, heightened aspirations, opened up new markets and destroyed all obstacles in its way".[67] The propagation of private TV channels, radios, publications and different organizations that capitalised on newly developing identities provided an environment conducive to free discussions and the creation of a public opinion. While these groups and debate on these topics were rather confined to the elite circles and upper classes, the Kurdish groups and their counter force, the ultra-nationalists, as well as the Islamist circles, incorporated peripheral forces into the debates and found new venues to advocate their positions and enlarge their support group in this liberal framework.[68]

The 1980 coup had a significant impact on the political representation of Islamic ideas and the establishment of the framework for the advent of the counter-elite under the Mother Land Party (ANAP) rule. The initiatives taken by military had far reaching impact on upcoming political and social system in turkey. In order to achieve those

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[65] Feroz Ahmad (1983), "The Transition to Democracy in Turkey", *Third World Quarterly*, Vol.7, No.2, April,pp.211-226

[66] Aashwini K. Mohapatra (2007), "Arab and Turkish Responses to Globalization", *India Quarterly*, Vol.63, No.3; pp.25-50.

[67] Nilufer Gole(1996), "Authoritarian Secularism and Islamist Politics: the Case of Turkey", in Augustus Richard Norton (ed.), *Civil Society in the Middle East*, Vol. 2,Leiden: E.J. Brill, p. 33.

[68] Altunisik and Tur, *Turkey: Challenge and Continuity*, p.49

aims, the military leaders aimed at a total restructuring of the whole political system and society. They initiated a new framework that would first depoliticize the population and later restructure their ideology away from the right–left divide. It would decrease the power of the leftist groups (that were seen as responsible for the instability), keep society together and secure the continuation of the Kemalist project in unity. This new framework was designed in line with what some have termed the 'Turkish-Islamic synthesis.

The synthesis was implemented as a policy to guide the society with the understanding of 'national cultural values and principles', gluing it together.[69] Islam would constitute the main point in this national culture. The synthesis was thus an attempt to 'bring supposedly shared values to the surface, peel away the "false Western veneer" which was seen as responsible for the ills of the modern society and recognise a national synthesis of fundamental values under the labels of "Turk" and "Islam".[70] As the idea took root, some policies were put into effect to increase its spread in the population. One important development was the implementation of compulsory religious courses in secondary and high schools. Another visibility of the synthesis was in the state discourse. The coup leader Kenan Evren, was often quoting from the Quran and the *hadith* (narrations originated from the words and deeds of the Islamic prophet Muhammad) in his speeches, underlining the concept of *ummah* and Islamic unity in society. The aim of the military leadershiop was the employment of religion as a factor which would ensure the unity and integrity of the state and Ataturk's principle.[71] However, this synthesis aimed at an authoritarian but not an Islamic state where religion was seen as the essence of culture and social control and should thus be fostered in the education system but not be politicised'.[72] The loosening of restriction on religious affairs of people by secular military regime gave birth to new religious and ideological movement or parties in subsequent elections in turkey.

[69] Nilufer Gole,(1997), "Secularism and Islamism in Turkey: The Making of Elites and Counter Elites," *The Middle East Journal*, Vol.51, No.1; p.48
[70] Hugh Poulton (1991), *Top Hat, Grey Wolf and Crescent*, Ankara: verso, p. 184
[71] Gerassimos Karabelias, (2009), "The Military Institution, Ataturk's Principle and Turkey's Sisyphean Quest for Democracy", *Middle Eastern Studies*, Vol.45, No.1,p.62
[72] Richard Tapper (1991), *Islam in Modern Turkey: Religion, Politics and Literature in a Secular State*, London: I.B. Tauris, p.25

The year 1991 is important for Turkish politics both because through the elections the Mother Land Party's (ANAP) came to an end and because it marked the beginning of a new international environment with the collapse of the Soviet Union and the disappearance of the communist threat. The post cold war period brought up new changes in Turkish politics and society as well as new challenges and prospects for democracy.[73] Suleyman Demirel's True Path Party (TPP) was the victor of the 1991 general election. Demirel's party's first strategy was designed to attack the Mother Land Party's economic policies' social dimensions, focusing on the economic hardships of 'the other Turkey'(the rural people residing country sides), the second strategy, in an attempt to appeal to 'the first nation(urban entrepreneurs and new middle class)', focused on the market liberalism and greater democracy.[74] In the elections of 1991 and 1995, support for centrist parties diminished as voters increasingly displayed a preference for either the pro-Islamic Welfare Party, a descent of the NOP (National Order Party) and later reformed as the Virtue Party, or the highly nationalistic party (National Action Party). After the election of 1995 for parliament Islamist Welfare Party (WP) became the largest in parliament, though with just 21.4 percent of the popular votes and 158 seats in the 550 seats unicameral assembly.[75] In July 1996 the WP formed a coalition government with the True Path Party (TPP), which held 135 seats and WP chairman Necmettin Erbakan became Turkey's first avowedly Islamist prime minister.[76] The presence of an Islamist government in Turkey was an anathema to military. At the NSC meeting of 28 February 1997 the military presented the civilian government with a list of 18 anti-Islamist measures to be implemented. The measures ranged from curbs on the Islamist closure of private Quranic schools ad course, and restrictions on state run preacher training schools known as Imam Hatip Lisesi,[77] which the military believe being used to inculcate anti-secular values."[78] The Welfare Party due to its grass root support was not able to accept the measures dictated by military. The stage had been set for performing, once more, the traditional act of saving Turkish democracy through a

[73] Tessler and, Altinoglu , "Political Culture in Turkey",p.23

[74] Umit Cizre (2001), "From Ruler to Pariah: The Life and Times of the True Path Party", *Turkish Studies*, Vol. 3, No. 1, Spring, pp. 86–87.

[75] Altunisik and Tur, '*Turkey: Challenge and Continuity* ',p.57

[76] Ibid,pp.57-59

[77] Turkish: *Imam Hatip Lisesi*, 'Hatip' coming from Arabic 'khatib', meaning *the one who delivers the "khutba"*, and *lisesi* means school in Turkish.

[78] Jenkins, "Continuity and Change", pp.345-46

bloodless velvet coup in 1997."[79] The post-1997 coup era saw many sabotaging incidents by military and its supportive institutions. The welfare party was banned by constitutional court on 16 January 1998 and the very next year the virtue party formed by junior members of welfare party was also formally closed down on June 22 2001. Until November 2002 general election Turkey was ruled by a coalition government. The result of November 2002 general election opened up a new chapter in Turkish politics.[80]

The justice and development party (known in Turkish as AKP) founded in 2001 by the younger members of virtue party was victor in the November 2002 General Assembly election, and crossed the threshold of 10 percent votes[81] required to get into parliament and got 34 percent popular votes more than that of minimum criteria. Despite of originating from Islamic root, the AKP party has claimed itself as a "conservative democratic political movement" and declared the end of ideologies including Islamism in the age of globalization. "The AKP represents a shift from "political" Islam to "social" Islam. The Party leaders remain individually committed to Islam as a religion but refrain from developing an Islamist agenda."[82] What is mores; the AKP has emphasized the themes of democracy, national will, people power and economic development.[83] The party is committed to head country towards the path of liberal democracy, evident in the party's manifesto.

However, given its origin and support base, AKP's rise poses a potent threat to the entrenched state elites represented by military and bureaucracy. As it began to push ahead with its reformist agenda as part of turkey's effort to meet the EU requirements for membership, conflict with the latter become inevitable. In any case "a new turn in Turkey's democratic experiment came in 1999 when European Union (EU) finally decided to accept Turkey's candidacy for membership". Joining the EU is an obsession for many Turks. Liberals and the business community want membership because it will promote their basic freedoms and accelerate economic reform; minorities, including the Kurds, see it as the best way to secure greater human rights.

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[79] Karabelias, "The Military Institution, Ataturk's Principle", p.62
[80] Metin Heper(2003), "The Victory of Justice and Development Party in Turkey", *Meditrannian Poltics*, Vol.8, No.1, Spring; p.127
[81] Ihsan Dagi (2008), "Turkey's AKP in Power", *Journal of Democracy*, Vol.19, No.3, July; pp.25-30
[82] Ibid,p.29
[83] Ibid, p.27

Besides Islamists other think that such a move will reduce chances of a military takeover; military officers believe that it will ensure Turkey's territorial integrity.[84] Thus, the recent designation of Turkey as a candidate for full membership in the EU has provided new impetus for Turkey to democratise further.

Apart from the victory of AKP in two subsequent elections since 2002 there are certain other indigenous forces which account for Turkey's progressive democratization. The moderating activities of political Islam and the growth of civil society movements in recent times have given new impetus towards democratic evolution in Turkey. The AKP has adopted an agenda or outlook of moderate Islam which is compatible with modern democracy and liberal section in Turkey. The various studies are indicating that civil society organizations in Turkey have been proliferating in the recent years. The growth of civil society organizations in Turkey appears to have been closely linked with economic growth.[85] Certainly, the growth in civil society groups, recognition of rights of minorities and women, will further lead Turkey towards consolidation. No wonder the Turkish experience in democratic consolidation is touted as a prospective model for democratisation in the region especially the Arab and West Asian states, therefore this argument rests on a very precarious ground as that Turkish experience is *sui generis* and cannot be replicated by any other state in the region.[86]

[84] David L. Phillips (2004), "Turkey's Dream of Accession", *Foreign Affairs*, Vol.83, No.5; p.93
[85] Ilter Turan,(2007), "Unstable stability: Turkish Politics at Crossroads?", *International Affairs*,Vol.83 No.2; p.327
[86] Mohapatra, "Democratization in The Arab World",p.271

CHAPTER 3
EU MEMBERSHIP AND
DEMOCRATIC CONSOLIDATION

Turkey's strong commitment to being a part of Europe dates from the time of the founder of the modern state, Mustafa Kemal Ataturk. In fact, Turkey's orientation towards Europe pre-dates Ataturk. During its early expansion, the ottoman conquest was directed against the European continent, where world economic and political power was concentrated. In the later stages of its existence, the Empire clearly put its relationship with Europe at the top of its priorities. Since then, the Ottoman Empire came in close contact with Europe, and went on to reform its military and administration on the European line.[1] The formal interaction with European countries materialized only after the end of the World War Second, when Turkey was made, first member to NATO (North Atlantic Treaty Organization) and subsequently asked to apply for European Economic Community. Thus, to understand the nature, trajectory and evolution of Turkish membership to EU and its subsequent impact of democratization on Turkey, a brief historical background of Turkey and EU relationship will be analytically useful.

Turkey and EU Relationship

Turkey's relations with the EU date back to the late 1950s when the Democrat Party government applied for an associate membership in the European Economic Community (EEC) on July 31, 1959.[2] Under the Article 238 of the Treaty of Rome, the Turkey was granted membership to EEC at the Ankara Agreement of 1963, soon after it had given a similar membership to Greece in 1961.[3] The reason behind this application was political rather economic from the Turkish side. It can be said that to get an international recognition as a member of the Western Community of nations had been an objective of Turkish leaders since the days of the Tanzimat (period of reforms), and was seen as a logical extension of Turkey's membership of NATO and other western organizations.[4] In addition, the security and strategic dimension with the onset of cold war was too responsible for joining the various western Communities as the threat

1 Philip Robins (1998), Turkey: Europe in The Middle East, or The Middle East in Europe?, in B.A. Robinson (edt.), *The Middle East and Europe: The Power Deficit*, London & New York: Routledge,p.152

2 Ference A. Vali (1971), *Bridge Across The Bosporus*, Baltimore & London : The John Hopkins University Press,p.334

3 Birol A. Yesilada (2002), "Turkey's Candidacy for EU Membership", *Middle East Journal*, Vol.56,No.1,p.94

4 William Hale (2000), *Turkish Foreign Policy 1774-2000*, London & Portland :Frank Cass,pp.174-75

from Soviet Russia was looming on Ankara.[5] Although the motive of Turkey to join European Community was political and strategic, the content of the agreement was almost entirely economic. It outlined a process by which Turkey was to achieve a Custom Union with the Community, to be followed by possible full membership, to take place in three stages.[6]

Despite joining the EEC, the image of Turkey in European society was not as good as Turkish society and political leaders have been imagining. A bitter perception against Turkey began to rise in European Community's members after the military intervention in Ankara in 1960 and 1970. However, these two military interventions provoked little or no reaction from the main European states but that of 1980 was different.[7] On January 1982, the European Community (EC) decided to suspend the Ankara Agreement officially and therefore freezes its political relations with Turkey as a result of the military *coup d'état* on September 12, 1980. The European Parliament also decided not to renew the European wing of the Joint Parliamentary Commission until a general election is held and a parliament establishes in Turkey.[8]

Since then, the EU and Turkey have had a roller coaster relationship characterized at times by good political and economic ties and worsening relations following the two consecutive military interventions in Turkey in 1971 and 1980 in result to this the Europeans suspended economic and military assistance to the Turkish coup governments.[9] Despite the several restrictions imposed by European Community (EC) in the field of economic and politics, the quest for permanent membership was still driving Turkey to implement various reform policies such as liberalization of economy and lifting of trade barriers and protecting human and minority's rights necessary to fulfill the criteria defined by EC for permanent membership till that time.

