

The Emergence of a New Turkey: Democracy and the AK Parti

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The Justice and Development Party: Identity, Politics, and Discourse of Human Rights in the Search for Security and Legitimacy

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Since its formation in 2001 under the leadership of Recep Tayyip Erdogan, former mayor of Istanbul elected in 1995 from the pro-Islamic Welfare Party, the Justice and Development Party (JDP) has been seen as an outsider, an intruder and even an anomaly by many secularists. This view is symbolically demonstrated by the exclusion of Prime Minister's headscarved wife from official occasions taking place at broadly defined 'public places'. On national day celebrations at the presidential palace, the president A. Necdet Sezer invites Erdogan and other JDP members of parliament whose wives use headscarf without the company of their wives, a symbolic act of exclusion. This reflects the distrust secular state elite holds of the JDP.

The JDP is not only excluded by the secularists but the JDP leaders themselves have also displayed an attitude of self-segregation under the psychological pressure of being regarded as outsiders and anomalies. Erdogan's speeches in which he claims that 'they are not blacks', 'not aliens coming from outer space' display the degree of exclusion felt by Erdogan himself.¹ This points to the 'insecure' place the JDP occupies in Turkish politics, to a paradox of a deep sense of insecurity despite a huge electoral support.

The JDP's discourse and politics of human rights can therefore be best understood in this context of permanent insecurity experienced in its encounter with the secularist establishment. The JDP emerged at a time when two previous political parties of the founding leaders of the JDP had been closed down by the Constitutional Court in the last three years; when the leader of the movement, Tayyip Erdogan, had been imprisoned and banned from active politics; and when the Kemalist/Secularist center represented by the military and the judiciary had displayed its determination to eliminate any Islamic-

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¹ Sabah, 'Türkiye'de hala 'beyaz Türkler' 'zenci Türkler' ayrımı yapanlar var',
<http://www.sabah.com.tr/2004/03/09siy102.html>;
http://www.akparti.org.tr/haber.asp?haber_id=2012&kategori=

popular opposition as well as its social and economic networks. Under these circumstances the JDP has developed a three-layered strategy; first, adopt a language of human rights and democracy as a discursive shield; second, mobilize popular support as a form of democratic legitimacy; and third, build a liberal-democratic coalition with modern/secular sectors that recognize the JDP as a legitimate political actor.

The search for systemic legitimacy and security has thus shaped the JDP's approach to human rights, which are expected to resolve these problems for the JDP. This may well be regarded as the instrumentalisation of human rights in daily politics rather than internalization of them. Yet it is argued that *instrumentalization* through the recognition of the utility of human rights for self-preservation may also lead to *institutionalization* of human rights.

Composition of the JDP Identity: An Islamist Party?

The JDP was born from the ashes of a banned political party (the Virtue Party) by a leader who was imprisoned for 'inciting hatred and enmity' and barred from running for a parliamentary seat in the November 2002 elections. In these elections the JDP captured 34 % of votes and 363 seats in the parliament, a landslide victory, while its nearest contender, the Republican People's Party could only get 178 seats with 19 % of the votes, and pro-Islamic Felicity Party received an all time low 2 %.²

Despite its electoral victory the JDP has remained vulnerable to secularist opposition directed not only by the main opposition party, the Republican People's Party, but also the military and some civil sectors that see the JDP as a pro-Islamic movement with a secret agenda to undo the Kemalist/secularist reforms. Given the closure of two pro-Islamic political parties by the constitutional court since 1998, from which the JDP leadership was sprung, the portrayal of the JDP as an Islamically-oriented party has created an unsettling problem of legitimacy for the party generating insecurity in its relations with systemic forces. This has in fact been the Achilles heel of the JDP.

Asked in the first press conference after the elections of 2002 the JDP leader Tayyip Erdogan underlined that the JDP was not a 'religion centric' but 'conservative and democrat'.³ This has been the language of the JDP spoken constantly since its formation in an attempt to disassociate itself from the political movement, to a large extent, it was originated from, namely the National View Movement (NVM) led by Necmettin Erbakan since 1970.⁴ As a mass political movement the JDP carries conservative, nationalist, Islamic and democratic messages and credentials. Yet in its

Oya Berberoğlu, 'Topal ördek misali',

<http://www.aksam.com.tr/arsiv/aksam/2003/04/12/yazarlar/yazarlar162.html>;

² For analyses of the election results and the JDP see Soli Özel, "Turkey at the Polls: After the Tsunami," *Journal of Democracy* 14 (2003): 80-94; Ziya Öniş and E. Fuat Keyman, "Turkey at the Polls: A New Path Emerges," *Journal of Democracy* 14 (2003): 95-108.

³ 'Erdogan: İlk iş AB, sonra ekonomi var', *Radikal*, November 4, 2002, <http://www.radikal.com.tr/haber.php?haberno=55417>.

