The Gülen Model

How Kemalism Liberalized Islam

by Paul Sobanski
A Distinctly Turkish Islam: the Gülen Movement’s Melds Modernization and Islam

A secularist ideology, fiercely defended by the military and Kemalist elite, has been locked in symbiotic conflict with Islamist ideology on a political and social level since the formation of the Republic of Turkey.¹ Forged in the pit of this endless tension were the teachings of Turkish Imam Fethullah Gülen². He preaches a moderate Islam. His teachings promote interfaith dialogue, tolerance, study of math and science, multi-party democracy, and active participation in capitalism. He denounces terrorism, violence, and claims to lack a political agenda.³ The huge network of his followers has become known as the Gülen Movement. Sympathizers of the Movement have shown themselves willing to engage in power struggles at the cost of ideological commitment to democratic rule of law. In a land plagued by political intrigue, this may be a necessary evil on the road to liberalization and democratization. So far, they have been instrumental in the struggle for control of the state, yet have shown less enthusiasm to liberate society from the control of the state—aside from the forces of Islam.

The Gülen Movement represents the first potential movement to meld the elements of traditional Islam with modern Western ideals of democracy and freedom. Could it actually be the maturation of the Kemalist’s attempt to foster a discussion oriented, open-minded Muslim with a sense of popular sovereignty? Or does the continuous willingness to provide overwhelmingly support to an increasingly authoritarian toned and eastward oriented prime minister indicate nostalgia for the era of Sultans? While seems there is a risk that the Movement will succumb to the same trappings of absolute state authority that has prevailed in Turkish politics, it also represents the first real possibility of ending the

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¹ Kemalism is the ideology promulgated by the founder of the Turkish Republic, Mustafa Kemal. The ‘six arrows’ of Kemalism are nationalism, secularism, republicanism, populism, statism, and revolutionism.
³ See Fethullah Gülen’s Web Site, http://www.fethullahgulen.org/, for a more in depth overview of his teachings and of the Movement as presented by Gülen.
secular-Islam conflict of the last eight decades in the Republic, with a modern, inclusive, liberalized democracy. It is an opportunity that should not be missed.

Fethullah Gülen was born in Erzurum, Turkey, in 1942. With only 5 years of formal elementary education, Gülen eventually became an Imam and preacher. He preached in the Izmir in the 1960's, one the most modern and liberal areas within Turkey. He was first noticed by the government in 1971. He was arrested by the Turkish security services for clandestine religious activity, such as running illegal camps to indoctrinate youth. He has been harassed by the secular military since. Interestingly, his Movement stems from the Nurcu movement, which has traditionally objected to direct involvement in politics as it would create a conflict of interest to the core principle of Nurcu, Imana Hizmet—service to the faith. As a result, the Gülen Movement has refrained from endorsing the overtly Islamist political parties of Turkey.

Where Gülen’s outlook diverged from traditional Nurcu teaching was his embrace of modernization. This evolution is the result of decades of political pressure aimed to insure that Islam never become a force able to counter the Kemalist tenants of were Nationalism, Secularism, Republicanism, Populism, Statism, Reformism, and their ultimate aim to unite, stabilize, and modernize the new nation-state.

Now in his seventies, Gülen has become one of the most important voices in the modern Islamist world, and Turkey itself. He is the reclusive leader of the loosely organized, faith based, Gülen Movement. Supporters of the multi-billion dollar network number in the millions. The flexible

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5 Id.
6 M. Kemal Kaya and Svante E. Cornell, *Supra* note 1.
7 Rachel Sharon-Krespin, *Supra* note 3 n.7.
8 M. Kemal Kaya and Svante E. Cornell, *Supra* note 1.
9 Id.
Gülen’s measured tone has largely been accepted by many intellectuals and government officials in the West as a welcome voice of moderation in Islam, to be utilized as a counterbalance to more extremist movements. The Movement steadfastly reaffirms its dedication to multi-party democracy. Its major conflict with the state is that the Movement is perceived as a threat to the state.

From Gülen’s own website: “[n]evertheless, the protectionist elite in Turkey do not recognize the Gülen Movement except as “the adversary.” This hostile reaction reduces the potential for positive, fruitful interactions; it indicates a failure of political (as well as moral) imagination, and a readiness to conceive difference only in terms of conflict. The harm in this attitude lies in the tendency of conflict—whether it concerns material or symbolic resources—to transgress the system’s shared “rules of engagement.””

In other words, the conflict is one of exclusion and suppression. The Movement seeks a society where one can be openly Muslim without being restricted in speech, expression, affiliation, occupational mobility and how these liberties are inevitably intertwined with politics. The Movement grew in a state with an official policy of state control of religion. The Movement’s detractors in Turkey, mainly the Kemalist secular and military elite, are much more suspicious of their true intentions. They allege an insidious plot to infiltrate state institutions, slowly establishing a new Islamist order fusing Islam, governance and society.