From Rejection to Acceptance of Turkey's Candidacy

In 1987, while showing its courage and confidence after implementing various reform policies, the Turgut Ozal government applied for permanent membership in the EC.

5 Harun Arikan (2003), *Turkey and The EU: An Awkward Candidate For EU Membership*, England: Ashgate Publishing Limited,pp.52-56.
[6] Ibid,pp.56-58
[7] Hale, *Turkish Foreign Policy*,p.177
[8] Ali Carkoglu and Barry Rubin (eds. 2003), *Turkey and The European Union: Domestic Politics, Economic Integration, and International Dynamics*, London: Frank Cass,p.4
[9] Yesilada, "Turkey's Candidacy", p.95

The factor that prompted Prime Minister Ozal to submit the application was the progress in economic liberalization and integration with global market.[10] Despite the Turkish government's enthusiasm, the European leaders quickly dismissed the application in 1989 and announced that for economic and political reasons, Turkey was not ready for full membership.[11] "In addition to this the commission also mentioned the persistence of disputes with a member state and the lack of a solution of the Cyprus problem".[12] However, at the end of the cold war recognizing turkey's strategic saliency in the emerging security scenario, "the European leaders began a series of talks with their Turkish counterparts that eventually resulted in a compromise solution that neither shut the door for future membership nor granted the Turks immediate accession."[13] In between turkey made good progress towards achieving the norms established by EU's unofficial policy initiatives known as 'Turkey package' or 'matutes package' in June 1990.[14]

The outcome was the Customs Union (CU) agreement of 1995 that entered into effect on December 31, 1995. This agreement gave the Turks closer economic ties with the EU than any other nonmember country at the time, with the exceptions of Iceland and Norway, and opened the Turkish market of 65 million consumers to EU companies.[15] For the Turks, the CU symbolized their membership in Europe, and thus would put Turkey on track for membership in the EU. For the Europeans, however, the CU was the most Turkey could expect from the Union — at least for the foreseeable future. But the Turks were not so happy to get the membership to the CU, they wanted more from the EU as the foreign minister of Turkey in December 1995 said that 'the Customs Union is not enough for us, our basic goal is full membership of the European Union'.[16]

The next watershed in EU-Turkey relations came at the Luxembourg summit of December 1997, where the EU leaders decided on the list of candidate countries for

10 Ihsan D. Dagi (2001), "Human Rights, Democratization and The European Community in Turkish Politics: The Ozal Years,1983-87",*Middle Eastern Studies*,Vol.37,No.1,pp.17-40
11 Ergun Ozbududn and Omer Faruk Genckaya (2009), *Democratization and The Politics of Constitution Making in Turkey*, Budapest & New York: CEU Press,p.81
12 Arikan, *Turkey and The EU*,p.66
13 Tarik Oguzlu (2004), "The Impact of Democratization in the Context of the EU Accession Process on Turkish Foreign Policy", *Mediterranean Politics*,Vol.9,No.1,pp.94-113
[14] Hale, *Turkish Foreign Policy*,p.234
[15] Ibid,p.237
[16] Ibid,p.238

membership in line with the recommendations of the European Commission that were outlined earlier in Agenda 2000.[17] The announcement excluded Turkey as a candidate country. The Turks were outraged by this decision because as far as they were concerned weaker democracies and economies such as Slovakia, Bulgaria, and Romania were included. And it was not the end of humiliation of Turkey by the hand of EC, the final insult for the Turks was the decision to include the Greek side of Cyprus with complete disregard of international treaties covering the establishment of the Cyprus Republic.[18] As the Turkish government complained that 'Turkey has not been evaluated within the same framework, the same well oriented approach and criteria as the other candidate countries', and that the Luxemburg decisions were based on 'partial, prejudiced and exaggerated assessments.[19]

The Turkish reaction to the Luxembourg declaration was harsh and swift. On the political front, the Turkish government announced that it no longer viewed the EU as a third party mediator in Greek-Turkish affairs and over the Cyprus problem. Turkish officials also stated that they would move ahead with plans to integrate northern Cyprus with Turkey if the EU launched accession talks with the island's Greek Cypriot government. This process would be gradual and parallel EU-Cyprus integration. The Turkish Cypriots welcomed this announcement and decided to toughen their position on the future of Cyprus by changing their view on the type of any future political system from bi-zonal, bi-communal federation to confederation.[20] On the economic front, the Turkish government argued that Turkey was the only country that had signed a CU agreement with the EU and at the same time kept outside the Union's membership plans. Turkey also pointed to the fact that since the CU entered into effect, "Turkey's trade deficit with the EU surpassed $22 billion suggesting that the Turks were now partly financing the Union's expansion plans. Prime Minister Mesut Yilmaz further argued that the EU had no real reason to fear Turkey's membership because the Turkish economy was sound and its political system free of fundamentalist threat.[21] (As a direct message to EU leaders, Turkish Airlines immediately decided to choose Boeing for its next purchase of aircraft worth $4.6 billion).

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[17] Yesilada, "Turkey's Candidacy",p.95
[18] Hale, *Turkish Foreign Policy*,p.239
[19] Ibid,p.240
[20] Yesilada, "Turkey's Candidacy",p.95
[21] Hale, *Turkish Foreign Policy*, pp.240-41

Turkish reaction to EU's Luxembourg decision also became clear during the NATO summit in Washington DC in April 1999, where Turkey effectively vetoed the European allies' European Security and Defense Identity (ESDI) proposal on agenda setting in NATO.[22] The ESDI called for a future 50-60 thousand strong EU rapid deployment force that would have access to NATO equipment, especially the heavy lift capability and intelligence of the Alliance. As discussed below, Turkey viewed these proposals as another attempt by the EU to marginalize further Turkey's participation in European affairs and blocked NATO's approval of the proposal. The Turkish officials viewed this development as an apparent victory for Greece. By threatening to block the entire enlargement process if Cyprus is excluded from the list, Greece forced the Greek position to the forefront of the EU's enlargement agenda.

As far as the Turks were concerned, after two decades of determined political lobbying, Greece had won a clear victory against Turkey within the Union on two important fronts. First, the Greek position on the disputed Islet of Imia or Kardak in the Aegean became the official position of the EU. Thus, the EU no longer positions itself as a neutral party in the Aegean disputes. And second, Greece succeeded in getting the backing of the EU on the Cyprus problem despite active pressure against this move from the US American officials feared that a train wreck between the EU and Turkey at the 1998 Luxembourg summit could potentially destroy special envoy Richard Holbrooke's mediation efforts in Cyprus.[23]

Amid this adverse situation, in June 1998 the European council in Cadriff noted that the commission would present a report on Turkey based on the Article 28 of the association agreement and the conclusions of the Luxemburg European council.[24] Starting in 1998 the EU commission prepared a regular report on Turkey's progress towards accession which is still on yearly, "the 1998 progress report underlined the following problem areas: persistent human rights violations, de jure and de facto difference in the treatment accorded to minorities officially recognized under the Lausanne Treaty and those outside its scope, recognition of Kurds as a minority, lack of civilian control of the army, and its influence in political life through the national security council, state security courts which are not compatible with a democratic

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[22] Ibid,p.256
[23] Yesilada, "Turkey's Candidacy",p.97
[24] Arikan, *Turkey and The EU*,p.69

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system and run counter to the principles of the European convention of human rights, ratification of the international covenant for civil and political rights, abolition of death penalty , ratification of the framework convention for the protection of national minorities, restriction on the freedom of expression , limitations on the freedom of association, impunity for law enforcement officials, bans on the usages of the Kurdish language in "political communication" or education and broadcasting, bureaucratic restrictions on the freedom of religion for religious and sects other than Sunni Islam."[25]

Copenhagen Criteria

These all problems stated in report were given by European Union which was based on "Copenhagen Criteria (CC)" established in 1993. "The Copenhagen criteria, sometimes referred to as the accession criteria, are the conditions that countries of central and Eastern Europe must meet if they are to be admitted to the European Union. they were adopted at the Copenhagen summit of the European council in June 1993 and require those countries seeking to join the EU to possess stable institution which guarantee democracy; to respect the rule of law and human and minority rights, to possess a functioning market economy able to cope with competitive pressure and market forces; and to be able of meeting the obligations of membership."[26] During the negotiations with each candidate country, progress towards meeting the Copenhagen criteria is regularly monitored. On the basis of this, decisions are made as to whether and when a particular country should join, or what actions need to be taken before joining is possible. Thus, membership criteria are outlined in various EU documents and are summarized as the Copenhagen Criteria. These requirements in general can be explore in following ways:[27]

The applicant country has to be a member of the European family of states. However, the term "European" has not been officially defined. It combines geographical, historical, and cultural elements which all contribute to the European identity; Political Criteria: meaning the presence of a democratic political system characterized by: democracy and the rule of law, respect of human rights, and protection of minorities;

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[25] Ozbudun and Genckaya, *Democratization*,pp.83-84
[26] David Phinnemore and Lee McGowan (2002), *A Dictionary of The EU*,London: Europe Publication,p.81
[27] Yesilada, "Turkey's Candidacy",pp.100-1

Economic Criteria: meaning the existence of a strong market economy measured according to: relative strength of a functioning market economy and the capacity to withstand competitive pressure and market forces within the Union. Four freedoms must be in place for accession: freedom of movement of goods, capital, services, and people.

The above requirements are quite specific about what candidate countries must meet prior to accession. Turkey's qualifications will be considered against each criterion. While the Copenhagen political criteria indicated the commencement of the membership process for the earlier candidates, Turkey and new candidate states were required to fulfill these criteria *before* beginning negotiations for membership.[28] The main focus of this part of the elaboration is to delineate the political criteria set up by Copenhagen summit to force Turkish leaders to bring up sufficient democratisation to achieve the membership which is a major hurdle before it. A major land mark in EU and Turkey relationship was awaited until the Helsinki summit.

The Helsinki Summit 1999

With two years of worsening relations between the EU and Turkey, it became clear that something had to be done to improve this situation. Not only was Turkey moving away from the EU, but several important foreign policy and security matters on the Alliance's agenda were moving nowhere. Furthermore, Greek-Turkish relations had reached a low point in early 1999, after the capture of Kurdistan Workers' Party (PKK) leader Abdullah Ocalan by Turkish Special Forces in Kenya as he was leaving the Greek Ambassador's residence.[29] These problems included lack of progress on Cyprus, the Aegean, and the future reformulation of NATO-ESDI relations. On the every stated issues the role and stand of turkey was evident as the regional and international environment was changing fast. One possible way out of this mess was to revisit Turkey's candidacy for EU membership in the hope that improvement on the other fronts would follow. Thus important diplomatic maneuvering led by the US began in the capitols of EU member states and Turkey. These efforts gained added momentum following devastating 1999 earthquakes in Turkey and, to a lesser degree,

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[28] Ozbudun and Genckaya, *Democratization*, p.83
[29] Resat Kasaba and Sibel Bozdogan (2000), "Turkey at a Crossroad", *Journal of International Affairs*,Vol,54,No.1,p.3

in Greece when the peoples of the two countries began a series of bilateral goodwill initiatives.[30]

The governments of Greece and Turkey, led by their respective Foreign Ministers, seized this opportunity and started confidence building cooperation in many technical issue areas such as tourism, combating drug trafficking, etc. With this background of warming relations between the two arch-rivals, EU and US officials felt that they could not afford to miss this opportunity to push for some sort of a compromise on the Greek veto of Turkey's candidacy for the EU, and the Turkish position on a variety of Greek-Turkish problems.[31]

With regard to Turkey-EU relations, the EU Summit (European Council) realised in Helsinki in 1999 was a turning point. At this Summit, EU officially accepted Turkey's candidacy and following this decision, a pre-accession strategy started to apply in order to prepare Turkey for EU membership, as it has been the case in other candidate countries.[32] This accession strategy includes several interrelated elements explained below: Accession Partnership Document

- Regular Reports
- Annual support within a single financial framework
- Participation in the European Community Programmes and Agencies.