⁴ For the ideology of the movement and its evolution see Ahmet Yıldız, "Politico-Religious Discourse of Political Islam in Turkey: The Parties of National Outlook," *Muslim World* 93 (2003): 187-210. For an analysis of the WP's ideology and electoral performance in the 1990s see M. Hakan Yavuz, "Political Islam and the Welfare (Refah) Party in Turkey," *Comparative Politics* 30 (1997): 63-82; Ziya Öniş, "The Political Economy of Islamic Resurgence in Turkey: The Rise of the Welfare Party in Perspective," *Third World Quarterly* 18 (1997): 743-766.

essence the JDP has emerged from the evolution of pro-Islamic NVM. It reflects the recognition of a group of politicians with pro-Islamic background the 'limits of Islamic politics' in the age of globalization and under the pressure of the Kemalist/secularist institutional and popular opposition. This owes a lot to the process of February 28 which clearly demonstrated that Islam's social and economic networks not only its political representation can be violently uprooted by the Kemalist/secularist center even at a time when a pro-Islamic party was the leading political force in the country.⁵

The JDP therefore symbolizes the withdrawal of Islam from political sphere in return for safeguarding its social network which is the basis of conservatism the JDP claims to represent. The JDP displays a retreat from 'political' to 'social Islam' out of realization that the growth of Islam's political representation is a self-defeating success as proved by the closure of the pro-Islamic Welfare Party in 1998 that won the mayorship of Istanbul and Ankara in 1994 municipal elections and came up as the leading political force in the 1995 general elections, and led a short-lived coalition government from 1996 until 1997 when it was forced to leave the office under the pressure of the military.⁶

No doubt that those who broke with the NVM formed the core of the JDP whose leader, Erdogan, had been elected the mayor of Istanbul from the ranks of Erbakan's Welfare Party in 1994 after years of service to the NVM at almost every level in Istanbul. Deputy chairman of the party and the current Minister of Foreign Affairs Abdullah Gul, was elected as a member of parliament for the Welfare Party in 1995, and 1999 for the Virtue Party (VP), which had replaced the WP after its closure. Bulent Arinc, the current speaker of the parliament was also a parliamentarian from the WP and the VP in the 1990s. In short, the trio who made up the leadership of the JDP was doubtlessly once disciples of pro-Islamic Erbakan.

It should however be remembered that the JDP leaders who had a 'National View' background had come to be known as the 'reformists' within the movement which was manifested when Abdullah Gul placed his nomination for the leadership of the Virtue Party in the party congress of May 2000 against the wishes of Necmettin Erbakan, the natural leader of the movement who had been banned from politics by the constitutional court in 1998. In the race Gul was openly supported by Erdogan and Arinc. The contest, in which Gul received nearly half of the votes of delegates, for the leadership of the party in the absence of Erbakan, turned out to be a catalyst for the reformists' break from the traditional leadership.⁷ By placing himself in the race for the party leadership Gul, and his supporters, not only acted against the traditional leadership of the NVM, but in the process they broke from the ideology symbolized by the leadership. This did naturally not take place in a vacuum; it was rather a response to a

⁵ For February 28 decisions of NSC see *Briefing*, 'Recommendations of the State Council meeting and Comment', March 10, 1997, p.4. For an analysis of the February 28 as part of Turkish state's exclusionary policies towards the Islamic groups see Hakan Yavuz, 'Cleansing Islam from the Public Sphere and the February 28 Process,' *Journal of International Affairs* 54 (2000): 21-42; Ümit C. Sakallıoğlu and Menderes Çınarlı, "Turkey 2002: Kemalism, Islamism and Politics in the Light of the February 28 Process," *South Atlantic Quarterly* 102 (2003): 309-32.

⁶ For "social Islam" see M. Hakan Yavuz, "Towards an Islamic Liberalism?: The Nurcu Movement of Fethullah Gulen," *Middle East Journal* 53 (1999): 584-605; M. Hakan Yavuz and John L. Esposito, *Turkish Islam and the Secular State: The Gulen Movement* (Syracuse: Syracuse University Press, 2003).

⁷ R. Quinn Meacham, 'From the Ashes of Virtue, a Promise of Light: The Transformation of Political Islam in Turkey', *Third World Quarterly* 25 (2004): 339-358.

number of challenges facing Islamic politics in the late 1990s notably the February 28 decision of the National Security Council which displayed the determination of the military to exclude an Islamicly-oriented group from exercising governmental power.

As a result, when the VP was closed down by the constitutional court in 2001 for being a center for anti-secular activities Erdogan tried to persuade many people with no Islamic background to join the party in an attempt to reach out wider social and political groups.⁸ The attempt to include liberal names continued during the election period enlisting especially the names from the center-right like Erkan Mumcu, from the Motherland Party, Koksall Toptan and Mehmet Dulger from the True Path Party by which the JDP signaled that it would no longer be stuck with the 'National View' cadets. This was reflected in the cabinet in which moderate names with center-right background were appointed ministers of interior, justice, industry, education, tourism and culture.

Moreover while evaluating the change Erdogan went through in recent years one should remember that he served as a mayor, a local politician.⁹ In local politics, though it was such a big metropolitan city like Istanbul, politics is about 'services', not about grand ideologies, transformative projects, salvation and reawakening of the people. Politics at local level generally requires a different approach in which not 'ideology' but 'service' to people matters. It is not a field of 'grand politics', but politics of possibilities within social and economic limits. Regardless of how sacred they may be considered by their followers ideological positions and preferences would not be effective in solving the problems of roads, sewage, running water or collection of garbage. There recognizing differences in social space that encircles the city is important; mayors have to be cooperative and pragmatic, able to form alliances with broader social sectors to get various services done. Erdogan's experience in Istanbul has certainly influenced him at a great degree in a way to turn him into a pragmatic, service oriented politician. It seems that as a mayor he came to see politics as non-ideological but instrumental for solving the daily problems of people; politics as problem solving not as a means to build an ideologically oriented Islamic community.