Soon after he arrived in the United States in 1998 for medical treatment, a series of videos surfaced on Turkish television. One of these videos show him saying: “[y]ou must move in the arteries of the system without anyone noticing your existence until you reach all the power centers … until the

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conditions are ripe, they (the followers) must continue like this. If they do something prematurely, the world will crush our heads, and Muslims will suffer everywhere. (...) You must wait until such time as you have gotten all the state power (...) Until that time, any step taken would be too early -- like breaking an egg without waiting the full 40 days for it to hatch. It would be like killing the chick inside." After the tapes went public, Gülen was tried on charges of establishing an illegal organization to undermine the secular structure of the state. Gülen claimed that the videos were doctored and taken out of context. He was tried in absentia, and his acquittal was unanimously upheld in 2008 by the Supreme Court of Appeals. Yet, since the incident, Gülen has maintained residence in the United States. The stated reason is to seek medical care. The more likely explanation is two-fold. First he probably stayed abroad to avoid detainment during the trials. Second, he is now seen as so powerful, that his return would be met with much suspicion and celebration.

A movement as large as the Gülenist one inevitably carries great influence. Part of the genius of the Gülen Movement is its primary focus on first rate secular education. He embraces that long term societal change comes not from building mosques, but from building schools. Its schools in Turkey and around the world are among the most prestigious. Consequently the alum inevitably becomes well positioned to occupy important posts in society. Gülenist sympathizers are said to now hold key positions in the Turkish judiciary and police forces, not mention the vast network of NGO’s, businesses, and media outlets at its disposal. Traditionally preferring to distance themselves from the more Islamist political parties of Turkey in favor of conservative center right parties, the 28th February Process crackdown on suspected Islamists in the government gave the Gülenists common cause with those very

14 Fethullah Gülen’s Web Site, Supra note 2, Fethullah Gülen’s legal cases in Turkey and U.S. immigration case.
15 Lesley Stahl, Supra note 10.
16 Id.
17 Id.
Followers of the Movement successfully ran under the Justice and Development Party (AKP) ticket in 2002 to obtain seats in parliament. The AKP has positioned themselves as a conservative family oriented party, but its leadership hails from banned, more overtly Islamist parties.

The most concerning aspect of the Movement is that it has proven itself willing to engage in the political intrigue that plagues Turkish politics. Multiple authors who have criticized the Movement have found themselves imprisoned on trumped up charges. The Gülenist Movement and its sympathizers have been one of the main driving forces in the AKP’s campaign against the military and secular elite. Its media outlets have been instrumental in championing the dubious charges against the military in the politically charged Sledgehammer and Ergenekon trials that have landed hundreds of military officers in prison. Sympathetic prosecutors and judges have seen that those charges have stuck. Doubtless thousands of other political opponents have been scared into silence.

Yet the alliance between the Gülenists and the AKP is apparently one of convenience. Now that their common enemy, the military, has been neutralized, cracks between the alliances have appeared. This might be the saving grace of the Turkish democratization and liberalization process. The brusque leader of the AKP, Recep Tayyip Erdoğan, emboldened with each electoral victory and each legislative and judicial victory against the military, has begun to behave more like a sultan than a prime minister. His authoritarian overtones threaten to stall further efforts of Westernization of the government. Erdoğan has made clear his desire to change the current parliamentary system to a presidential

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18 Gareth H. Jenkins, Erdoğan’s Invitation to Gülen: Reconciliation or Power Play?, The Turkey Analyst, (June 25, 2012), http://www.silkroadstudies.org/new/inside/turkey/2012/120625B.html
19 Id.
20 Lesley Stahl, Supra note 10.
21 Gareth H. Jenkins, Supra note 17.
22 Id.
23 Id.
24 Id.
The Kemalist Reformation: Birth of a Staunchly Secular State

The Republic of Turkey rose from the ashes of the Ottoman Empire, which backed Germany in the First World War. The overreaching empire finally unraveled as a result. It was divvied up as the Allies redrew the maps. One man, Mustafa Kemal, was able to mobilize an effective resistance. The newly founded Republic of Turkey was the only territory of the former Ottoman Empire that was able to force an end to Allied occupation: Turkey’s fate was in its own hands. Kemal, later known by the self-chosen name Atatürk, had a vision of a modernized Turkey, respected by its western neighbors as an equal.