Within the framework of this strategy, the Turkish government regularly had to prepare National Programmes relating to the adoption of Accession Partnership Document and *Acquis Communautaire*. In this report too, issued at Helsinki summit, the Commission recommended inclusion of Turkey as a formal candidate but without any definite time set for the start of accession talks. The Commission stated that:

> Turkey continues to comply with most of its obligations under the Customs Union. Additional efforts should be made in order to reach full compliance with the *acquis* notably in the competition and customs fields. In most of the areas identified in the European strategy, alignment efforts have continued. The administrative capacity to apply the *acquis*[33] in the context of the Customs

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[30] Hale, *Turkish Foreign Policy*, p.23

[31] Yesilada, "Turkey's Candidacy",p.97

[32] Eric Roulean (2000), "Turkey's Dream of Democracy", *Foreign Affairs*,Vol.79.No.6,p.100

[33] Acquis communautaire, the "*acquis*" referred to here, refers to the rights and obligations derived from EU treaties, law, and regulations over the years. This is one of the main requirements for membership in the union.

Union remains very satisfactory. However, Turkey needs to further modernize its administrative structures and to increase staff training.[34]

Moreover, the Commission further noted that negotiations could only be opened once Turkey meets the political criteria. Thus, the main provision and direction dictated to Turkey was to expand and improve its political profile which was not conducive to a well functioning democratic government. However, it was a major achievement regarding Turkish accession towards EU but it was realized by many that until the formal acceptation of Turkish membership candidacy at Helsinki summit, the case of Turkey's bid to EU had been one of the pattern of hope, disappointment and rejection.[35]

In the meantime, the two sides needed to follow the following to stimulate and support the essential reforms in Turkey: Enhancing political dialogue, with particular reference to the issue of human rights, and providing the option of association with the common positions and actions taken under the Common Foreign and Security Policy; Co-coordinating all sources of EU financial assistance for pre-accession within a single framework; The possibility for full participation in all EU programs and agencies; Adopting an Accession Partnership combined with a National Programme for the adoption of the Acquis; Establishing mechanisms similar to those that operate under the Europe Agreements to monitor implementation of the Accession Partnership; With a view to harmonising Turkey's legislation and practice, beginning a process of analytical examination of the *acquis*.[36]

Subsequently, the European Council followed these recommendations and invited Turkey to join the other Central and East European countries on the candidacy list but without starting accession talks. It is important to note that no other candidate country is required to meet the EU's *acquis* prior to the start of accession talks (process). Normally, a candidate state meets the *acquis* as part of the course during accession talks. This fact did not go unnoticed by the Turks. After intense diplomatic pressure, the EU and Turkey agreed on the latter's candidacy with the understanding

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[34] Commission of the European communities, *Regular Report: Turkey 1999*, [online web], http://www.europa.eu.int/comm/enlargement/report_10_99/pdf/en/turkey_en.pdf, annex 1, accessed on 15 May 2009.
[35] John Redmond (2007), "Turkey and the European Union: troubled European or European Trouble", *International Affairs*,Vol.83,No.2,p.308
[36] Arikan, "Turkey and The EU",pp.69-74

that both sides had to agree to work in an atmosphere of goodwill to settle disputes between them. The lifting of the Greek veto was the most significant issue in this compromise. In return, Turkey grudgingly agreed to the EU's statement that it will adapt to the *acquis*, to work with Greece to resolve disputes between the two countries and over Cyprus, and realize that the Union would review progress on these fronts by the end of 2004.[37]

Following Turkey's acceptance of candidacy status, the two sides agreed on the Accession Partnership at the European Council meeting in Nice on December 4, 2000. This agreement highlighted the significance of the partnership between the EU and Turkey. With the Accession Partnership Agreement, the EU presented to Turkey an important roadmap to satisfy the *acquis*. The document reiterated EU's earlier reports on Turkey's progress for membership. Turkey responded to the EU by presenting its National Program, a detailed report on economic and political reform plans, on March 19, 2001.[38] This 500-page document outlined how Turkey intended to carry out specific reforms to meet the requirements of the *acquis*. In this document, the Turkish government provided its plans for economic, social, and technical reforms to harmonize Turkey's policies with those of the Union.

At the European Council summit in Goteborg in June 2001, EU leaders noted economic and political difficulties facing Turkey. The Council stressed the importance of the economic program agreed between Turkey and the IMF and urged its vigorous implementation for economic recovery. However, the EU leaders explained that in a number of areas, such as human rights and treatment of the minorities, Turkey's National Program left much room for improvement. The Council urged Turkish leaders to take concrete measures to implement the priorities in the Accession Partnership as this represented the cornerstone of the pre-accession strategy.[39]

From Post-Helsinki to the Recent Time

The decisions taken at the European Council in Helsinki (10–11 December 1999) was a very significant watershed in EU–Turkey relations. It would not be an exaggeration to be counted that the decisions taken at the Helsinki Summit represented a

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[37] Ibid,pp.71-74
[38] Ozbudun and Genckaya, *Democratization*, p.86
[39] Yesilada, "Turkey's Candidacy",p.99

paradigmatic shift in EU–Turkey relations because, for the first time, the EU clearly stated that Turkey could be an EU member as long as Turkey complied with the Copenhagen political criteria. Since the 1999 Helsinki Summit, since the EU has given a potential membership option to Turkey, we can talk about the active leverage of the Union.[40]

There is no doubt that the Helsinki decision placed Turkey and EU back on track for a mutually beneficial relationship. Both parties stand to gain substantial benefits as Turkey prepares to enter accession talks with the EU. However, it should be noted that unlike in the case of other candidate states, the Union would assess Turkey's progress on several fronts before the start of accession talks. In this regard, the Turks feel that they are being discriminated against by the EU. Nevertheless, Turkey's candidacy brings immediate benefits to both parties. Turkey can expect: to take part in EU committees on issue areas covered by the CU (e.g., standards, motor vehicles), negotiate with the EU for establishing preferential trade agreements between Turkey and the Balkan, Caucasian, and Central Asian republics (due to the CU agreement), to receive funds from the Financial protocol and CU agreement, eventually include agriculture in the CU, increased assistance from the EU on structural reforms of the Turkish economy (especially agriculture), take part in EU sponsored scientific, cultural, educational, and R&D projects financed by the Union, and easier movement of individuals in EU countries.[41] Another significant development took place during the 2004 EU summit when it was decided by member countries that a formal negotiation for Turkish membership would start from on 3 October 2005.[42] As indicated in previous regular reports Turkey had improved further in implementing various reform policies necessary to fill the membership criteria.[43] However, the European council suspended eight negotiation chapters due to the Turkish failure to apply to the additional protocol of the Ankara agreement to Cyprus. Since then, the progress toward membership negotiation has been moving with snail's motion. The EU has still objections with certain issue areas which are not improved and sufficiently addressed by Turkish government to

[40] Rouleau, "Turkey's Dream",pp.100-02
[41] Carkoglu and Rubin, *Turkey and The European Union*, pp.8-31
[42] Kemal kirisci (2004), "The December 2004, European Council Decision on Turkey: Is it an Historic Turning Point?", *MERIA*,Vol.8,No.4,P.1, [Online: Web], http://meria.idc.ac.il/journal/2004/issue4/jv8no4a8.html#Kemal, Assessed on 15 May 2009
[43] Commission of the European Communities, *Regular Report: Turkey 2004*, [Online: Web], http://www.europa.eu.int/comm/enlargement/report_2004/pdf/rr_tr_2004_en.pdf, pp.11-44 and 165-74, accessed on 15 May 2010.

complete the pre-accession conditions. The problem areas, such as relating to Cyprus, Greece, the role of the army in Turkey, lack of respects for human and minority's rights. The merits and demerits major issues which appear before the Turkish accession can be discussed in following ways:

Europeanness

The idea of 'Europeanness' implies that a country applying for EU's membership must be possessing some qualities like culture, values, outlook, and system of government on the par of European countries. The candidacy of Turkey settles the Europeanness issue once and for all – though many would still debate this matter for a very long time. But the fact of the matter is Turkey, and previously the Ottoman Empire, has been a member of the European family of nation states. Despite its territorial placement, Turkey is legally a European state. Since the end of World War II, Turkey has joined all the appropriate West European intergovernmental organizations — the OECD in 1948, the Council of Europe in 1949, NATO in 1952, and as an associate member, the EEC in 1963. The given facts represent that Turkey was virtually added to the European community but the ground reality is far more different than these official inclusion. The reality can be examined through the issues which are still making Turkey a not to be member of European society. One such issue is culture and more specifically religion and another is geography and physical location.[44]

It is true that Turkey is a secular state. The Turkish constitution does not recognize any official state religion and its citizens are provided freedom of faith. Furthermore, urban Turks live similarly to Europeans. Yet, there exists a historical prejudice toward Turks in Europe. Such feelings are due to the fact that for a thousand years before Ataturk's 1923 revolution, the Ottoman Turks invaded Europe, occupied vast European territories, and represented the "sword of Islam." Today's Europeans might feel that modern Turks are wonderful, but they are not part of the Western culture. Islam can reinforce such feelings.[45] The Europeans are fearful of EU's demographic composition which would be increased by current 3 percent of Muslim population to 20 percent

[44] Redmond, "Turkey and the European Union",pp.313-16
[45] Hakan Yilmaz (2009), Europeanisation and its Discontent: Turkey 1959-2007, in Constantine Arvanitopoulos (edt.), *Turkey's Accession to the European Union: An Unusual Candidacy*, Berlin: Springer Press,pp.53-64

after the inclusion of Turkey.[46] On the issue of geography and location, the majority of European countries consider Turkey as a part of Muslim world which cannot be a natural member of the Union.

There is nothing in the EU's founding Treaty of Rome or in any other unwritten rule that requires the EU states to be Christian, regardless of what leaders of the European Christian Democratic political parties stated in the past. It may be argued that as long as Turkey maintains its freedom of religion and moves further in the direction of democratization, Islam would not present a problem for the Union. Already, several EU states have significant Muslim minorities.[47] Furthermore, the EU's citizens are presently divided by deeply rooted convictions of Catholicism, Orthodoxy and Protestantism. Perhaps, this heterogeneous composition of the EU can be strengthened by demonstrating that the Union could absorb another country that is culturally and religiously rather different. Such membership would certainly reinforce secularism in Turkey. In addition to this various other arguments have been given by people around the world that 'Europeanness' might be a appropriate for an organisation concerned with cultural or even political integration; but not one focused on economic integration. However, the fundamental argument is that economic criteria ought to be used to determine membership of a predominantly economic club. Finally, the idea of 'Europeanness' is not really a working criterion for EU membership but rather "an emergency escape route to which the current EU is keen to retain access."[48]

Democracy and the Rule of Law

The 1982 Constitution placed state control over the activities of citizens, interest groups, and political parties. Yet, despite these restrictions, politics have moved in the direction of pluralism, though it has been a gradual progress, since transition to civilian rule in November 1983. Today, all of the major pre-1980 political parties are re-established either under new or old names. However, there are exceptions. The Constitutional Court closed two Islamist political parties, Welfare in 1997 and Virtue in 2001, for anti-secular activities. Both parties were established by individuals from the pre-1980 National Salvation Party.

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[46] Ibid,p.313
[47] Michael S. Tietelbann and Philip L. Martin (2003), "Is Turkey Ready for Europe?", *Foreign Affairs*, Vol.82, No.3,pp.97-111.
[48] Redmond, "Turkey and The European Union" ,pp.315-16

With regard to restrictions imposed on individual politicians by the military junta in 1980, have been removed but new ones have come into existence in the 1990s. The new restrictions include ones imposed on former HADEP (Kurdish) parliamentarians, and on former Welfare Party leader and former Prime Minister Necmettin Erbakan, who received a prison sentence in March 2000 for his activities against the secular nature of the Turkish state.

Since the Customs Union entered into force in 1996 and particularly after the Helsinki agreement on Turkey's candidacy, the EU has become a close observer of democratization in Turkey. The Union closely follows political developments in Turkey and encourages the Turkish government to meet its reform goals to satisfy the Copenhagen criteria. The first major assessment of Turkey is found in the Commission's 1998 Regular Report on Turkey's progress towards accession. The Commission concluded that: "On the political side, the evaluation highlights certain anomalies in the functioning of the public authorities, persistent human rights violations and major shortcomings in the treatment of minorities. The lack of civilian control of the army gives cause for concern. This is reflected by the major role played by the army in political life through the National Security Council. A civil, non-military solution must be found to the situation in southeastern Turkey, particularly since many of the violations of civil and political rights observed in the country are connected in one way or another with this issue. The Commission acknowledges the Turkish government's commitment to combat human rights violations in the country but this has not so far had any significant effect in practice. The process of democratic reform on which Turkey embarked in 1995 must continue."[49]

This report became the benchmark reference for the EU in its future assessment of Turkish progress. The report issued on the Accession Partnership agreement, and the Commission's 1999 report on Turkey, while praising recent reforms on democratization, further emphasized Turkey's shortcomings in achieving a thorough liberal democratic system. One area of concern is the judiciary, and more specifically the State Security Courts (SSCs) that deal with overtly political crimes. Another is human rights and treatment of the minorities. The EU would also like to see Turkey's National Security Council become an advisory body similar to those found in EU member states. Finally, the question of capital punishment has recently been an Ocalan

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[49] Yesilada, "Turkey's Candidacy",p.103

(Abdullah Oclan, leader of the separation movement PKK) subject of debate in Turkey as well as outside Turkey in connection with the Ocalan trial. Ocalan was convicted on June 29, 1999 of treason and the intention to separate part of the territory of the Turkish Republic, and sentenced to the death penalty. If this sentence were carried out, it would undoubtedly create a major setback for Turkey's membership in the EU. Turkey's response to EU is found in its National Program. Contrary to EU's request for specific answers, the Turkish government chose to place most reforms on a medium-to long-term goal. Amendments of October 2001 were unexpected by European leaders and are indicative of the difficult challenges Turkish leaders face in their efforts to push for democratic reforms.