Islamism in Turkey, as in the Middle East proper, is traditionally constructed and legitimated by a strong anti-Westernism.¹⁰ In the face of Western political, economic and cultural challenges the 'indigenous' identity, that is Islam, was to be a genuine alternative to the west, western ideas and models. Opposition to the west thus became a defining element of Islamist identity and politics. The NVM, too, regarded the west as the 'mother of all evils'; corrupting, degenerating and destroying the 'national' identity and indigenous

⁸ Erdogan, before forming the party, contacted with many people including businessmen like Rahmi Koc and retired general Atilla Kiyat, see *Sabah*, June 25, 2001.

⁹ For an overview of ideological transformation of Tayyip Erdogan into a moderate politician see Metin Heper and Sule Toktas, 'Islam, Modernity and Democracy in Contemporary Turkey: The Case of Recep Tayyip Erdogan', *Muslim World* 93 (2003): 157-185.

¹⁰ See İsmail Kara, *Türkiye'de İslamcılık Düşüncesi*, (İstanbul: Risale Yayınları, 1986) for the sample writings of Turkish Islamists like Şehbenderzade Filibeli Ahmed Hilmi (pp.3-43), Said Halim Paşa (pp.73-174), İskilipli Mehmed Atıf (pp.241-272); and see İsmail Kara, *Türkiye'de İslamcılık Düşüncesi*, Vol. III (İstanbul: Pınar Yayınları, 1994) for the writings of the Islamists in the republican era like Nurettin Topçu (pp.113-239), N. Fazıl Kısakürek (pp.241-375), Sezai Karakoç (pp.377-479) and İsmet Özel (pp.595-702). See also the early writings of late Islamists like Ali Bulaç, *Modern Kavramlar ve Düzenler* (İstanbul: Pınar Yayıncılık, 1987); and İsmet Özel, *Üç Mesele; Teknik, Medeniyet, Yabancılaşma* (İstanbul: Dergah Yayınları, 1978).

civilization, that is Islam. While advocating a union of Islamic countries the NVM strongly opposed Turkey's integration to the EU described as a 'Christian club'.¹¹

While Islamic political identity was traditionally built in opposition to the West, western values and, equally important, to the history of westernization in Turkey pro-Islamic politicians of the late 1990s most of whom have joined in the JDP realized that they needed the West and modern/western values of democracy, human rights and the rule of law in order to build a broader front against the Kemalist/secularist center, and to acquire legitimacy through this new discourse in their confrontation with the Kemalist/secularist center.¹²

Based on such a 'rethinking' in recent years the policies of the JDP seeking integration with the EU indicate that historical animosity towards the West has come to an end.¹³ Integration into the West and maintaining Islamic identity are no longer seen as mutually exclusive choices; one can remain attached to an Islamic identity yet advocate integration with the West as in the case of Turkey's EU membership bid. The JDP's position on the EU membership and globalization reflects an effort for a "rethinking" which differs significantly from any conventional Islamic stand. Moreover, by seeking for EU membership the JDP leadership with pro-Islamic background must have explicitly abandoned the idea of an Islamic government in Turkey for the EU membership process almost permanently eliminates such a possibility.

The JDP grassroots also reflect a pro-Western attitude. According to a public opinion poll conducted in July 2004, 79 % of the JDP voters favor EU membership, above national average of 73 %. They also view NATO more positive (60 %) in comparison with the national average (48 %). The JDP voters has a positive view of 'Western civilization' (50 %, national average 54 %), and favor aligning the West with 53 % instead of the East if they have to chose between these two broadly defined orientation.¹⁴

In accordance with this the JDP, instead of leaning towards local and nationalistic reactions, has been taking a pro-globalization stand. The party program and the election declaration have embraced globalization as a fact within which policies have to be developed. The party expresses its determination to open up Turkey to the globalized world as a competitive country. Erdogan's speeches, immediately after the November elections, included specific messages for the International financial centers. He declared that the JDP government would further ease the foreign currency regulations and make the entry of foreign investments to Turkey more attractive.¹⁵ By continuing with the previously accepted IMF program, the JDP takes a pro-globalization stand. The

¹¹ Ihsan D. Dagi, *Kimlik, Söylem ve Siyaset: Doğu-Batı Ayrımında Refah Partisi Geleneği* (Ankara: İmge Yayınevi, 1999).

¹² Ihsan D. Dagi, "Transformation of Islamic Political Identity in Turkey: Rethinking the West and Westernization" *Turkish Studies* 6 (2005): 21-37; Ziya Öniş, "Political Islam at the Crossroads: From Hegemony to Co-existence," *Contemporary Politics* 7 (2001): 283-284.

¹³ For the changing attitude of the NVM on the EU membership see Şaban Tanyıcı, 'Transformation of Political Islam in Turkey: Islamist Welfare Party's Pro-EU Turn', *Party Politics* 9 (2003): 463-483.

¹⁴ 'NATO ve Türk Dış Politikası Kamuoyu Araştırması', *Pollmark*, July 2004.

¹⁵ 'Ekonomik program eksiksiz uygulanır', *Radikal*, November 5, 2002 at <http://www.radikal.com.tr/haber.php?haberno=55470&tarih=05/11/2002;> 'Erdogan: ilk iş AB sonra ekonomi', *Radikal*, November 4, 2002 at [http://www.radikal.com.tr/haber.php?haberno=55417.](http://www.radikal.com.tr/haber.php?haberno=55417)

government has not so far confronted but cooperated with the actors, processes and premises of globalization.