Kemal, a gifted military officer, went on to lead the new Republic. To Kemal, the first step in political reform was religious reform. He observed that Islam stood for authority and submission over

26 Id.
27 Halil M. Karaveli, Reverting to His Roots: Erdoğan Sees Himself as the “Imam” of Turkey, But is the AKP’s New-Old Islamism a Recipe for Success?, The Turkey Analyst, (June 12, 2012), http://www.silkroadstudies.org/new/inside/turkey/2012/120611a.html
29 Id at 124. In the Balkan Wars of 1912 Montenegro, Serbia, Greece and Bulgaria ended Ottoman control of the Balkans. In the First World War, the British seized the Ottoman’s vast Arabic holdings, including modern day Egypt, Syria, and Iraq. The Ottoman Empire lacked the infrastructure required to provide logistical support to military units spread over such vast distances, lacked a modern navy, and lacked other equipment such as artillery in the numbers needed to compete with the European powers.
30 Id at 140.
31 Id at 474.
32 Id at 377.
33 Id.
discussion and freedom of thought. In order to instill popular sovereignty into the conscience of the masses, Kemal felt religion had to be separated and controlled by the state. Starting with Sultan Mehmed the Conqueror of the fifteenth century, the Sultans of the Ottoman Empire claimed Caliphal authority. For centuries, the Ottoman Sultan, seated in Constantinople, now known as Istanbul, was widely viewed as the de facto leader of the Muslim world. The political structure in place before Turkey’s war for independence from Allied occupation was akin to a constitutional monarchy, with the Sultan on the throne. Throughout the centuries the actual political authority of the Sultan had waned, yet he still remained the image of the state to the Ottoman masses, symbolized the mixing of religion and politics, and might exert extra-territorial authority. Kemal went before The Grand National Assembly (TGNA), and proposed the abolition of the Caliphate, saying “it has now become a plainly evident truth that it is necessary to liberate and to elevate the Islamic religion... from its position of being a tool of politics.” The Caliph was deposed, the Ministry of Religious Affairs and the office of the Sheikh of Islam were disbanded, all religious schools were transferred to the secular arm, and the religious courts which administered family law were closed. The Hat Law banned wearing of religious vestments by all not in a recognized office, going so far as to impose costume “common to the civilized nations of the world.” Kemal and the state slowly encouraged the emancipation of womanhood. By 1935, women were permitted to vote and were elected deputies to the TGNA. Women were encouraged to mingle with men in public, to unveil in public, and their rights in divorce were strengthened. Kemal’s own wife appeared beside him unveiled at public functions. One of Kemal’s other endeavors was to adopt the Latin script as the Turkish alphabet. This would distance Turkey from

34 Id at 45.  
35 Id.  
37 Patrick Kinross, Supra note 27 at 384.  
38 Id at 385.  
39 Id at 385-386.  
40 Id at 416.  
41 Id at 421.
the Arabic script, and thus Islam. Additionally it would encourage literacy as the Latin script fit the language better.42

The ideological message, known as Kemalism, was represented by the ‘Six Arrows’. These principals were Nationalism, Secularism, Republicanism, Populism, Statism, and Reformism.43 The aim was to modernize society, stabilize the state, and become a peer amongst western nations. Kemal’s travels as a military officer to Europe and the Arab world crystallized his opinion that it was Islam that stunted the growth of his fellow Turks.44 To Kemal, modernization was not compatible with Islam.45 So a nationalist narrative was taught and promoted to give a sense of identity to the previously nonexistence Republic of Turkey.46 It would also serve as a unifying point other than Islam. Secularism, bolstered by nationalism was promulgated through the institutions in an attempt to emulate the modern western neighbors. Indeed religious schools were replaced with secular schools, centered on science.47 This had a great effect on the intellectual development of future generations of Turks.48 This focus on a scientific education is one of the central messages of the Gülen Movement, and bolsters the suggestion that the Kemalist ideology has in fact fostered the creation of an Islamist ideology that is compatible with western notions of a separation of religious beliefs from institutional functions.

This evolution in Islamist thought would be slow, and required westernization on a political level first so that the ideals could slowly permeate society. Reformism was an acknowledgement that the state would have to evolve to stay responsive to the needs of the republic.49 The road to reform towards a more liberal and democratic would be long, slow, and move forward or back in bursts. Turkey

42 Id at 441.
43 Id at 457.
44 Id at 23.
45 Id.
46 Id at 468.
47 Id at 387.
48 Id.
49 Id at 457.
remained a single party system until after World War II.\textsuperscript{50} Freedom of speech in Turkey does not extend to insults to “Turkishness”, glorified historical figures, the secular nature of the state, or blasphemy.\textsuperscript{51} The economy remained import substitution and state monopoly based until the 1980’s.\textsuperscript{52} Liberalization and democratization tends to occur only when the institutions of the state can no longer ignore the need to evolve.\textsuperscript{53}

Statism ended up guaranteeing a prominent role for the military in the new Republic. Mustafa Kemal, the military officer that led the war of independence, became the republic’s first president.\textsuperscript{54} Although he had spoke of the separation of military and politics in the past, now the new-founded republic needed institutions that could get started modernizing the nation. Relative to other institutions at the time, the armed forces had superior organizational and technical capabilities.\textsuperscript{55} It therefore played a critical role in the development of the infrastructure.\textsuperscript{56} In doing so, the officer corps became entrenched in key aspects of the economy. The statist agenda of the Kemalists gave ample opportunities for the corps to develop interests and ties to state monopolies in commodities such as petrol, shipping, tobacco, and salt.\textsuperscript{57} Private enterprise was allowed to grow, through concessions granted mainly to members of Kemal’s own party.\textsuperscript{58} From the early days of the Republic, the military has had a vested economic interest in maintaining the status quo of the state. The military would go on to forcibly attempt to maintain their position in the regime in the decades to come. Military coups took place in 1960, 1971, 1980, and 1997. The realities of the necessity of economic reform began to