Human Rights Issues

The human rights situation in Turkey is a very serious concern for the EU and is under the monitoring procedures opened in 1996 by the Council of Europe.[50] As a candidate for membership Turkey does not compare well with many other states in sign-ing/adherence to Human Rights Conventions upheld by the EU. The EU is particularly concerned with practices of torture and ill treatment, rule of law, freedom of expression, imprisoned (former DEP/HADEP) parliamentarians, constitutional reform and respect for the rights of Turkish citizens of Kurdish origin. According to the Commission report "precise cases of torture and ill-treatment have been recently registered by a delegation of the "European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)" from the Council of Europe, during their last visit to Turkey in February 1999." [51] Furthermore, in a judgment in July 1999, the European Court of Human Rights underlined once again the existence of extra-judicial executions and torture in Turkey. Turkish officials have taken some steps to improve this situation. In January 1999, the Constitutional Court annulled a legal provision that entitled security officers to fire directly and without hesitation at persons who do not stop when warned.[52]

The EU also views the death penalty as a human rights issue and requires its abolition prior to membership. In its Accession Partnership dialogue, the EU asked Turkey to

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[50] Cenap Cakmak (2003), *Human Rights, The European Union and Turkey*, [online: web], http://www.alternativesjournal.net/volume2/number3and4/cakmak.pdf,P.64

[51] Ibid,pp.67-72

[52] Ibid,pp.82-84

extend the moratorium on the death penalty one more year and repeal it in 2004.

Freedom of Expression

There is no denial of the fact that freedom of expression has improved substantially since transition to civilian rule in 1983. Yet, there are serious problems in this area that must be improved in order to meet the Copenhagen criteria. Perhaps one way of dealing with this problem for Turkey is to return to the 1961 Constitutional guarantees that the 1980 coup nullified. Unless this is seriously considered there is absolutely no way of bringing Turkey's individual civil and political rights to the level of its EU partners.

During the last couple of years, the situation over freedom of expression worsened since the arrest of Colons. In March 1999, the Minister of Justice issued a communique to Governors "to be zealous in identifying associations, foundations, publications, individuals and organisations that are likely to take initiatives in favour of PKK leader." [53]In a similar fashion, the Public Relations Department of the Ministry of Interior issued a circular in April 1999 forbidding the use of certain terminology in relation to the Kurdish question in press releases and publications by public institutions and organisations. One month later, the General Penal Board of the Supreme Court of Appeals increased the sentences in relation to abuse of freedom of expression. These developments suggested to the EU officials that the Turkish leaders were moving away from meeting the Copenhagen requirements on individual civil and political rights. Until recently, this seemed to be the dominant view in Brussels. However, there is hope that Turkey will further its democratization following the passage of the constitutional amendments. For example, a constitutional ban on "any thoughts and observation" that endanger state integrity has been replaced with "any activity."" Critics argue that this could be interpreted to include speeches and publications.

Minority Rights and Protection of Minorities

The minorities' issues present a serious conflict in EU-Turkey relations. As far as the Turkish officials are concerned, the EU fails to understand the difference between the status of all citizens in the country and the separatist activities of the PKK. That is, the EU

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[53] Yesilada, "Turkey's Candidacy",p.106

erroneously combines the Kurdish and PKK aspirations. The EU, on the other hand, insists that "a civil solution [for the Kurdish problem] could include recognition of certain forms of Kurdish cultural identity and greater tolerance of the ways of expressing that identity, provided it does not advocate separatism or terrorism."[54] As the EU officials note as an example of their concern, TV broadcasting in Kurdish, while apparently tolerated for non-political programs, is still officially not allowed. Moreover, as the 1999 Report of the Commission observes, the Committee on the Honoring of Obligations and Commitments by Member States of the Council of Europe indicated in its January 1999 report that " the essential point is that any such group 'Turkish citizens of Kurdish origin' should have the opportunity and material resources to use and sustain its natural languages and cultural traditions in circumstances and under conditions now clearly and reasonably defined by two important Council of Europe Conventions: the Framework Convention on Protection of National Minorities and the European Charter for Regional or Minority Languages, as well as by Assembly Recommendation 1201 (1993) on an additional protocol on the rights of national minorities to the European Convention on Human Rights."[55]The EU reaffirmed these points in the Accession Partnership agreement and asked the Turkish government to respond on how it intended to meet the *acquis* in a timely fashion. Once again, the Turkish response was less thorough than what the EU had hoped for. The 1923 Lausanne Treaty after World War I defines the Turkish position on the issue of minorities. Only those minorities identified in this treaty have the right to be considered under special minority status. All other peoples living in Turkey are Turkish citizens and equal under the law. Furthermore, foreign language schools, e.g., Kurdish, cannot be implemented as they could threaten the national security of Turkey.[56] But the teaching of Kurdish as part of the curriculum in selected areas of the country is possible. With reforms of October 2001, Turkish politicians lifted the ban on publishing in languages other than Turkish and paved the road for Kurdish-language broadcasts and newspapers.[57] However, Turkish remains the official language, and classroom instruction in Kurdish is prohibited.

The above analysis shows that although there remain problems between the two sides,

[54] Kerim Yildiz and Mark Muller (2008), *The European Union and Turkish Accession: Human Rights and the Kurds*, London : Pluto Press,pp169-84
[55] Ibid,p.78
[56] Ibid,p.122
[57] David L. Phillips (2004), "Turkey's Dream of Accession", *Foreign Affairs*,Vol.83,No.5,p.94

EU-Turkey relations have improved substantially since the strain at the Luxembourg summit. Turkey's candidacy for membership presents important challenges for Turkish and European leaders. Despite these positive developments, Turkey's prospects for membership still face a difficult road ahead. Reasons are complex and require delicate handling by the officials on both sides. The *acquis* calls for complete harmonization of the legal systems and stresses adherence to European human rights declaration. Yet, there is progress being made albeit at snail's pace. Nonetheless, membership in the EU cannot be achieved unless Turkey undertakes major political reforms that provide extensive individual civil and political rights to its citizens.

Economic troubles also present a clear obstacle to membership in the near future. Turkey needs to carry out the IMF-led reforms and bring its economy out of recession. Currently, Turkey's budget deficit, public debt, inflations rate, unemployment rate, and interest rates fall far short of EU targets for participation in the Euro zone. Absorbing the Turkish economy is financially impossible for the EU at this time. It can be argued that the Turkish leaders have reached a crossroad in their efforts to join Europe once and for all. If they complete the economic and political reforms outlined in the *acquis* and the IMF-led economic restructuring program, it would be almost impossible for the EU to reject Turkey's membership. And even if the EU turns its back on Turkey, Turks will be in a much stronger and powerful position in the world with a representative liberal democratic system and a stable market economy. Failure to carry out the reforms would mean turning away from Europe and joining the list of Third World countries. That would be a tragedy since this path was not what the founder of the republic had envisioned for Turkey.

However, the 1999 Helsinki Summit was the real turning point in the relationship. Turkey was officially cited as a candidate for EU membership. The political and state elites, and even the people, in Turkey have clearly understood that Turkey must consolidate its democracy and stop human rights violations in order to enter the Union. Turkey's EU membership certainly has the potential to cause serious problems for both sides. All the same, none of these problems are insurmountable. Compromises can be made. Transition periods can be discussed and agreed upon. The European Union needs to show its good faith in Turkey's accession negotiations to protect its diplomatic credibility, while Turkey has to prove its continued strong

commitment to political reform to further acquire the position to become permanent member in the EU. In any case a causal link between Turkey's EU membership and democracy consolidation becomes evident in the progress of reform process since 2001 liquidating the authoritarian legacy of the post-1980 coup regime. A critical examination of the reforms is attempted in the following chapter.

CHAPTER 4

CONSTITUTIONAL AND POLITICAL REFORMS

Introduction

Democratic reforms in Turkey have been affected by multifaceted factors extending internal and external. Internally, the role of secular military-bureaucratic elites and religious-Islamist actors has been critical in the development of the democratic model and hindrances as well in its path. Externally, it has been the quest of European Union membership and hence the pertinent normative requirements that have pushed the democratic reforms further up the agenda for Turkey. The quest for EU membership has increasingly driven the democratic reforms within Turkey since the late 1990s. The astonishing victory of the AKP (Justice and Development Party) in 2002 provided the impetus to the process initiated by the weak tripartite coalition government in 2001.for the AKP has pushed forward the process of democratic consolidation through constitutional reforms, granting more rights to the minorities and women and showing deference to the human rights norms. Thus, the EU has become main anchor of Turkish democratization.[1] This chapter aims at describing the events, processes, actors and issues that contributing to a major milestone in democratic reforms and consolidation in Turkey with a closer appraisal of the role played by the AKP in this process. The chapter will also delineate the steps taken by the AKP government in Turkey towards constitutional reforms to accommodate the democratic requirements of EU membership and other measures taken in this regard.

Democratic Reforms in Turkey before AKP

Turkey's 1982 Constitution is the product of the military intervention of September 12, 1980. The Constitution of 1982 was prepared under the aegis of the NSC, with the help of a wholly appointed civilian Consultative Assembly and approved by a popular referendum.[2] Thus, the 1982 Constitution, prepared under non-democratic conditions, reflected the authoritarian and statist values of its military founders. Its primary aim was to restore the authority of the State and to maintain public order rather than to protect the rights and liberties of its citizens. Most of the fundamental rights commonly found in this

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1 Karabekir Akkoyunlu (2007), "Military Reform and Democratization: Turkish and Indonesian Experiences at The Turn of Millennium", Adelphi Paper, No.392, London: Oxford University Press,p.31
2 Ibid,p.36-38

democratic constitution were recognized by the 1982 Constitution but defined in highly restrictive terms.[3] The Constitution also provided strong exit guarantees for the outgoing NSC regime by providing vaguely defined tutelary powers and reserved domains for the military. The general directions of these amendments were to improve the protection of fundamental rights, to bolster the rule of law, and to limit the military's prerogatives in government.[4] To put recent changes in a broader context, it is important to briefly analyze the 1990s, a period often referred in Turkey as "the lost decade". Only through such a contrast it is possible to grasp the true extent of democratic change that has been taking place in the country for some time. In 1990s, democratization efforts mainly fell victim to weak and short-lived coalition governments; failed political leadership, and strong military influence in politics, and a heightened security environment aggravated by the war against the Kurdistan Worker's Party (PKK) and fear from the Islamic resurgence.

Throughout the decade, successive governments and state authorities dismissed allegations of human rights abuses as PKK propaganda or as isolated incidents. Any attempt to abolish capital punishment or grant more cultural and political rights to Kurds, even as recent as 2000, were strictly resisted on the grounds that this would threaten the territorial integrity of the country. This situation continued until the end of the decade, and events such as EU's exclusionary attitudes towards Turkey during the 1997 Luxembourg Summit and the capture of PKK leader Abdullah Ocalan in 1999 triggered the nationalist sentiments and skepticism towards democratization. Some proponents of reform were even accused of being part a foreign contemplation to divide the country on ethnic lines. In this environment, and in the absence of a political will to transform the country, any attempt for reform proved ineffective.