No doubt that the JDP is a peripheral force in Turkish politics responsive to the demands coming from the periphery. Those peripheral social and economic forces the JDP represents are expected to hold anti-globalist tendencies. On the contrary, resistance to globalization in Turkey comes from bureaucratic elite and ideologically committed Kemalists who also constitute obstacles before economic and political demands of the peripheral forces. This in turn has led the formation of a strange alliance between social and economic groups supporting JDP and globalist forces. As a result the JDP has moved to cooperate with the global forces to break the resistance of the bureaucratic and ideological centers. To isolate and eliminate the bureaucratic and Islamist-ideological center the JDP has speeded up Turkey's integration with global structures. In sum anti-globalist tendencies in the party have been overtaken by an analysis that places Turkey not in isolation but in integration with the external world as a precondition for further democratization expected to open up a broader space for the survival and the legitimacy of the party.¹⁶

Beyond ideological transformation of the leadership it would be inaccurate to assume that the JDP's 34 % vote in the general elections and 42 % in the local elections of March 2004 stands for the number of Islamists in Turkey. According to Tarhan Erdem, a public opinion analyst, in the November elections the JDP received votes from the electorates who, in the previous elections, had voted for other political parties. Compared to the 1999 general elections, 69 % of the Virtue Party, 38 % of the National Action Party, 28 % of the Motherland Party, 21 % of the True Path Party, and 14% of the Democratic Left Party voters voted for the JDP in the November 2002 elections.¹⁷ This shows that the JDP appealed almost all sectors of society and especially managed to get the support of the conservative right. In addition to this one can observe that the provinces where the JDP came first were also the provinces where the Motherland Party (under the leadership of Turgut Ozal) had once been the front-runner in the 1983 and 1987 elections.¹⁸ Some accounted the success of the JDP in the elections for the support of the poor and the oppressed.¹⁹ However the JDP voters scattered from the poor of the urban periphery to conservative peasants in the depth of the Anatolia and to the demanding provincial entrepreneurs. In the elections the JDP therefore enjoyed the trust of the people who are ideologically, socially and geographically diverse.

In sum the JDP, by the virtue of its support base, does not represent an Islamist alternative but instead reflects demands of the periphery that is traditionally pragmatist and developmentalist, yet disenchanted from the authoritarian state tradition of Turkey. Neither the social base of the JDP nor its rhetoric and policies so far presents an Islamic posture. Given the fluxes in electorates' preferences especially in the last few elections and the shaky economic balances in the country, the search for an ideological legitimization in the name of Islamism instead of meeting social demands and

¹⁶ İhsan D. Dagi, 'Ak Parti: müslüman demokrat mı, muhafazakar demokrat mı?', *Zaman*, January 9, 2003.

¹⁷ See 'İki parti seçmeni AKP'ye gitti', *Radikal*, November 6, 2002, at <http://www.radikal.com.tr/haber.php?haberno=55571>.

¹⁸ For an account of similarities between the JDP and the Motherland Party on their neo-liberal policies see Simten Coşan and Aylin Özman, 'Center-right politics in Turkey after the November 2002 general election: Neo-liberalism with a Muslim face', *Contemporary Politics* 10 (2004): 57-74.

¹⁹ For this explanation see, Taha Akyol, 'AKP'nin Arkasında Ne Var?', *Milliyet*, 17-21 October 2002.

expectations is unlikely. On the contrary such a policy goes against the “basic instinct” of the JDP which is the search for systemic legitimacy and security.

Perhaps, last but not the defining point in the discussion of how close the JDP is to political Islam is that those who have an Islamist background have been questioning both the feasibility of Islam as a political project and the conformity of an Islamist project to Islam itself.²⁰ It seems that pro-Islamic groups, realizing that social and economic networks of Islam had been damaged most when political Islam was at its peak (1995-1999), have withdrawn their support from Islamist political movements, which reflected in the results of November 2002 general elections in which the political party representing the NVM and its leader Erbakan could get only 2 % of the vote. Instead of political representation of Islam they have opted for a conservative-centrist approach that is expected to secure the existence of social and economic networks of Islam. It seems that this is also the preferred route by the JDP that neither in its rhetoric nor in its program and policies in the government displays an Islamic orientation. The ideas for a 'social' not 'political' Islam has gained ground²¹, which is perfectly displayed by the acknowledgement of the JDP with its Islamic roots that all ideologies including Islamism have died in the age of globalization.²² The JDP, realizing that the rise of political Islam was detrimental to Islam's social and economic influence in Turkey, defined itself as 'conservative-democrat' in an attempt to escape from the self-defeating success of political Islam.