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\textsuperscript{52} Central Bank of the Republic of Turkey, \textit{The Impact of Globalization on the Turkish Economy}, (May 2002) at 3.
\textsuperscript{53} Steven A. Cook, \textit{Supra} note 49 at 143.
\textsuperscript{54} Patrick Kinross, \textit{Supra} note 27 at 381.
\textsuperscript{55} Steven A. Cook, \textit{Supra} note 49 at 143
\textsuperscript{56} Steven A. Cook, \textit{Supra} note 49 at 110.
\textsuperscript{57} Patrick Kinross, \textit{Supra} note 27 at 448.
\textsuperscript{58} \textit{Id} at 449.
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irreversibly change the long standing relationships between the traditional military and secular elite, and the nascent Islamist forces from the 1980’s onward.

Setting the Stage: Political Islam after the 1980 Coup

Turkey’s current constitution is a direct product of the military coup d’état of 1980. In the 1970’s, the parliament was controlled by 11 bickering coalition governments in quick succession. With government paralyzed, an economic crisis exasperated by the 1973 oil embargo, and ideological right versus left sectarian violence, the military staged a nonviolent coup to bring stability to a nation in crisis. Critics allege that the military and police intentionally allowed unrest to build so the military could step in, rewrite the constitution, and hand pick the next president. Article 35 of the Internal Service Act of 1961, states that the “[t]he duty of the Turkish Armed Forces is to watch over and protect the Turkish homeland and the Turkish Republic as designated by the Constitution.” Furthermore, Article 85 declares that the “Armed Forces shall defend the country against internal as well as external threats, if necessary by force.” Different versions of these still intact articles have been in place since the 1921 Constitution which empowered the military to act as “the vanguard of the Republic.” As in the previous coups, these articles were invoked by the military as justification for interference in domestic politics.

After reestablishing order and eager to leave daily politics to the politicians, the officers of the National Security Council drafted a new constitution, which was ratified by the people in 1982. The

59 David Capezza, *Turkey’s Military is a Catalyst for Reform*, Middle East Quarterly, (Summer 2009)
60 Id.
61 Id.
64 David Capezza, *Supra* note 58.
document upheld the liberal democratic principles of freedom and rule of law in its preamble. These principles were bolstered in the constitution’s articles which outlined personal rights related to religion, thought, expression, association, and freedom of the press. Yet these principles tended to be written in highly constrictive terms. Legislative powers were returned to The Grand National Assembly (TGNA).

Despite the democratic facade, the Security Council draft constitution bolstered the influence of the military. The National Security Council’s (MGK) powers were enhanced. Comprising senior military officers and some civilian ministers, the Council of Ministers was to “give priority consideration to the decisions of the National Security Council concerning the 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 the country.” This was interpreted to give the MGK power to insure the preservation of the national ideals and values of Kemalism. The military had always had near total control of its own recruitment, training, and promotion. This resulted in a distinct culture in the armed forces, promulgated since the reign of Atatürk, where they considered themselves the secular defenders of Atatürk’s revolution. The chief of the General Staff is formally subordinate to the prime minister. In spite of that formality, the powers given to the MGK have been used to influence the choice in president, which, until a later constitutional amendment establishing election of the president by popular vote, was appointed by TGNA. The president, in turn, was responsible for the appointment, promotion, and assignment of much of the bureaucracy, including the judiciary. The president, aware that he was allowed to govern only while he maintained the approval of the MGK, would stack the

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65 Steven A. Cook, Supra note 49 at 98.  
66 Id at 100.  
67 Id at 98.  
68 Id at 102.  
70 Id.  
71 Steven A. Cook, Supra note 49 at 103.
judiciary with military and secular elite sympathizers; the military was able to make sure the appointments to the judiciary could be manipulated to promote their own agendas.  

The judiciary could, in turn, keep the political parties in line as the political parties were restricted by the constitution. Article 69 prevented parties from establishing links with “associations, unions, foundations, cooperatives, and public professional organizations in order to implement and strengthen their party policies, nor shall they receive material assistance from these bodies.” This extreme measure was used to allow the Kemalists to punish Islamist parties, or force them to be unable to utilize the vast civil networks of the Muslim society. Furthermore, in implementing legislation regarding the secular nature of the republic as outlined in Article 69, Article 163 of the penal code criminalized organizations that would create “propaganda directed at transforming the fundamental order of the state based on religious principles.” This has been broadly interpreted and used to repress political opponents to the status quo.