"The initial push for reform came as the EU declared Turkey as one of the candidate countries for membership during the Helsinki Summit in December 1999. The DSP-MHP-ANAP coalition government, which took office in June 1999 and led by Bulent Ecevit, found itself under heavy internal and external pressure to carry out an ambitious

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3 Metin Heper and Aylin Gunye (1996), "The Military and Democracy in The Third Republic", *Armed Forces and Society*,Vol.22,No.619,pp.619-42
4 Ergun Ozbududn and Omer Faruk Genckaya (2009), Democratization and The Politics of Constitution Making in Turkey, Budapest & New York: CEU Press, pp.19-29.

reform program. Despite frequent foot dragging and quarrels among the coalition partners about controversial reform issues, the Ecevit government successfully introduced National Program in March 2001 (a roadmap of reforms promised by the government in response to EU membership requirements), enacted two important constitutional reform packages in October 2001 and August 2002, changed numerous laws and regulations to harmonize with those constitutional changes, and revised Turkey's 75-year old Civil Code in November 2001."[5]

To mention some, these legislative changes removed military officers as judges in the State Security Courts, amended political parties law to make judicial closure of parties more difficult, as well as introduced first steps in tackling critical areas such as broadcasting and education in mother tongues other than Turkish, reducing the political role and status of the National Security Council, eliminating death penalty, and improving freedom of thought and expression. The packages expanded the right to association, and imposed stricter penalties on human traffickers. They also allowed non-Muslim minority communities such as Greeks, Armenians and Jews greater rights over religious properties. The government also lifted emergency rule in four cities in southeastern Turkey in June 2002.[6] Finally, Turkish Parliament passed amendments that eliminated controversial provisions of Turkey's Civil Code such as the one requiring wives to seek their husbands' permission to work and promoted gender equality. The new code raised the legal age for marriage to 18 for both sexes from 17 for men and 15 for women. It also set a legal separation period of six months before couples can file for divorce. The revised code also lowered the legal age for adopting children from 35 to 30 and granted adoption rights for single parents. October 2001 and August 2002 reform packages and revisions in the Civil Code could well be described as the opening stages of many significant changes that still continue to take place in the country.[7] "The most radical and comprehensive amendment of the 1982's constitution was that of 2001, which involved changes to 34 articles, followed by the 1995 amendment, which amended 15

5 Gamze Avi(2004), Turkish Political Parties and The EU Discourse in The Post-Helsinki Period, in Mehmet Ugur and Nergis Canefe (eds.), 'Turkey and European Integration', London & New York: Routledge, pp.196-203
6 Ibid,p.198
7 Yesim Arat (2010), "Women's Right and Islam in The Turkish Republic: The Civil Code Amendment", *Middle East Journal,*Vol.64,No.2, Spring,p.235

articles."[8] In all these cases, the amendments were adopted through broad inter-party agreements in parliament, since in none of them a single party held the two-thirds majority of the parliamentary seats required for the adoption of a constitutional amendment without a popular referendum. In particular, the 2001 amendments were the product of intense negotiations and compromises within the so-called all-parties "accord committee" composed of members of all parliamentary parties. Similar compromises were reached on most of the harmonization laws packages.[9]

The AKP Era and Reforms

With its landslide victory in November 2002 elections, AKP became the first party in over a decade to hold enough seats in Parliament to exercise a clear majority and enjoy a one-party government.[10] Thus, the AKP found itself in an ideal environment to complete the remaining work that was left from the previous government. The AKP government's reform packages, started in November 2002, have: expanded freedom of expression; abolished anti-terrorism provisions that authorized punishment for verbal propaganda against the unity of state; abolished the death penalty; established retrial rights for citizens whose court decisions are overthrown by the European Court of Human Rights; allowed education and broadcasting in the Kurdish language.[11] "Between February 2002 and July 2004, the GNAT (Grand National Assembly of Turkey) adopted nine "harmonization packages," not counting other major legislative reforms such as the adoption of a new Civil Code, the criminal Code, the Code of Criminal Procedure, and the Law on Associations. The reason they were commonly called "packages" was that each one of them involved changes in a number of laws. The purpose was to harmonize Turkish legislation with the constitutional amendments of 2001 and 2004, as well as with the *acquis communautaire* as part of Turkey's efforts to become a full member of the EU."[12]

8 Ergun Ozbudun (2007), "Democratization Reforms in Turkey, 1993-2004", *Turkish Studies*, Vol.8,No.2, pp.180
9 Ibid,p.181
10 Ihsan Dagi (2008), "Turkey's AKP in Power", *Journal of Democracy*,Vol.19,No.3,July,pp.25-30
11 Umit Cizre (2008 edt.), *Secular and Islamic Politics in Turkey: The Making of Justice and Development Party*, London & New York: Routledge Publ.,p.2
12 Ozbudun and Gencekaya, *Democratisation and The Politics,*Chp. 4

The fourth and fifth reform packages included changes strengthening the fight against torture, broadening the scope of freedoms of association, demonstration and peaceful assembly, expanding freedom to use Kurdish in broadcasting and election campaign periods. They removed some anti-democratic elements in the Turkish Penal Code, introduced measures to improve police conduct, gave prisoners/detainees immediate access to lawyers, lifted some restrictions on press, and eased restrictions on the ownership rights of minority foundations.[13] These amendments also paved the way for a retrial of imprisoned former deputies of pro- Kurdish Democracy Party (DEP). The sixth and seventh reform packages touched probably the most controversial issues. The sixth package abolished the Article 8 of Anti-Terrorism Law, and terminated its current proceedings, for which Turkey has been widely criticized by the Council of Europe and other international bodies. Most of the journalists and writers in prison had been sentenced under this provision. The package also revoked the authority of the Secretary General of the National Security Council (NSC) to appoint one member to the supervision board for cinema and music works. The sixth package also amended the related provision of broadcasting law (named as RTUK) to guarantee the right to broadcast in languages other than Turkish.[14] Despite the fact that the reform package of August 2002 had recognized that right, no significant action had been undertaken until then. Moreover, the package provided guarantee in naming children. In several reported incidences, some civil servants had denied registering the traditional Kurdish names despite the fact that related legislation and Turkish Supreme Court had recognized this right. On the area of religious freedom, the new clauses in the package eased the rules and procedures for construction planning with regard to places of worship for other faiths than Islam.

Turkey has frequently been a target for the EU criticism on the freedom of religion. Christian communities in Turkey have been facing some obstacles in initiating their churches. These changes also eased the registration of the real estates of the foundations

13 Political Reforms in Turkey (2004), REPUBLIC OF TURKEY MINISTRY OF FOREIGN AFFAIRS SECRETARIAT GENERAL FOR EU AFFAIRS, http//www.turkishembassy.com/ii/O/Political%20Reforms%20in%20Turkey.doc, pp.8-14
14 Ibid,p.16

of religious communities by expanding the application period.[15] Although the August 2002 reforms had abolished the ban for these foundations to have new real estate, these foundations still faced difficulties in registering their properties prior to the defined deadlines. Only a few weeks later, the government passed a seventh package in August 2003. The package was crucial in terms of introducing changes to the structure of the NSC. Stressing the advisory status of the military-dominated NSC, new measures limited the number of times the NSC meets, enabled appointment of a civilian head to the NSC's secretariat and allowed greater parliamentary scrutiny over military expenses. According to the amendments, a deputy Premier can be appointed to oversee the execution of some of the NSC's recommendations, a duty previously carried out by its secretary-general. In addition, the Parliament approved a bill in December 2003, attempting to remove policies of secrecy governing the NSC's staff, by-laws and regulations, allowing decisions on these matters to be published in the government's Official Gazette. The May 2004 legislative package concludes most of the reform processes initiated and enhanced through previous packages dating back to October 2001.[16]

Constitution Amendment 2004

The 2001 constitutional amendment has most effect on the fundamental and political rights of Turkish citizens.[17] This amendment changed not only the overall approach to the restriction on fundamental rights and liberties but also brought about improvements with respect to personal liberty and security, privacy of individual life, inviolability of the domicile, secrecy of communications, freedom of residence and travel, freedom of expression, freedom of the press, freedom of association, freedom of assembly, the right to a fair trial, and a restriction on the death penalty to certain categories of crime.[18] The 2001 amendment also enlarged the scope of social and economic rights by bringing about improvements in the protection of the family, expropriations, the right to work, the right to form labor unions, and the right to an equitable wage.

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15 Ibid,p.13-18
16 Fusun Turkmen (2008), "The European Union and Democratisation in Turkey: The Role of Elite", Human Rights Quarterly,Vol.30,pp.146-63
17 Ozbudun , "Democratisation Reforms in Turkey",pp.181-192
18 Ibid,180

General Grounds for the Restriction of Fundamental Rights and Liberties

The original text of Article 13 enumerated general grounds for restricting all fundamental rights and liberties, namely, safeguarding the indivisible integrity of the State within its territory and nation; national sovereignty; the Republic; national security; public order; public peace; public interest; public morals; and public health. In addition to these general grounds, fundamental rights and liberties could also have been restricted for the specific reasons stated in the relevant articles.[19]

The 2001 amendment deleted the general grounds for restriction. The amended text reads as follows: Fundamental rights and liberties may be restricted only by law and solely on the basis of the reasons stated in the relevant articles of the constitution without impinging upon their essence. These restrictions shall not conflict with the letter and the spirit of the Constitution, the requirements of democratic social order and the secular Republic, and the principle of proportionality. In addition to the deletion of general grounds for restriction, the amendment brought about two important improvements. "One is the protection of the "essence" of fundamental rights and liberties, their irreducible core, which was inspired by the German Constitution and adopted by the Constitution of 1961. The other is the introduction of the principle of proportionality, which is also widely used in the jurisprudence of the German Constitutional Court. Although both of these principles were used by the Turkish Constitutional Court prior to the 2001 amendment, their explicit constitutional recognition will, no doubt, provide an additional guarantee for the protection of fundamental rights and liberties. Together with such improvements, the guarantee that restrictions should not be in conflict with the requirements of the democratic social order (which existed in the original text of the 1982 Constitution as well as in the European Convention on Human Rights) was also maintained. To put it briefly, Article 13 ceased to be a general restrictive clause and became a general protective clause."[20]

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19 Ibid,p.181
20 Ozbudun and Gencekaya, Democratization and The Politics,pp.50-51

Personal Liberty and Security

Article 19 was amended to shorten pre-trial detention periods. In the original text of the Article, such periods were permitted for a maximum of 48 hours for individual crimes and a maximum of 15 days for collectively committed crimes. In the new text, the period for collectively committed crimes was shortened to a maximum of four days. Thus, conformity with the jurisprudence of the European Court of Human Rights was assured. Furthermore, the obligation to notify the next of kin without delay was strengthened by eliminating the exceptions to this rule. Finally, it was stipulated that those who suffered damage as a result of unlawful detention or arrest should be compensated by the State.[21]

Freedom of Religion

Although no amendment was made to Article 24, which governs the freedom of religion and conscience, the third reform laws package, which went into force on August 9, 2002, recognized the right of community foundations (meaning non- Muslim foundations) to own immovable properties and to dispose of them freely. The sixth reform package, which went into force on July 19, 2003, recognized the right of non-Muslim communities to build places of worship, subject to approval by competent administrative authorities.

Freedom of Expression

A small but important change was made to Article 26 by deleting the phrase "language prohibited by law" from the text, which had been included in the Constitution by its military founders, evidently to ban the use of the Kurdish language.[22] The NSC regime also passed a law to that effect without specifically mentioning Kurdish.[23] This law was repealed in 1991, however, and since that time there has been no language rohibited by law. Nevertheless, the deletion of that phrase constitutes a guarantee against reintroducing such a law in the future. "Another change involved the preamble of the Constitution, which, according to Article 176, is an integral part of the Constitution. The

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21 Ibid,pp.56-57
22 Ibid,p.54
23Michael   M.Gunter   (1988),   "The   Kurdish   Problem   in   Turkey",   Middle   East Journal,Vol.42,No.3,Summer,pp.389-406

original text had stated that: [N]o protection shall be afforded to thoughts and opinions contrary to Turkish national interests, the indivisibility of the State with its territory and nation, Turkish historical and moral values; Atatürk's nationalism, his principles, reforms, and modernism. This was changed so that the words "thoughts and opinions" were replaced by the word "activity." Although it is debatable whether the term "activity" still encompasses the dissemination of thoughts and opinions, it may be argued that the intention of the constitution-maker was to punish actions rather than the abstract expression of opinions. Another constitutional amendment indirectly but significantly related to freedom of expression was that of 1993, which abolished the state monopoly on radio and television broadcasting. This reform led to a rapid proliferation of private radio and television stations, which greatly contributed to the development of social and political pluralism in Turkey." [24]

Most of the improvements in the field of freedom of expression were accomplished not by way of constitutional reform but through changes in ordinary legislation. Thus, the Anti-Terror Law passed in 1991 repealed the notorious Articles 141, 142, and 163 of the penal code, which had punished those who engaged in communist and anti-secular propaganda and organization. The first reform package— passed on February 19, 2002— amended Article 312 of the Penal Code, which punished incitement to hostility and hatred on the basis of differences in social class, race, religion, sect, and region. With the amendment, such expressions would constitute a criminal offense only if they created a danger to public order. The third reform package of August 2002 changed Article 159 of the Penal Code, under which insulting and deriding the Republic, "Turkishness," the Grand National Assembly, the government, the ministries, the military and security forces, and the moral personality of the judiciary had been a criminal offense. After the changes, it was stipulated that criticisms without the intention of insult or contempt would not constitute an offense. The sixth reform package, passed on July 19, 2003, abolished Article 8 of the Anti-Terror Law, which had penalized separatist propaganda, thereby eliminating the last vestige of the so-called "thought crimes." The third reform package also significantly broadened the scope of freedom of expression by permitting

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24 Ozbudun , "Democratisation Reforms in Turkey",pp.183-84

the use of local languages other than Turkish (the exact wording of the law is: "Different languages and dialects traditionally used by Turkish citizens in their daily lives") in radio and television broadcasting and the instruction of local languages in private language courses—two of the most controversial issues in Turkish politics. The sixth reform package broadened this right by permitting such broadcasting both by public and private radio and television channels.[25]

Freedom of the Press

Similar to the change in Article 26, Article 28 was amended to delete the phrase "language prohibited by law." A further improvement was brought about by the constitutional amendment of 2004, according to which printing presses and their annexes could not be seized, confiscated, or barred from operation on the grounds of being an instrument of crime. While the original text of Article 30 recognized this guarantee, it provided for exceptions in cases where conviction for offenses against the indivisible integrity of the State within its territory and nation, the fundamental principles of the Republic, or national security is involved. Due to reforms, these exceptions were deleted from the Article. In addition to these constitutional amendments, certain provisions of the Press Law were liberalized by the second, third, and fourth reform packages.