Yet while the JDP claims to be a conservative democratic party some pro-Islamic circles along with its secularist opponent insist on the party's Islamic identity.²³ Based on a comparison with 'Christian democrat' parties in Western Europe they are incline to describe the JDP as a 'Muslim democrat' movement.²⁴ In the absence of an historical precedent for such a political movement the attempt at describing the JDP as Muslim democrat can be best regarded as 'invention' which would neither reflect social base nor political language of the party. The JDP seems to have played a role of bringing conservative/local/national sentiments with developmentalist and globalist objectives. The JDP leadership is also aware that a Muslim democrat identity does not help resolve its problems of legitimacy and security in the system, on the contrary it exacerbates them. A conservative democrat identity instead places the JDP in a historical and social context, it socializes and historicizes the party, and enables it to claim to represent a major political currency since 1946, namely the Democrat Party line in which historically peripheral forces found themselves represented vis-a-vis the Kemalist/secularist center. The JDP leaders managed to escape from an ahistorical identity of the term Muslim

²⁰ Mehmet Metiner, *Yemyeşil Şeriat Bembeyaz Demokrasi* (İstanbul: Doğan Yayıncılık, 2004); 'İslam devleti projesi çöktü' Ali Bulaç's interview with Neşe Düzel, *Radikal*, December 21, 1999.

²¹ Politicization of religion came to be seen as a problem by the Islamists in response to the way in which the secularists/Kemalists debated Islam in public. Also see Kadir Canatan, 'Çağdaş Siyasal İslam Düşüncesinin Gelişim Seyri', *Bilgi ve Düşünce* 1 (2002): 31-38.

²² For the party program and the election declaration see the JDP's web page at <http://www.akim.akparti.org.tr/> and <http://www.akparti.org.tr/beyanname.doc> respectively.

²³ The party organized an international symposium on conservatism and democracy held in Istanbul on January 10-11, 2004 commenced by Erdoğan's speech outlining the conservative stand of the party. For Erdoğan's speech in the symposium see *Uluslararası Muhafazakarlık ve Demokrasi Sempozyumu* (Ankara: 2004). pp.7-17. Also see Yalçın Akdoğan, *Muhafazakar Demokrasi* (Ankara: AK Parti Yayınları, 2003).

²⁴ See the special issue of *Bilgi ve Düşünce* 1 (2003), a journal published by pro-Islamic intellectuals close to the JDP leadership.

democrat, to be inserted on the party out of both an intellectual modeling of Islamic groups and a simplification of Turkish politics at the hands of Western observers.

The Legitimacy Problem and Instrumentalization of Democracy and Human Rights

Islamic groups, including the JDP leaders within the NVM, had never taken democracy and human rights seriously until the February 28 decisions of the National Security Council in 1997. Experiencing the pressures of the Kemalist/secularist center on every aspect of their lives the Islamic groups sought protection within the language and institutions of modernity where they discovered human rights and democracy useful. After experiencing the isolation, marginalization and even oppression of 1997 and 1998 they came to face the fact that they were seen and would always be seen as an 'illegitimate' political force, an anomaly to be corrected in Turkish politics by the Kemalist/secularist center.

Responding to the pressures originating from the military's adamant opposition, which influences attitudes of the judges, high state bureaucracy as well as mainstream secular media, the JDP leadership realized the legitimizing power and the virtue of democracy. Popularity displayed through elections is considered to be the most valuable 'asset' in their quest for 'recognition' from the secularist forces.²⁵ Thus they had to rely on democracy/democratic participation as a source of legitimacy. As they faced the state power (i.e. the military and judiciary) opposing them they turned to 'people power' they knew they enjoyed. Erdogan has constantly disclaimed religious orientation of the JDP in an attempt to disperse Kemalist/secularist criticism, instead he had insisted that the JDP is a conservative party of "average" Turkish citizens. His reference to average citizen points to "streets". He claims that he 'understands' and 'recognizes' streets, and portrays himself as someone coming from streets, by this in fact he 'legitimizes' himself through streets. He knows that he must rely on people power vis-a-vis the Kemalist/secularist opponents who are powerful in the state apparatus. For the party leadership democracy has turned out to be a matter of survival.

However, paradoxically electoral successes of the JDP does not resolve its problem of legitimacy and security but worsens it as the results indicating that JDP's popular support reached to 42 % increases the anxiety of the Kemalist/secularist groups. Therefore the search for popular legitimacy and strength through the elections turned out to exacerbate the legitimacy/security problem further.

Thus they adopted a discourse on democracy, human rights and the rule of law as a means to protect themselves against the power of the Kemalist/secularist center, a strategy that also enabled them to forge broad coalitions at home and abroad with liberal-democratic groups.²⁶ It is through ballot box and the language of political modernity that the JDP have tried to secure legitimacy.

The JDP leadership has developed similar attitude towards the value of human rights as they saw their political parties closed down, leaders banned from political

²⁵ Even the notion of "Muslim democrat", a preferred label among pro-Islamic intellectuals close to the party, is indicative of such a search for legitimization to be acquired through a Western experimentation in "Christian democracy".

²⁶ This part draws on my "Rethinking Human Rights, Democracy, and the West: Post-Islamist Intellectuals in Turkey," *Critique: Critical Middle Eastern Studies* 13 (2004): 135-151.

activities, and associations and foundations intimidated. In response they moved to embrace the language of civil and political rights that provided both an effective leverage against the pressures of the state and a ground to build international coalitions. The JDP adhered to the universality of human rights. Frequent references are made to internationally recognized human rights conventions not that of particularities of Islam or Turkey. They recognize that human rights have also globalized transcending national borders and traditions. They do not only adhere to the globalized human rights but also advocate a global implementation of internationally recognized human rights.