Overall, the 1982 constitution succeeded in returning stability and rule of law in Turkey, while limiting freedom and democracy. To buttress the re-establishment of societal order the military turned to Islam to counteract the perceived leftist threat. A program of mosque building, expansion of imam-hatip schools, and the addition of religious education in public school curriculum was initiated. These apparent deviations from Kemalism are in fact part of the nuanced tactics the even Kemal himself invoked. Kemal patronized Islamist leaders during Turkey’s war for independence, when the support of the more Islamist sects of society was necessary to achieve his own ends. Similarly, the military

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72 Id at 101.
73 Id at 100.
74 Id at 100, 127. These articles have been invoked in cases before the Constitutional Court that led to the banning of the Islamist Refah Party in 1998, and its successor party, the Virtue Party in 2001. The Justice and Development Party would survive closure before the Constitutional Court for violations of the same articles by a single vote in 2008.
75 Id at 106
76 Id.
would now attempt harness Islam in pursuit of its own objectives, this time the counter the perceived communist threat. Islam civil society and eventually Islamist political parties benefited.

Arguably, the most impactful changes that the crisis in the 1970’s produced were in the handling of the economy. In the 1960’s and the 1970’s, the Turkish economy was centered on import substitution policies. A result of these polices was the establishment of a large state-owned sector and focused on developing domestic manufacturing. This strategy relied heavily on imported raw materials, foreign trade was protected by quantitative restrictions along with a fixed exchange rate that was overvalued. Coupled with the oil shocks of the 1970’s, Turkey’s terms of trade deteriorated, inflation became uncontrolled, and a balance of payments crisis emerged. Reform was unavoidable if stability was to be returned to the market and began with what is known as the 24th January 1980 Decisions. “The reform process started with liberalization of the foreign trade regime and the financial sector and culminated in the liberalization of capital accounts during late 1989, the latter changing the whole pattern of policy-making environment radically.”

The liberalization of the economy still provided avenues for the military and Kemalist packed bureaucratic elite to benefit financially. For example, the economic bureaucracy tended to discriminate against companies unassociated with the Association of Turkish Industrialists and Businessmen (TÜSIAD), an organization formed in 1971, consisting of the traditional Kemalist elite. Public procurement was still biased towards traditional elite. Large holding companies, mostly in Istanbul, were

77 Id.
78 Id at 107.
79 The Impact of Globalization on the Turkish Economy, Central Bank of the Republic of Turkey, (May 2002) at 5.
80 Id.
81 Id.
82 The Impact of Globalization on the Turkish Economy, Central Bank of the Republic of Turkey, (May 2002) at 3-4.
83 Begüm Burak, Turkish Political Culture and Civil Society: An Unsettling Coupling?, Turkish Journal of International Relations, March 1, 2011, at 60.
recipient of state largesse.\textsuperscript{84} Since the beginning of the republic, the officer corps played a leading role in the economy. At the time it was the most advanced organizationally, and most technically capable of state institutions.\textsuperscript{85} Thus it played a heavy role in infrastructure development. It cultivated and maintained links with the relevant economic actors. The tax free Army Mutual Aid Association (OYAK) pools mandatory ten percent contributions from its members, and is in turn invested in a large number of industrial and financial ventures.\textsuperscript{86} The military corps also continued to enjoy professional opportunities and direct relationship with industrial companies.\textsuperscript{87} Despite the economic liberalization, the military elite ensured that it still had a vested interest in economic activity. But the new free market economic policies encouraged independent small and medium scale industry development.\textsuperscript{88} The result was the emergence of a conservative urban middle class and a rising Anatolian bourgeoisie.\textsuperscript{89} They fostered the development of a new civil society, combining urban market norms with the rural worldview shaped by traditional concepts of Islam.\textsuperscript{90} This new civil society would form the main source of strength of the Gülen Movement and Islamist political parties. In 1990, the Association of Independent Industrialists and Businessmen (MÜSİAD) was formed to counter TÜSİAD’s influence.\textsuperscript{91} The economic liberalization shifted much of the decision making from the hands of the traditional bureaucratic elite, to the political elite.\textsuperscript{92} Through unofficial association with political parties, businesses could potentially alter uncompetitive corporate welfare that inevitably benefited the established military and secular elite.\textsuperscript{93} The relationship of the state and the business class was altered.