Freedom of Associations

Article 33, which regulated freedom of association, was extensively amended in 1995. The original text of the 1982 Constitution prohibited associations from pursuing political aims, engaging in political activities, receiving support from or giving support to political parties, or taking joint action with labor unions, public professional organizations, or foundations. Furthermore, the Article stipulated that while associations may normally be dissolved by the decision of a judge, they may also be suspended from activity by a competent (administrative) authority, pending a court decision in cases where delay endangers the indivisible integrity of the State within its territory and nation, national security, national sovereignty, public order, the protection of the rights and freedoms of

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25 Political Reforms in Turkey,
'http//www.turkishembassy.com/ii/O/Political%20Reforms%20in%20Turkey.doc',pp.7-8 and pp.13-14

others, or the prevention of offenses. The 1995 amendment abolished the ban on the political activities of associations and permitted them to engage in collaborative action with political parties and other civil society organizations. Furthermore, the amended Article stipulated that in cases where an association is suspended from activity by the decision of the competent administrative authority, such decision should be submitted for the approval of a competent judge within 24 hours. The judge must proclaim his decision within 48 hours; otherwise, this administrative decision automatically ceases to be effective. Article 33 was also amended in 2001 without significantly changing its substance. Certain provisions of the anti-liberal Law on Associations, also a product of the National Security Council regime, were liberalized by the second, third, fourth, and fifth adaptation (reform) packages.[26]

Freedom of Assembly

The original text of Article 34 had stipulated that: The competent administrative authority may determine the site and the route for a demonstration march in order to prevent disruption of order in urban life. The competent authority designated by law may prohibit a particular meeting and demonstration march, or postpone it for not more than two months in cases where there is a strong possibility that disturbances may arise which would seriously upset public order, where the requirement of national security may be violated, or where acts aimed at destroying the fundamental characteristics of the Republic may be committed. In cases where the law forbids all meetings and demonstration marches in districts of a province for the same reason, the postponement shall not exceed three months. Associations, foundations, labor unions, and public professional organizations may not hold meetings or demonstration marches outside their own scope of activity and aims. These paragraphs were repealed by the constitutional amendment of 2001, thereby broadening the scope of freedom of assembly considerably. Certain provisions of the Law on Public Meetings and Demonstration Marches were also liberalized by the second and third packages of the reform laws.[27]

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26 Ozbudun , "Democratization Reforms in Turkey",pp.54-55
27 Ibid,p.55

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The Right to a Fair Trial

The right to a fair trial was added to Article 36 in 2001. Another constitutional amendment closely related to this right is the one that concerns the State Security Courts. These courts, first created in 1973 and then reincorporated into the 1982 Constitution, were mixed courts composed of civilian and military judges and public prosecutors, designed to deal with crimes against the security of the State.[28] The European Court of Human Rights has consistently found Turkey to be in violation of Article 6 of the European Convention on Human Rights (ECHR) in cases involving the State Security Courts. Therefore, Article 143 of the Constitution was amended on June 18, 1999, to eliminate military judges and public prosecutors from these courts. The first, fourth, and sixth reform packages also liberalized the procedure to be pursued by the State Security Courts and made it parallel to that of the ordinary courts. Finally, with the constitutional amendment of 2004, the State Security Courts were totally abolished.[29]

The Abolition of the Death Penalty

The death penalty was restricted to crimes committed in cases of war, or the imminent threat of war and terror crimes, by the constitutional amendment of 2001. The third reform package, which was passed on August 9, 2002, also eliminated the terror crimes exception. Thus, conformity with the Sixth Additional Protocol to the ECHR was attained. Finally, the 2004 constitutional amendment totally abolished the death penalty, including cases of war or the imminent threat of war, thereby removing the constitutional obstacle to Turkey's ratification of the 13th Additional Protocol to the ECHR. In the same vein, the three other references to the death penalty in Articles 15, 17, and 87 of the Constitution were deleted.[30]

Prevention of Torture and Mistreatment

The Constitution of 1982, like its predecessors, explicitly forbids torture, mistreatment, and inhumane treatment and punishments in Article 17. Such acts have also been a

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28 Ozbudun, "Democratisation Reforms in Turkey", p.186
29Ozbudun and Gencekaya, Democratization and The Politics, p.66
30 Ibid,p.67

criminal offense under the Penal Code. On the other hand, incidents of torture and mistreatment have been quite widespread in Turkey. Therefore, certain reforms were made in 2002 to deter such practices. The second reform package changed the Civil Servants Law, stipulating that damages paid by Turkey as a result of the decisions of the European Court of Human Rights in torture and mistreatment cases should be claimed from the perpetrators. The fourth reform package abolished the requirement to obtain the permission of competent administrative authorities in order to prosecute public servants and other public employees in torture and mistreatment cases. Thus, public prosecutors can directly prosecute the perpetrators. The seventh reform package, adopted on July 30, 2003, provided for a procedure of speedy trial in torture and mistreatment cases, stipulating that such cases should be given priority, and trials should continue during the judicial vacation.[31]

The Protection of Fundamental Rights and Liberties

With the amendment of 2001, a sentence was added to Article 40 stating that the State is obliged to inform the people concerned of the legal remedies, and the competent authorities to which they should apply, and the time limits for such applications.[32]

Equality of the Sexes

The original text of Article 10 states: All individuals are equal without any discrimination before the law, irrespective of language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such consideration. No privilege can be granted to any individual, family, group or class. State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings. The constitutional amendment of 2004 further underlined equality between the sexes by stating that "women and men have equal rights".[33] The State is obliged to put this equality into effect. This new provision opens the way for affirmative action or positive discrimination in favor of women, policies that were already adopted in some areas of

31 Political Reforms in Turkey,
'http//www.turkishembassy.com/ii/O/Political%20Reforms%20in%20Turkey.doc',pp15-17
32 Ozbudun and Gencekaya, *Democratization and The Politics*,p.56
33 Ibid,p.66

life, such as in the retirement legislation. The 2001 amendment previously had underlined equality between sexes by stating in Article 41 that the family is based on equality between the spouses.

Regulation and Prohibition of Political Parties

Articles 68 and 69, on the regulation and prohibition of political parties, were extensively amended in 1995 and 2001.[34] The 1995 amendment redefined and somewhat limited the grounds for the prohibition of parties. Thus, the amended paragraph four of Article 68 reads as follows: The statutes and programs, as well as the activities of political parties, cannot be in conflict with the independence of the State, its indivisible integrity with its territory and nation, human rights, the principles of equality and rule of law, sovereignty of the nation, the principles of the democratic and secular Republic; they shall not aim to support or to establish a dictatorship of class or group or dictatorship of any kind; they shall not encourage the commitment of an offense.

Furthermore, the paragraph stipulating that "political parties can not organize and function abroad, can not form discriminatory auxiliary bodies such as women's or youth branches, nor can they establish foundations" was repealed.[35] Also repealed was the first paragraph of Article 69, which stipulated that political parties cannot engage in activities outside the scope of their statutes and programs and cannot contravene the restrictions set forth in Article 14 of the Constitution; those that contravene them shall be permanently dissolved. Similarly, the second paragraph of the same article banning political parties from engaging in political cooperation with associations, trade unions, foundations, cooperatives, and public professional associations, and from receiving material assistance from them was repealed. Finally, the age at which one can become a party member was lowered to 18, and university teaching staff and university students were permitted to become members of political parties. Another consequential amendment made in 1995 concerns the status of party members and administrators whose parties were dissolved by a decision of the Constitutional Court. According to the original text of Article 69: The

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34 Ozbudun, "Democratisation Reform in Turky",p.189
35 Ibid,pp.190-192

founding members and administrators at any level of a political party which has been permanently dissolved, can not become founding members, administrators, or comptrollers of a new political party; nor can any new political party be founded, the majority of whose members are former members of a previously dissolved political party. The amended text reads as follows: Members, including the founders of a political party whose statements and activities have caused it to be permanently dissolved, cannot become founders, members, administrators or comptrollers of another party for a period of five years starting on the date on which the Constitutional Court's final verdict on the dissolution of the party is published in the Official Gazette. Thus, the ban was limited to five years and only to those members of the party who had caused it to be dissolved by their own words and deeds.[36]

A similar amendment made in 1995 concerns the status of the members of parliament whose political party had been dissolved by the Constitutional Court. The original text of Article 84 had stipulated that all members of parliament who had been members of the dissolved party at the time when the dissolution proceedings had started would automatically lose their parliamentary seats with the dissolution verdict of the Constitutional Court. The amended Article provides that only those deputies who caused the dissolution of their party by their own words and deeds would lose their membership. The constitutional provisions concerning political parties were amended again in 2001 to make the prohibition of parties more difficult. According to the amended sixth paragraph of Article 69, the dissolution of a political party on account of its activities contrary to the provisions of the fourth paragraph of Article 68 may be decided only when the Constitutional Court determines that it has become a focal point of such activities.[37] A political party can be deemed to have become the focal point of such activities when the activities are undertaken intensively by the members of that party and when these actions are implicitly or explicitly approved by the general convention, chairperson, central decision making or executive organs, or by the plenary session of its parliamentary group or its executive committee, or when these actions are directly carried out determinedly by the above-mentioned party organs. It was also stipulated in the amended Article 69 that

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36 Ozbudun and Gencekaya, "Democratisation and The Politics",pp.35-37
37 Ibid,p.39

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the Constitutional Court may decide to deprive a party totally or partially of state funds instead of closing it down permanently, depending on the gravity of the violations. A third change involving the prohibition of political parties was made in Article 149, according to which the Constitutional Court may decide to prohibit a party only by the three fifths majority of its members instead of by a simple majority. Thus, with the constitutional amendments of 1995 and 2001, the constitutional guarantees for political parties were significantly strengthened.

Provisions Concerning Civil Society

It has been pointed out above that the 1995 constitutional amendments brought about improvements in the status of associations and trade unions, two important civil society organizations. Similar improvements were made by the same constitutional amendments with respect to the status of public professional organizations and cooperatives. Thus, by the change in Article 135, the ban on the political activities of public professional organizations was lifted. It was also stipulated that if in cases where national security, public order, the prevention of an offense, or the apprehension of the offender is concerned, a delay is prejudicial, the law may designate a competent authority to suspend the professional organizations and their superior bodies from activity. The decision of this authority must be submitted for the approval of a competent judge within 24 hours. The judge must proclaim his decision within 48 hours; otherwise this administrative decision automatically ceases to be effective. Similarly, by a change to Article 171, the ban on the political activities of cooperatives was abolished.