In the election campaign of 2002 and in the party program a heavy emphasis was placed on human rights and democracy. In fact the party program has been presented as a program on democracy and development, a sign of the importance that the Party attaches to these themes. It refers to the individual and his/her happiness as the ultimate objective of the party. "The development and democracy" program of the party claims to fulfill basic rights and freedoms of the people, not only legal guarantees but proper implementation of human rights provisions are promised. Globalization of human rights norms are welcomed by the party. Among the issues covered substantially by the 2002 election declaration are basic rights and freedoms, democracy and civil society, justice and the rule of law and restructuring the state. Different social, ethnic, political and religious identities are regarded a source of richness not that of a threat. The election declaration stated that "the JDP does not only recognize their differences but encourage them to participate in politics with their identities". A limited state that would respect the expanding role of private sector and the NGOs is promised. The party also claims to broaden the realm of politics vis-a-vis the historical domination of bureaucracy. In short through its program and election declaration the JDP claimed to contain elements of a democrat and liberal political movement.²⁷

No doubt the adoption of a modern political language based on an advocacy for democracy, human rights and the rule of law has provided the JDP with a discursive supremacy and legitimacy over its opponents who are not likely to risk their own legitimacy by denouncing human rights and democracy. Those who did oppose modern political agenda put forward by the JDP have found themselves in an awkward position of being described as resisting to changes towards modernity, a claim that used to generate legitimacy for the Kemalist/secularist forces. The JDP's reference to the language of the 'universal' against the 'particular', i.e. exceptionalism of Turkey that would justify authoritarianism has won the support of liberal/secular circles. The language of human rights has therefore provided the JDP with 'discursive legitimacy' over their opponents while democracy has enabled it to display 'popular legitimacy'. As such both have proved to be valuable to acquire security in the establishment as they contribute to the standing of the JDP as a legitimate actor of Turkish politics.

The language of human rights has linked up the JDP with the broader social and political forces both at home and abroad as well as provided a shield against the authoritarian tendencies. Around this theme that the JDP has managed to forge a coalition with liberals and reformists both at home and abroad. The search for international coalition led the JDP leadership to look to the West where numerous human rights NGOs, the European Union, European Court of Human Rights and individual states had

²⁷ See the party program and the election declaration at <http://www.akim.akparti.org.tr/> and <http://www.akparti.org.tr/bevanname.doc>.

already been critical of Turkish human rights record. At the end the JDP has found itself in the same side with the westerners on the need to further democratization and guarantees for civil and political rights in Turkey.

Understanding Political Reforms

In order to fasten the reforms as requested by the accession partnership document issued by the EU following the Helsinki European summit the coalition government led by Bulent Ecevit of Democratic Left Party introduced at the beginning of 2002 a legislative technique in which amendments were made to various laws within one law passed by the parliament, known as harmonization package. The JDP government formed after the November elections has continued to use this technique with even more efficiency given its parliamentary majority, and with a clear objective that is securing a date for the beginning of accession negotiations with the EU. The EU membership is regarded by the JDP leadership as a natural outcome of Turkey's modernization history. The party program reads that "meeting Copenhagen political criteria is an important step forward for the modernization of the country".²⁸

Right after the November elections the JDP leader Erdogan declared that their priority is not to resolve the 'headscarf' problem, as expected by many both from Islamic and secularist circles, but instead to speed up the process to get Turkey into the EU, once called the Christian Club by the 'National View' movement of which the JDP and its leadership came from. Erdogan toured the European capitals before the Copenhagen European summit of December 2002 to secure a specific date to start membership negotiations with the EU. The EU Council however postponed its decision on Turkey until its 2004 summit at which a decision would be taken to start, without delay, the accession negotiations with Turkey provided that Turkey fulfils fully the Copenhagen political criteria.²⁹ This was a challenge for the new government since Erdoğan stated that the Copenhagen political criterion was not only part of the requirement for Turkey's entry into the EU but an objective to be reached regardless of EU membership.³⁰ As a result since its formation the government has introduced fundamental reforms on the Kurdish issue, human rights in general, and civil-military relations with 7 harmonization packages passed by the parliament, and even seemed ready to make compromise to resolve the long-standing Cyprus dispute.

With the first harmonization package presented by the government in January 2003 freedom of association, deterrence against torture and mistreatment, and safeguard for the rights of prisoners were enhanced. A number of changes were also introduced in the legislation on political parties. Most important of all was that closure of political parties was made more difficult. Accordingly a 3/5 majority vote is required to take a decision for the closure of a political party in the constitutional court. The case for the closure of a political party may be filed only for reasons specifically stipulated in the constitution, not in the law of political parties as used to be. Political parties are thus extended a protection of the constitution. The amendment also introduced a new sanction

²⁸ 2002 Election Declaration, at <http://www.akparti.org.tr/beyanname.doc>.

²⁹ Philip Robins, 'Confusion at home, confusion abroad: Turkey between Copenhagen and Iraq', *International Affairs* 79 (2003): 547-566.

³⁰ 'Avrupa'ya net mesajlar', *Radikal*, November 7, 2002 at <http://www.radikal.com.tr/haber.php?haberno=55890>.

short of closure by the constitutional court that is depriving political parties partially or fully of the state's financial assistance. These amendments were obviously important for the JDP given the fact that two previous parties of its leaders had been closed down by the constitutional court. As such these were in accordance with the JDP's search for security within the constitutional order, which also overlapped with the requirements of EU membership bid.