\textsuperscript{84} Steven A. Cook, supra note 49 at 108.  
\textsuperscript{85} Id at 110.  
\textsuperscript{86} Id at 111.  
\textsuperscript{87} Id.  
\textsuperscript{88} Begüm Burak, Supra note 82 at 66.  
\textsuperscript{89} Id at 64.  
\textsuperscript{90} Id.  
\textsuperscript{91} Steven A. Cook, Supra note 49 at 108.  
\textsuperscript{92} Begüm Burak, Supra note 82 at 66.  
\textsuperscript{93} Id.
As the new Muslim business class flourished, so did Muslim civic institutions, the followers of Gülen, and the institutions of the Gülen Movement. The result was a gradual strengthening of Islamist political power. This was evidenced by the Welfare Party (RP). RP reached the height of its influence in 1996 when it became the largest represented party in TGNA. Thus Necmettin Erbakan became Turkey’s first Islamist prime minister. He had campaigned for economic reform. Many of the reforms were in direct opposition to the benefits enjoyed by the military and secular elite. He intended to eliminate waste, revise the tax system, steer economic relationships eastwards, and eliminate favoritism in procurement. The establishment was on alert. If Erbakan’s actual agenda proved to weaken the influence of the military and secular elite, his Islamist rhetoric would be the scapegoat to his ouster.

Erbakan recognized the critical role of the bureaucracy. In an effort to court the corps of civil servants, he announced a fifty percent across the board pay raise. He moved to place party activists at the heads of several important ministries. And most importantly he began to displace judges and middle-level bureaucrats whom he suspected of being hostile to the Islamist agenda. He transferred secular judges to rural areas and replaced them with more sympathetic jurists. He even asserted that the government would play a role in “determining the needs of the Turkish Armed Forces.” Turkey’s procurement process had been controlled by the General Staff. Such a move would assert further civilian control over the General Staff.

These moves to infiltrate the bureaucracy, dislodging the military and secular elite, directly led to the 28th February Process of 1997, also known as the post-modern coup. The military-controlled National Security Council issued Decision #406. Promoted in the name of protecting secularism and Kemalism, it was designed to ensure the integrity of the military regime. Among the National Security

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94 Steven A. Cook, Supra note 49 at 111.
95 Id at 123 n.100.
96 Id n.101
97 Id n.102
98 Id n.104
Council’s recommendations were: greater state control over the Islamic education sector, a feeder to the civil service; prohibition on using religious facilities for political reasons; greater control of media groups; and prevention of extremist infiltration into the judiciary and bureaucracy. This was a thinly veiled threat from the military. The recommendations were in direct contrast to what Erbakan had championed. In an attempt to maintain a semblance of control and civilian rule Erbakan agreed to implement Decision #406 only if it was approved by TGNA. But the military had determined Erbakan could no longer be tolerated. The military orchestrated a sustained campaign to pressure the Islamist movement, including propaganda to instill fears of Islamist militancy and thereby to galvanize public ire. The military used the bureaucratic and legal tools it had at its disposal in the Turkish rule of law. The Ankara State Prosecutor levied charges against the Welfare Party and its leadership for violating the Political Parties Law and the Turkish Criminal Code. Erbakan was forced to resign. In January 1998, the Welfare Party and its leadership were banned from politics. Bülent Ecevit inherited the deputy prime minister position of a new coalition government. Now the leader of the Democratic Left Party (DSP), Ecevit had led the Republican Peoples’ Party (CHP) from 1972 through 1980. The CHP is the electoral party representative of the Kemalist secular establishment. The military began implementing its recommendations as much as it could. Ecevit issued a circular requiring senior officials within the civil service to crack down on fundamentalist activity within government; over 3,000 bureaucrats were punished for ties to Islamist groups by the end of 1999. Also banned from politics was the future

99 Id at 125 n.109.
100 Id at 125.
101 Id.
102 Id at 126.
104 Jeffrey Haynes, Supra note 68.
105 Id.
leader of the AKP and future prime minister of Turkey--Recep Tayyip Erdoğan.\textsuperscript{106} This was to be the first of many future power plays between Erdoğan and the military. But before Erdoğan’s rise, an outside actor would abruptly become a central issue in domestic politics: the European Union.

**European Union Catalyzes Democratic and Liberal Reform**

In December 1999, the Republic of Turkey was named an official candidate for accession to the European Union. Comprehensive political reform ensued.\textsuperscript{107} The outside influence of the EU proved a great influence for internal change. Before official negotiations could begin Turkey had to meet the demands of the Copenhagen Criteria. Official negotiations began in October 2005. That means in the view of the EU, Turkey has achieved “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union... [and] ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.”\textsuperscript{108}

The European Commission was openly critical of the role of the military. Since the formation of the Republic of Turkey, the military and secular elite have continued to promulgate already the entrenched notion of the absolute authority of the state. Some of the most important issues the EU had about Turkish accession related to the role of the military in the judiciary, the State Security Courts, lack of civilian control of the military, and abuse of the Turkish Penal Code concerning freedom of association and expression. The prospect of accession to the EU directly threatened the military and secular elite’s

\textsuperscript{106} Id.
control of the institutional structures in the government. As stated by the European Commission: “the basic features of a democratic system exist in Turkey, but a number of fundamental issues, such as civilian control over the military, remain to be effectively addressed. Despite a number of constitutional, legislative and administrative changes, the actual human right situation as it affects individuals in Turkey needs improvement.”