Constitutional Amendments of 2005 and 2006

The constitutional amendment of 2005 and 2006 were mainly guided by the provisions given by European Union to acquire the membership by Turkey. The EU'S call for membership, made the ruling AKP to massively bring up changes according to European Commissions norms. "On 9 September 2004, the Constitutional Court annulled paragraph "a" of Article 6 of Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts concerning the election of five members of the Supreme Board of Radio and Television (RTÜK) by the Grand National Assembly. On 24 April

2005, the ruling JDP deputies submitted a motion concerning the election of RTÜK members by adding a new paragraph to Article 133 of the Constitution. The proposal provided for the election of nine RTÜK members by political parties in parliament in proportion with their number of seats. It also stipulated that the regulation of the duties and legal authority of RTÜK and the qualifications of its members, their elections and the duration of their duty shall be determined by law. The amendment was adopted by parliament, with 378 deputies voting for and 21 against, with two abstentions. President Sezer vetoed the law, arguing that the Board must be independent and impartial, and that the appointment of party members would not be appropriate. Upon reconsideration, the GNAT readopted the same bill with a majority of 397 to 23. A second and rather technical amendment was adopted in 2005 concerning the budgeting process. This amendment, also supported by the opposition RPP, was adopted almost unanimously. In October 2006, the Assembly almost unanimously adopted an amendment to Article 76 of the Constitution to lower the age of eligibility to become a Member of Parliament from 30 to 25 (Law No. 5551, dated 17 October 2006)."[38]

Civil–Military Relations

The Constitution of 1982, prepared under the aegis of the military, provided strong "exit guarantees" for the departing military, one of the most important of which is found in Article 118, regulating the National Security Council. The substantially strengthened Article 118 of the 1982 Constitution reads as follows: The National Security Council shall submit to the Council of Ministers its views on taking decisions and ensuring necessary coordination with regard to the formulation, determination, and implementation of the national security policy of the State.[39] The Council of Ministers shall give priority consideration to the decisions of the National Security Council concerning measures that it deems necessary for the preservation of the existence and independence of the state, the integrity and indivisibility of the country, and the peace and security of society. Thus, while the National Security Council has remained an advisory rather than an executive body even under this formula, the wording of the 1982

38 Ibid,pp.67-68
39 Metin Heper and Aylin Gunye (2000), "The Military and The Consolidation of Democracy : The Recent Turkish Experience", *Armed Forces and Society*,Vol.26,No.635,p.637

Constitution no doubt strengthened the morally binding character of Council decisions.[40] The constitutional amendments of 2001 gave the civilian members of the Council a numerical superiority by including the deputy prime ministers and the minister of justice. Furthermore, paragraph three of Article 118 was reformulated to underline the advisory character of the National Security Council decisions, which was amended to read as follows: The National Security Council submits to the Council of Ministers its advisory decisions and its views on ensuring the necessary coordination with regard to the formulation, determination, and implementation of the national security policy of the State. Particularly important here is the substitution of the word "evaluates" in place of the phrase "shall give priority consideration."[41]

The seventh harmonization package (Law # 4963), which went into force on August 7, 2003, also introduced a number of important reforms regarding the structure and functions of the National Security Council, as well as certain other aspects of civil-military relations.[42] Under the various articles of the law ranging from article 24 to 28 stipulates the guidelines and provisions regarding the discussion on budget by military and civilian elites, commencing meeting regularly and the publication of the procedure happening in NSC's secretariats. The seventh harmonization package also makes it possible for the Court of Accounts to exercise financial supervision on state properties in the hands of the armed forces. The way in which such controls are carried out should be determined by a secret regulation to be prepared by the Ministry of National Defense and adopted by the Council of Ministers. This reform is also confirmed by the constitutional amendment of 2004, which repealed the last paragraph of Article 160, which had given the legislature the possibility to exclude the armed forces from the review of the Court of Accounts.

Finally, the seventh harmonization package, in Article 6, stipulated that crimes regulated by Article 58 of the Military Criminal Code committed by non-military persons in times

40 Gareth Jenkins (2007), "Continuity and Change : Prospects for Civil-Military Relations in Turkey", *International Affairs*,Vol.83,No.2;pp.343-345
41 Akkoyunlu, "Military Reform and Democratization",pp.38-41
42 Ozbudun and Gencekaya, *Democratisation and Constitution Making*,p.78

of peace should not be tried by military courts. Other reforms concerning civil–military relations are to be found in the constitutional amendments of 1999, 2001, and 2004. The 1999 amendment civilianized the State Security Courts by eliminating military judges and public prosecutors. These controversial courts were established in 1973 as mixed courts composed of civilian and military judges as well as public prosecutors in order to deal with cases involving the security of the State. They were totally abolished by the constitutional amendment of 2004. Previously, the 2001 constitutional amendment had removed immunity from the judicial review of laws and decree laws passed during the National Security Council regime. The 2004 constitutional amendment also eliminated the representative of the office of the chief of the general staff from the High Board of Education. Thus, recent constitutional and legislative reforms have eliminated a large part of the privileges and prerogatives granted to the military by the Constitution of 1982.[43] One should not lose sight of the fact, however, that the military's political influence in Turkey is due less to legal regulations than to historical, sociological, and political factors. Further steps toward civilianization and the establishment of full civilian control over the military seem to depend on the overall consolidation of democracy and the successful completion of accession negotiations with the European Union.

New Constitution

After its second successful victory in July 2007 election the AKP party has come with new progressive agenda stipulating various reform measures and constructional amendment providing "fundamental rights and liberties in the most effective way in accordance with the standards of the Universal Declaration of Human Rights and ECHR, while preserving the unamendable characteristics of the republic such as the democratic, secular, and social state based on human rights and the rule of law. The manifesto promises to regulate the relations among different branches of government in line with the parliamentary model and to redefine the powers of the president accordingly. The new constitution should be based on the broadest possible consensus."[44] Up to the time

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43 Akkoyunlu, "Military Reform and Democratisation",p.39
44 Ozbudun and Gencekaya, *Democratisation and Constitution Making*,pp.103-105

the issue of amendment in presidential election procedure and the headscarf has dominated the amendment and reform politics in Turkey. Traditionally the post of president has been occupeied by a senior retired military officer. The AKP government wanted to change the scenario and focused in its agenda to have more civilian control on government. After its victory in 2007 election and the subsequent election of Abdullah Gul as the president of Turkish republic, the issue of presidential election's amendment has solved more or less as the elected president has served as the foreign minister in AKP government and has a sound civilian background. Now the issue of headscarf has become one of the critical issues in Turkish government and society till the time.

Issue of Headscarf

The roots of the headscarf issue go back to the mid-1980s. As a response to the practice of some university administrators not to allow the wearing of headscarves at the universities and the rulings of the Council of State supporting their practice, the then majority party, the MP (Mother Land), passed a law (No. 3511) in 1988 to allow female university students "to cover their hair and their necks because of their religious convictions."[45] The law was challenged by the then President of the Republic Kenan Evren and the Constitutional Court found it unconstitutional in a highly controversial ruling rendered on 7 March 1989. "The Constitutional Court argued that in a secular political system, laws cannot be based upon religious injunctions. Thus, it was argued, "secularism has separated religiosity and scientific thought" and speeded up the march toward civilization. In fact, secularism cannot be narrowed down to the separation of religion and state affairs. It is a milieu of civilization, freedom and modernity whose dimensions are broader and whose scope is larger. It is Turkey's philosophy of modernization, its method of living humanly. It is the ideal of humanity. The dominant and effective power in the state is reason and science, not religious rules and injunctions."[46] Since then there has been various attempt made to lift the ban of wearing headscarf in public places including schools and universities especially by elected

45 Dr Ozlem Tur (2007), "The Justice and Development Party in Power: Politics and Identity in Turkey", http://www.chathamhouse.org.uk/files/9849_280907tur.pdf
46 Ozbudun and Gencekaya, *Democratisation and Constitution Making*,pp.106-111

civilian governments in post 1990s period. The period had seen the emergence of numerous religiously oriented parties in Turkey who sought to lift the ban on headscarf. However,The JDP government made no attempt to lift the headscarf ban during its first term of office. Prime Minister Erdogan and other party spokesmen often stated that there was a social consensus for the lifting of the ban, but not an "institutional consensus," obviously referring to the opposition of the RPP, the military and the judiciary, and promised that they would seek to obtain institutional consensus as well. Indeed, survey research has shown that over 70 percent of the respondents (76.1 percent in 1999 and 71.1 percent in 2006) were in favor of allowing female university students to wear headscarves.[47]

The headscarf issue, dormant during the first term of the JDP government, suddenly became the number one issue of the political agenda in early 2008. Erdogan in a speech bluntly spoke about the possibility of constitutional amendment for lifting the ban on headscarf and consequently "began to draft an entirely new constitution which would ensure that headscarfed women were able to attend university." [48] The opposition NAP party leader Devlet Bahceli argued that the ban could be lifted by a change in the constitutional article on equality. Following intensive talks between the two parties, they agreed on an amendment proposal concerning Articles 10 and 42 of the Constitution, and the proposal was submitted to the Assembly with the signatures of 278 JDP and 70 NAP deputies. The change in Article 10 concerning equality involved the addition of the phrase "in the use of all kinds of public services." Article 42 on the right to education was also changed by adding a new paragraph: "No one shall be deprived of his/her right to higher education for any reason not explicitly specified by law. The limits on the exercise of this right shall be determined by law." In any case, the RPP and the DLP deputies challenged the constitutional amendment before the Constitutional Court arguing that it was against the unamendable articles of the Constitution (i.e., secularism) and therefore null and void. On 5 June 2008, the Constitutional Court annulled the amendments.[49] It was clear from the brief official announcement of the Court that its decision was based on

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47 Ibid,p.107
48 Gareth Jenkins (2008), "Turkey's Latest Crisis", Survival,Vol.50,No.5;p.8-9
49 Ibid,p.9

the alleged incompatibility of the amendments with the principle of secularism referred to in the un-ammendable Article 2 of the Constitution.[50]

Opposition to the AKP mounted since the constitutional amendment to lift the ban on the headscarf which deepened the political polarization in the country. The AKP came under attack from the hard-line secularists, who even went to the extent of seeking the immediate closure of the party in March 2008. The reform process stagnated as the popular support for the membership to the EU declined in the wake of the EU's ambivalent approach since 2005, which emboldened the forces inside Turkey resenting the democratization process because it continued to present a challenge to the primacy of the Kemalist military.

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50 Seyla Benhabib (2009), "Turkey's Constitutional Zigzags",Dissent,Winter,pp25-28

CONCLUSION

A recent report on the status of global democracy released by Freedom House outlined that the Turkish republic has still not reached the level of liberal democracy and somewhere it falls under the garb of electoral democracy. There is a long way to be covered- through democratic reforms, constitutional changes and institutionlisation of these reforms- before the democratic transition can be completed and consolidated in Turkey. The previous chapters dealt with the inception, evolution and current state of democracy and democratic consolidation in Turkey. The challenges in the way of democratic consolidation in Turkey have also been stated in the preceding chapters. This chapter would present the key findings of the study that throw light on Turkish experience with democratic consolidation.

As it has been stated in a previous chapter, for many authors democratic consolidation simply means the institutionalisation of the electoral politics that was inaugurated at the end of the democratic transitions. But the consolidation of democracy is incomplete unless the other factors are not given adequate importance such as a vibrant and robust civil society, rapidly evolving economic development, rule of law and protection of civil and political rights once the transition from authoritarian regime is completed.[1] To judge a democracy as a consolidated one, three sets of qualities must be present such as *behaviorally* no significant political group seriously attempts to overthrow the democratic regime or to promote domestic or international violence in order to secede from the state. Second, *attitudinally* democracy becomes the only game in town when, even in the face of severe political and economic crises, the overwhelming majority of the people believe that any further political change must emerge from within the parameters of democratic procedure. Third, *constitutionally* the conflict in political regime is settled down through the established norms rather through any arbitrary decision. In short, with consolidation, democracy becomes routinised in social, institutional, and even psychological life, as well as in political calculations for achieving success.[2] This particular analysis of democratic consolidation promulgated by Linz and Stepan gives a theoretical platform to understand the consolidation of democracy in Turkey.

[1] G.L. Munck (2001), "Democratic Consolidation." *Encyclopaedia of Democratic Thought*, eds. Paul Barry Clarke and Joe Foweraker. London: Routledge,pp.216-17.
[2] Juan J. Linj and Alfred C. Stepan, (1996)"Toward Consolidated Democracies", *Journal of Democracy*, Vol.7,No.2,pp.14-15

Transition to pluralism in Turkey took place in the 1940s, when the nascent republic switched over from one party rule to multiparty parliamentary system. The reason behind going for a democratic change included the influence of European country's liberal set up, culture and political system on Turkey. The onset of cold war and communist threat arising from Soviet Russia forced turkey to align with liberal democratic countries of West.