In February 2003 the parliament passed another harmonization package in which provisions on improving conditions for retrial in light of the decisions of the European court of human rights were enacted. Article 8 of anti-terror law was abolished in July 2003 along with the provisions that have allowed political propaganda in other languages than Turkish, ended the lessening of sentence for so called honor-killings, and removed the NSC representatives in the censor board and the Radio and Television Supervision Board.³¹ With the package passed by the parliament in August 2003 a significant reform was introduced with regard to civilian-military relations limiting the jurisdiction of military courts over civilians, enabling the auditing of military expenditure and property by the court of auditors, repealing executive powers of the General Secretary of the NSC, increasing the time period of regular NSC meeting from one month to two and opening the way for appointment of a civilian secretariat general for the NSC. By turning the NSC into a merely advisory body and the Secretariat General as an administrative unit the political weight of the military has significantly been reduced if not diminished.³²

Beside these legislative reforms the government set up a Reform Monitoring Group, composed of the Ministers of Foreign Affairs, Justice and the Interior, and high-ranking bureaucrats in September 2003 in response to the EU's insistence to oversee effective implementation of the reforms introduced.

The European Council meeting in Brussels in December 2003 welcomed the 'considerable and determined efforts' of the government, and recognized that the reforms undertaken 'have brought Turkey closer to the Union'. However the Council underlined the need for sustained efforts to strengthen the independence and functioning of the judiciary, the exercise of freedoms of association, expression and religion, the alignment of civil-military relations with European practice, the exercise of cultural rights.³³ Over the decision of the Council, Premier Erdogan declared that his government would complete the work necessary and 'make the Copenhagen criteria as Ankara's own criteria'.³⁴

In April 2004 another comprehensive package of amendments in the constitution was approved by the parliament. With the amendments the State Security Courts were abolished, all references to death penalty including in times of war were removed, international treaties were accorded precedence over Turkish law, and military representative from the higher education board was removed.³⁵ Another package harmonizing the law with the constitutional amendments was passed by the parliament in July 2004. Moreover in June 2004 four former deputies from pro-Kurdish Democracy Party (DEP) including Leyla Zana were released from prison while at the meantime the

³¹ *Briefing*, May 5, 2003, p. 6.

³² *Briefing*, July 28, 2003, p. 9.

³³ *Briefing*, December 15, 2003, p. 4.

³⁴ *Briefing*, December 15, 2003, p.5.

³⁵ *Briefing*, April 26, 2004, p. 8-9.

state-owned TRT started to broadcast in Kurdish.³⁶

Furthermore a number of international conventions were signed and ratified in the post-Helsinki period. Among them are the ratifications of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, Protocol No 6 to the European Convention on Human Rights, the Optional Protocol to the Convention on the Rights of the Child, and the signature of Protocol No.13 to the ECHR.

These are fundamental changes in the legal system. On the outstanding issue of implementing these reforms the government introduced a zero-tolerance policy towards the torture cases, engaged in training of police officers and judges and public prosecutors on human rights with the help of the EU and the Council of Europe.

All these reforms were finally recognized as meeting the Copenhagen political criteria by the European Commission in its 2004 progress report on Turkey. The Commission noting that Turkey has 'sufficiently fulfilled' the political criteria has recommended the council to open 'accession negotiations', and the European Council meeting in Brussels on December 17 decided to open accession negotiations with Turkey on October 2005.

Instrumentalizing the EU Accession

The legislative reforms introduced in less than two years have been driven by Turkey's EU membership bid. Securing a path leading to the membership has been regarded as an essential requisite not only for democratization and development of Turkey, but also for broadening the scope of legitimacy for the JDP attributed by modern/secular sectors. The EU membership bid turned to be a 'modern' project on which intentions and objectives of the JDP would not be questioned, moreover on which the JDP extracted support from modern/secular sectors adding to its strength and legitimacy, lessening its inherent insecurity within the system. On this objective that the JDP government has ceased to be seen as an outsider or an anomaly. Istanbul based-big capital represented by TUSIAD and the liberal media have extended in a sense a conditional legitimacy to the JDP government. So long as the government has remained committed to this objective it has managed to get the support of not only TUSIAD but also big media, social democrat and liberal circles, including intellectuals and NGOs, significant actors shaping public opinion. Moreover on a more popular level given the support the idea of full membership in the EU has constantly scored at around 70 per cent the JDP's EU orientation has been a 'safe' policy choice, a choice which has further added to the JDP's popular support and legitimacy.

It is clear that the needs of the JDP have overlapped with the demands of the EU and requirements for the membership. The JDP wanted to limit the power of the military over domestic politics via NSC or more directly, enhance civilian control over the military, strengthen civil society including pro-Islamic associations and endowments, expand freedom of expression and make party closure more difficult. These were the objectives of the JDP leadership since they had been effectively used against them especially after 1997. As these objectives were defined as Turkey's "homework" in the path for EU accession the JDP government has taken up a speedy process of reform.

³⁶ *Briefing*, June 14, 2004, p. 14.