Yet the EU accession process promised increased democracy, modernization, and cultural affiliation with the West. Any attempt to block the process would be at odds with the Kemalist tenets of republicanism, modernization, and cultural affiliation with the West that the military and secular elite have touted throughout the twentieth century. They had little choice but to watch quietly as the reforms unfolded, hoping to guide the process to their using existing rule of law as tools of political intrigue. A fascinating power struggle immerged, and is still developing.

The first major reform addressing the Copenhagen Criteria took place in 2001, under a three party coalition government. This coalition was still led by Bülent Ecevit and his Democratic Left Party. These reforms focused on marriage equality, the death penalty, minority rights, and respect for cultural minorities, and did not address the issues in the judiciary and military. In November 2002, the newly formed AKP won an outright majority in the TGNA. The AKP branded itself as a right of center social conservative party with EU accession as part of its platform. With an outright majority in TGNA, reform could continue unhindered. Its major rival was the CHP, the party of the Kemalists, military, and the secular elite. From the outset, the staunchly secular Kemalists viewed the AKP as having a secret Islamist

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110 Mustafa Kemal Mahallesi, Political Reforms in Turkey, Republic of Turkey Ministry of Foreign Affairs Secretariat General for EU Affairs, (2007) at 5-10.
111 M. Kemal Kaya and Svante E. Cornell, Supra note 1.
agenda.\textsuperscript{112} But now, it was the Islamists that were viewed as the progressives, and the Kemalists as the reactionaries.

The AKP continued to push through reform in the name of fulfilling the Copenhagen Criteria. In, 2005, the EU deemed the Copenhagen Criteria sufficiently fulfilled.\textsuperscript{113} Official accession negotiations began. Since then, thirteen of the thirty-three chapters of the accession negotiations have been opened, and only one has been closed. No new chapters have been opened in over two years; the negotiations are at a standstill.\textsuperscript{114}

There are many issues plaguing the accession process. Turkey’s population, which rivals Germany’s, would give it a large share of the European Parliament. Turkey’s large agrarian population could potentially be a drain on the coveted Common Agriculture Policy. Recent events concerning Greek and Eastern Europe have the EU members experiencing expansion fatigue. Each of these issues alone would be considered major roadblocks to eventual membership, but pale in comparison to the issue of Cyprus.

Turkey refuses to recognize the Republic of Cyprus, a European Union member state and thus has refused to extend the 1996 Customs Union agreement with the EU to Cyprus.\textsuperscript{115} In response, the EU has suspended 17 chapters of the accession process.\textsuperscript{116} EU accession no longer is based on reform. It turns on the resolution of the Cyprus issue, the probability of which remains slim. Turkey suspended all contact with the European Union in July 2012, as Cyprus rotated into the Union presidency.\textsuperscript{117} On

\textsuperscript{113} The Lofty Mr Erdogan: The Prime Minister Picks a Government and Lures the Opposition to Parliament, The Economist, (Jul 14, 2011). http://www.economist.com/node/18959251
\textsuperscript{115} Id.
\textsuperscript{116} Id.
\textsuperscript{117} Id.
October 10th, 2012, the European Commission released issued a scathing report, stating that Turkey was regressing from EU standards, most notably in the areas of democratization, political accountability, independence of the judiciary, and freedom of the press. In response the AKP accused the EU of double standards, while reiterating their desire for membership. While neither has openly admitted it, both Brussels and the AKP seem to have lost interest, considering accession nothing more than a mere hypothetical at this point.

At the turn of the century, Turkish public opinion seemed in favor of accession. Now, Turkish support for accession is waning. Turkey has experienced a prolonged period of rapid economic expansion under the guidance of the AKP, while the EU zone has floundered. The view in Turkey is that the EU needs Turkey more than Turkey needs the EU. Inside the EU, appetite for expansion has waned. Current sentiment is that the EU expanded too recklessly, admitting Greece, Romania, Bulgaria, and others before they were ready.

With EU accession effectively stalled, why does the AKP continue to make it part of its platform? The AKP’s critics, once again mainly of Kemalist persuasion, accuse the AKP of a secret agenda. It is true that conforming to EU standards would have the dual effect of opening the way for Islamist involvement in government and politics, and subordinating the military. Both serve AKP’s self interests. The conservative Muslim business class is one of the AKP’s main bases of support, and recent reforms and political intrigue have effectively subordinated the military. Answering the question of whether AKP’s intentions are in fact democratization and liberalization, or merely a power grab is not a simple one. Clues can be garnished by analyzing the reforms the AKP has promoted. If they have been inclusive, extending rights to minorities groups such as the Kurds and increased protections for journalists, that would indicate a true democratic spirit to the AKP. Similarly, if the subordination and isolation of the

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118 Id.
119 Id.
military from politics has fostered the creation of an independent judiciary then that too would be a positive development. If the reforms focus on religious freedoms and the transfer of judicial control to the legislative and executive branches, then the AKP may have simply been the first successful party to wrest power from the military and secular elite.