Until the 1940s the country had been ruled by RPP (Republican people's party) only party since its inception. The RPP was formed by the founding father of Turkish republic Mustafa Kemal Ataturk. Although, Turkish republic experienced democratic system as early as possible but the democratic set up was introduced by state elites i.e. "politicians, bureaucrats, and officers who considered themselves as the only guardians of the long term interest of the country", rather than by political elites that represented socio-economic groups. The immediate goal of the introduction of democracy was not informed by a concern to expand political participation. As a result for a long time democracy in Turkey spanned as a conflict between the state elites and political elites.[3] Until the upsurge of political Islam and Kurdish minority's question, democracy in Turkey evolved through phases of conflict, compromise and settlement between state and political elites. Commenting on, the evolution of democracy at the time observes by a scholar that 'Turkey is one of the rare cases where the transformation has taken place on an orderly way without any violent upheaval'.[4] Within the set up of a democratic regime Turkey and gain benefits from external sources such as Turkey's active participation in Western democratic movements, in the European recovery program and the Council of Europe as well as in the United Nations.[5] After the establishment of democratic system Turkish republic enjoyed an era of peace from 1950 to 1960. This era of peace characterized as the smooth functioning of democratic government without any serious threat. The Democratic Party which ruled the country during this period promised of constitutional amendments and institutional innovations necessary to consolidate democracy. They promised to uphold all the reforms of Ataturk and to refrain from

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[3] Metin Heper (2002), 'Conclusion- the Consolidation of Democracy versus Democratization in Turkey', *Turkish Study*,Vol.3,No.1,p.140

[4] Kasim Gulek (1951), 'Democracy Takes Root in Turkey', *Foreign Affairs*, Vol.30.No.1,p.135

[5] Eleanor Bisbee (1950), 'Test of Democracy in Turkey', *Middle East Journal*,Vol.4,No.2,p.181

resuscitating any controversy over past events.[6] However, the era of peace resulted as ephemeral and came to an end in 1960 when the military intervened on the ground of national and territorial integrity arising from the result of the faulty economic policy, intense dislike of republicans, military, intelligentsia, imposition of severe restrictions on freedom and movement by Democratic Party leaders.[7]

The presence of military in civilian politics was seen as a severe blow to democratic values and system since it has been argued that military should be kept away from the civilian politics and the involvement of military in domestic politics is not a healthy indication for a democratically govern country. But the role of military in Turkish politics depict a peculiar situation as after each interventions (the military has intervened for more than four times in Turkey's domestic politics i.e. in 1960,1970,1980 and 1997) military left the civilian sphere with a more or less restricted constitutional arrangement. The recurrence of military intervention and transition to democracy seems to justify that the military is committed to a democratic form of government. The Turkish military embodies two conflicting political traditions. Firstly, there is a deep-rooted tradition of intervention in domestic politics since the military regards itself as the sole legitimate guardian of the state, not the ruler. Secondly, the military performed the role of modernizer and committed itself to a western democratic style of government. This forces them to reassert their commitment to democracy and return to civilian government, while distrust for political parties leads to an intervention in political life and safeguard the principles of the republic.[8]

To sum up, the role of Military has been a recurrent theme in the political setup of the Turkish republic. The inheritors of Kemalist concept of western, liberal secular legacy the military and bureaucratic elites have been at loggerheads with the religious and conservative forces in polity. The Religious (Islamist) forces have gained public support and strength over the years through their propaganda and public works such as social and charitable organisations. These forces have been in power through the

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[6] Kemal H. Karapat(1992), 'Political Development in Turkey, 1950-70, *Middle Eastern Studies*, Vol.8, No.3,P.352
[7] Ibid,pp.352-57
[8] Ihsan D. Dagi (1996), 'Democratic Transition in Turkey,1980-83: The Impact of European Diplomacy, Survival,Vol.32,No.2,p.124

elections and thus have become a part of Turkish democratic process. The issues such of religion in public life and politics, head scarf row[9] can be cited as a fitting example, have often been a point of contention between the military-bureaucratic elite and the Islamist religious parties. The ban and removal from the political scene of various Islamist parties which had won public vote has been a problematic issue of political participation in Turkey. Similarly, the intervention by the military on the pretext of national unity and integrity and national interest has been seen as a hindrance to the democratic process.

Throughout the period beginning from the first military intervention in 1960 to 1980s Turkey had a controlled or guided democracy. A major achievement towards the path of liberal democracy took place when democratically elected Turgat Ozal government went for major electoral and political reforms in order to secure the permanent membership of the European Community. In spite of Ozal government's efforts Turkish republic didn't achieve the status of liberal democracy, what Robert Dahl has termed as 'polyarchy'. Until the 1990s the democracy in Turkey experienced intense conflict between political Islam and Kemalism represented by the Turkish military establishment. In addition, economic backwardness, virtual absence of civil society groups necessary for democracy building and mutual tolerance between state and political elites were some of the factors that accounted for Turkey's "illiberal democracy"[10].

The integration with European Union is an issue that has worked as a catalyst in the democratic push in Turkey. The EU and the normative requirements for its membership have been behind some of the reforms in Turkey. Since its formal application for permanent membership to the EU in 1987 a major breakthrough came in Helsinki Summit when the EU accepted Turkey's candidacy for membership. As a result of this acceptation of formal membership Turkey was required to fulfill the Copenhagen Criteria established in 1993, to build western-style democratic institutions guaranteeing the rule of law, individual rights and the protection of

[9] The wearing of headscarf at public places and institutions such as schools and universities as well as offices has been banned over the years the Islamic parties have raised this issue and demanded for the restoration of the right to wear head scarf. The military elite on the other hand see the practice as a challenge to Kemalist legacy.

[10] Ashwini K. Mohapatra (2008), "Democratization in the Arab World: Relevance of Turkish Model", *International Studies*, Vol. 45, No. 4, p.278

minorities.[11] The membership of EU has been a driving force behind the process of democratization and further consolidation. The human rights and liberties, role of military and political participation and the rights of Kurdish minority have been the main focus of the reform process due to the EU membership. Turkey is still far from fulfilling the requirements of EU membership. Nevertheless many positive steps have been taken in this direction. The Justice and Development Party has been a main facilitator of constitutional and political reform policies as it trying hard to fulfill the criteria essential for membership in the EU. Its two consecutive victories since 2002 has enabled the party make important reforms in the military dominated system.

Elaborating the process of democratistion and consolidation in Turkey one can evaluate the consolidation of democracy in the following ways. The model of Linz and Stepan is helpful to explore the state of democratic consolidation in Turkey. In terms of Linz and Stepan's framework, Turkish democracy could satisfy the *behavioral criterion* for a consolidated democracy when political parties are system oriented (e.g., no significant political party tries to usurp democratic processes to undermine democracy for attaining fundamental systemic changes) and political actors like the PKK ceases to be a significant actor employing terrorist methods and receiving foreign aid in order to secede from the Turkish state. Although the PKK leader Abdullah Ocalan, after his arrest in 1999, called for a unilateral ceasefire called for a unilateral ceasefire, its cadres have continued a virulent campaign against the Turkish state from across the border. In April 2002, at its 8th Party Congress, the PKK changed its name to the Kurdistan Freedom and Democracy Congress (KADEK) and renounced the use of terrorist methods. An year later, KADEK renamed itself Kongra-Gel (KGK). Although the Kurdish separatist group has remained in self-imposed unilateral cease-fire since 1999, it did engage in violence periodically in the name of "self defense." Although the PKK at present is not a significant actor as it used to be in the 1990s, terrorist separatist activities are far from being eradicated. As long as the PKK is capable of launching attacks on Turkish security forces and civilians in the region, it has the potential of disrupting the stability of democracy in Turkey.

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[11] Eric Roulean (2000), 'Turkey's Dream of Democracy', *Foreign Affairs*,Vol.79,No.6,p.101

Turkish democracy does not fulfill the *attitudinal dimension* of consolidated democracy as underlined by Linz and Stepan as long as any political party with an Islamic fundamentalist agenda (like the Welfare Party) or any other party with an anti-democratic agenda (such as authoritarian or totalitarian) remains a major electoral force in Turkish politics, hindering the progress of democratic consolidation. Such parties would violate a fundamental task of political parties in functioning democracies – socializing citizens toward system consensus.[12]

However, in order to satisfy the attitudinal criterion fully, one must also assess whether or not the AKP is loyal to the laicist (secular) democratic order in Turkey. This is very important since any political party that wants to be system-oriented has to abide by the unchangeable laicist characteristic of the Turkish Republic. Because, AKP has its roots in the anti-system Islamic fundamentalist Welfare Party, a significant portion of laicist state elites (military, judiciary, etc.) and the populace looks at AKP with suspicion, arguing that AKP is engaging in religious dissimulation. Thus, compared to Necmettin Erbakan's Islamist Felicity Party, one has to determine if the AKP genuinely believes in a democratic system, or if this reformist image of the AKP is nothing more than another *takiye*. The AKP claims to be a right wing, conservative and moderately religious but also system-oriented party similar to the Christian Democrats in Europe. During the last four years in power. Although the AKP has been committed to Turkey's EU membership and to the economic market reforms, the party elites have been sporadically trying to enact laws that would favor its religious base. For example, the AKP attempted to lower the university entrance examination requirements for the graduates of the Preacher and Prayer Leader Schools (Imam Hatip Okullari). The AKP also tried to enact a law in the new Penal Code that would have made adultery a crime. The AKP's last anti-laicist attempt was to renew a law that would only punish organizers of illegal Koran courses from three, to, twelve moths instead of punishing them for three, to, six years. These laws, the AKP tried to pass in order to satisfy demands of its Islamist constituents were vehemently opposed by laicist political elites, the judiciary, the Turkish military, and secular civil society. The president of Turkey, Necdet Sezer, used his veto power to block their passage on the basis that these laws violated the laicist principles of the

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[12] Metin Heper (2003), 'The Victory of Justice and Development Party in Turkey', *Mediterranean Politics*,Vol.8,No.1,pp.127-34

Republic. The third dimension of the Linz-Stepan model is *constitutional*, which is the case of Turkey, show mixed results. Although Turkey has made extensive legislative reforms, the implementation of these reforms remains uneven. These legislative reforms have to be nurtured and developed through continuous implementation until it becomes part of the democratic routine and takes hold deeply within societal forces.

To conclude it can be said that the challenges to democratic consolidation are many in the case of Turkey. The first and foremost reason behind an unsuccessful consolidation of democracy is the privileged and sacred position of secular-military establishment. The military still possess not direct but a virtual threat to the Turkish democracy a recent example of the so-called country's first e-coup planted by military's key official on a web site that "if necessary, the Turkish armed forces will not hesitate to make their position and stance abundantly clear as the absolute defenders of secularism."[13] Military still perceives Islamist and Kurds the main threat to territorial integrity of republic. The victory of AKP a conservative Muslim democratic party has been seen as a major threat to the country as in a constitutional move on 30 July 2008 the court narrowly voted not to close down the ruling Justice and Development Party (AKP) on charges of attempting the principles of secularism enshrined in the Turkish constitution.[14]

Traditionally, the role of Islam in public life has been considered as the main obstacles behind the progress towards a successful democratic system. In the case of Turkey however, the victory of Islamist rooted AKP and its commitment towards consolidation of democracy have defied this proposition.[15] In addition the group of Islamic intellectuals and businessman, who support AKP, products of both the country's Kemalist tradition and its Islamic tradition, who will continue their struggle for democracy because they have no alternative path.

The absence of civil society has been a major hurdle before a successful consolidation. But recent studies indicate that civil society organizations have

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[13] Omer taspinar (2007), 'The Old Turk's Revolt :When Radical Secularism Endangers Democracy', *Foreign Affairs*,Vol.86,No.6,p.115

[14] Gareth Jenkins (2008), 'Turkey's Latest Crisis', *Survival,*Vol.50,No.5,p.5

[15] Binaz Toprak (2005), 'Islam and Democracy in Turkey', *Turkish Studies,*Vol.6,No.2,pp.167-86

proliferated during recent years. The growth of civil society organizations in Turkey appears to have been closely linked with economic growth. In the past years and also incremental political liberalization since Opal's period, civil society organizations have benefited from the general process of deepening democratization, a process impelled not by domestic development but by the prospects of Turkey's EU membership. Thus, civil society groups remains largely fragmented parallel to the present political participation, though some of them have been engaged at the grass root level added by the EU generating a political participation conducive to pluralism. This is positive indication of the consolidation of democracy.

In a recent development the Turkish membership to the EU has been put on hold since the last summit of 2005. The reasons have been given by European council as Turkey still lag far behind the liberal democratic norms and the stand of Turkish government on Cyprus, human rights and minority issues are not clear enough to satisfy the pre-accession criteria.[16] If the EU rejects the membership bid of Turkey, it could cause a domestic backlash against the West and embolden ultranationalist and religious extremist bent on derailing Turkey's liberalisation, democratisation, and demilitarisation.[17] The delay in guaranteeing membership has already resulted into popular disappointment. A survey result conducted by Transatlantic Trends found that in 2009 48 percent of Turks were in favour of joining the EU, down from 80 percent in 2004.[18]

To conclude, the findings of the study suggest that the military establishment and its privileged position is still a hurdle on the path of consolidation of democracy in Turkey. However, the role of military in politics is on decline as a result of new developments in Turkey such as flourishing vibrant civil society and free media and moderating version of political Islam. The EU membership drive of Turkey has set off the recent reform process which, if successful, would make the country's second transition (first being the changeover from mono-party to multiparty system in 1946) to a liberal democracy.

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[16] John Redmond (2007), 'Turkey and the European Union: Troubled European or European Trouble?', *International Affairs*,Vol.83,No.2,p.317

[17] David L. Phillips (2004), 'Turkey's Dream of Accession', *Foreign Affairs*,Vol.83,No.5,p.96

[18] Pelin turgut (2010), 'Turning to the East, *TIME Magazine*,Vol.176,No.1 (July 5),p.25

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