It seemed that European demands for democratization and human rights have also overlapped with their search for protection against the Kemalist/secularist center including military and the judiciary.³⁷ The understanding that they reached is that the more Turkey were distanced from the West and the EU in particular the stronger would be the tutelage of the army that treats the JDP as an anomaly and threat. Thus the EU emerged as a natural ally to reduce the influence of the army and to establish democratic governance within which the JDP would be regarded as a legitimate player. The expectation was that army's interventions in politics would be significantly lessened as a result of further democratization that had already been put as a precondition for Turkey's entry to the EU; a Kemalist state ideology guarded by the army would not be sustainable in an EU member Turkey.³⁸

Thus, the JDP government has been able to introduce human rights and democracy reforms, cautioned by many in Kemalist-secularist center, on the basis that these were necessary for Turkey's EU membership, an objective that has always been justified as the last stage of westernization, an unquestioned objective which has also been a legacy of the Kemalist revolution. Turkey's westernizing elite have had to put up with the reforms induced by the EU in order to reach the ultimate objective of its own project of Westernization. This has reduced significantly the resistance that the JDP would have encountered. The military had to accept the restructuring of the NSC simply because that was one of the preconditions for Turkey's accession process as they could not disagree, at least publicly, with the greater objective of westernization via EU membership they had to conform to the reforms needed. The same goes with the abolishing of death penalty and State Security Courts both seen as significant leverages against the Kurdish secessionist activities. On these and other reforms there put up some objections.³⁹ But the resistance was overcome on the basis of legitimizing power of greater westernization project of the republican elite. This was due to the role westernization has played in the formation of modern Turkish state identity. Concerns or cautions displayed by the army, the judiciary and even diplomats have been eased down by references to this greater objective.

It seems that the EU's demands for reforms and the JDP's search for consolidating its power and acquiring wider legitimacy within the system vis-à-vis the army and other radical secularist forces through a policy of enhancing democracy, human rights and civilian supremacy over the military has overlapped resulting in a speedy process of political reforms in Turkey. The EU membership perspective has thus enabled the government to persuade the military and wider public to accept radical reforms.

³⁷ Helena Smith 'New breed of politicians start to find their feet', *The Guardian*, March 10, 2003.

³⁸ For an early analysis of this kind, which raises the question if the EU membership means 'adieu to Atatürk?', see, 'Turkey becomes a candidate', *The Economist*, December 16, 1999. For the justification of the Islamists for supporting the EU membership see Ali Bulaç, 'Niçin AB', *Zaman*, December 11, 1999; Ali Bulaç, 'Türkiye'nin ev ödevleri', *Zaman*, February 16, 2000; Ali Bulaç, 'FP, 312 ve demokrasi', *Zaman*, March 25, 2000; Ali Bulaç, 'AB tartışması', *Zaman*, March 19, 2002.

³⁹ The Secretary General of the National Security Council, General Tuncer Kılınç warned many times the government on the reform packages, and even the wisdom of the EU membership bid. See, 'Orgeneral Kılınç: AB bize uymaz', *Radikal*, March 8, 2002 at <http://www.radikal.com.tr/haber.php?haberno=31291>.

Conclusion

It seems that the JDP has instrumentalised both human rights and EU membership in its search for systemic legitimacy and security. Instrumentalisation of human rights does highlight the need for a human rights regime. The recognized utility of human rights is the social and political base on which a sustainable regime can be built. The search in human rights for protection constitutes the practical, if not moral, ground on which a human rights regime can be established. Instrumentalization in the sense of recognizing its utility may therefore serve to institutionalize a human rights regime.⁴⁰

Thus the fact that a political party that enjoys the support of nearly one half of all voters in Turkey sees human rights as fundamental to its very survival is indicative both of its insecurity and the social and political strength of a human rights discourse. The JDP government has sought to secure a 'legitimate' place for itself in Turkish political arena by the discourse and mechanisms of human rights in addition to the popular legitimacy it has enjoyed through elections.

In this context that some credit should be given to the constraints put up against the JDP by the Kemalist/secularist center that forced the JDP with its massive social and political power to stick to the objectives of human rights, democracy and the EU membership.⁴¹ These constraints have had a transformative impact on Turkish political culture particularly among the center-right voters. The JDP's popular language of human rights and democracy has contributed to the legitimization of democracy and human rights among the conservative Turkish people from the center-right political background. Yes, they traditionally valued democracy, but it was a ballot-box democracy along a fetishistic notion of the supremacy of national will over authoritarian state elite. Yes, they have defended 'their' rights against the bureaucratic center. But they have traditionally not been much interested in human rights as a general/universal category. In its search for systemic legitimacy and security within a modern/universal concept of human rights, the JDP also secures and legitimates a place for universal human rights among conservative masses of Turkey.

A similar phenomenon has developed with regard to the EU in particular and the West in general. The JDP's quest for the EU membership has also led its conservative voters to view the EU in a more positive way. Given the historical hesitation of conservative periphery about the West and westernization, the JDP's quest for EU membership has also contributed to overcoming the fear of the West and westernization traditionally prevalent among the centre-right voters. As a result the JDP has led Europeanization of the center-right conservative/Islamic sectors in recent years with its pro-human rights, democracy and the EU policies.⁴² In sum the JDP, with its pro-Islamic and anti-western roots, has ironically played a historically important role in consolidating democracy in Turkey and in integrating Turkey into the EU.

⁴⁰ For JDP's potential for democratizing Turkey see Ahmet İnsel, 'The AKP and Normalizing Democracy in Turkey', *The South Atlantic Quarterly* 102 (2003): 293-308.

⁴¹ On the relationship between the transformation of political Islam and constraints put up by the secular framework see Mecham, 339-358.

⁴² The EU support among the AKP voters reaches to 80 percent well above the national average of 73 percent. The lead for EU support is held by DEHAP voters with 89 percent. See *Pollmark*, 2004.