The Justice and Development Party’s Makes an Honest Effort to Continue Reforms

The Republic of Turkey’s Justice and Development Party (AKP) has exerted political influence unparalleled since the introduction the current constitution in 1982. Founded in 2001, the AKP won an outright majority of the parliamentary seats of The Grand National Assembly (TGNA) in 2002. This was on the heels of an economic crisis the previous year. Having stabilized the economy, it maintained that majority in the 2007 and the 2011 national elections. It has also controlled the presidency since 2007. The party has spearheaded multiple reforms to the constitution in the name of democratization, and is currently in the drafting stage of a completely new constitution. Its continued success is indicative of the vast changes that have taken place in the socio-economic landscape of country.

Immediately upon entering TGNA the AKP amended the constitution to allow for Recep Tayyip Erdoğan’s return to politics. He had been previously banned for his participation in the RP. The AKP’s Islamist credentials are clear and enjoy broad support from the more Islamist sections of society, including the Gülen Movement. The AKP’s main opposition party is Atatürk’s old CHP. Once again the

120 M. Kemal Kaya and Svante E. Cornell, Supra note 1.
121 David Capezza, Supra note 58.
123 Id.
125 Supra note 111.
126 Id.
CHP, and the military and secular elite have been openly suspicious of the AKP harboring a potential Islamist agenda.\textsuperscript{127} The AKP routinely denies such labels as being an Islamist party.\textsuperscript{128} Indeed, studies have shown that Turks mainly vote based on economic concerns, not religious ideology.\textsuperscript{129} The party is more accurately a moderate conservative party promising EU accession and liberalizing the constitution and economy.\textsuperscript{130}

The AKP continued the agenda of the previous coalition and pushed through reforms on the basis of satisfying the Copenhagen Criteria. Shortly after being seated the fourth harmonization package entered into force in January 2003.\textsuperscript{131} Many of the changes did not directly benefit the AKP. The reform package removed barriers for prosecution of torture and increased its penalties.\textsuperscript{132} It increased rights in treatment of the convicted and the accused rights to legal counsel.\textsuperscript{133} It increased the right of foreigners in Turkey to petition.\textsuperscript{134}

Freedom of expression laws were amended as well. Article 15 of the Press Law was amended to prevent the press from being forced to disclose its sources.\textsuperscript{135} This change would prove to benefit the AKP in its future power struggles with the military, as incriminating documents against the military eventually surfaced from media outlets associated with The Gülen Movement.\textsuperscript{136} Freedom of association laws were amended to increase the purposes for which associations could be established.\textsuperscript{137} Restrictions on associations had been used to stymie the proliferation of Islamist associations and

\begin{itemize}
\item \textsuperscript{127} Id.
\item \textsuperscript{128} Jeffrey Hanes, \textit{Supra} note 68.
\item \textsuperscript{129} Id.
\item \textsuperscript{130} \textit{Supra} note 111.
\item \textsuperscript{131} Mustafa Kemal Mahallesi, \textit{Supra} note 106 at 10.
\item \textsuperscript{132} Id.
\item \textsuperscript{133} Id.
\item \textsuperscript{134} Id at 12.
\item \textsuperscript{135} Id at 11.
\item \textsuperscript{136} Erdoğan at Bay: The Turkish Prime Minister Faces New Enemies Both at Home and Abroad, The Economist, (Feb 25, 2012).
\item \textsuperscript{137} Mustafa Kemal Mahallesi, \textit{Supra} note 106 at 11.
\end{itemize}
networks, for example keeping Gülenist organizations officially separated from political parties. Restrictions on eligibility of individuals to participate in parliament were removed; religion and hate convictions were no longer a bar to being seated, while keeping terrorism convictions as a bar to participation.\textsuperscript{138} This increased the Islamist base from which the AKP could draw, while continuing to exclude prominent Kurdish figures. The vote needed in the Constitutional Court for the closure of a political party was increased to a three fifths majority, allowed for penalties other than closure, and limited the grounds for dissolution.\textsuperscript{139} This would prove to save the AKP from dissolution in a few short years.

In February 2003 the fifth harmonization package went into effect.\textsuperscript{140} It expanded the scope of human rights violation decisions that could be considered for retrial, and further reduced penalties for violations of the Laws of Associations.\textsuperscript{141} The sixth harmonization package entered into force in July of the same year.\textsuperscript{142} Of note, it removed reduced sentences related to honor killings in a show of an embrace of a moderate Islamist ideology.\textsuperscript{143} Terrorism crimes were restricted to acts of violence or force, and freedom of expression was further guaranteed by reducing sanctions imposed on broadcasters for offenses.\textsuperscript{144} Children’s names no longer had to be appropriate to national culture, customs, and traditions.\textsuperscript{145} Also an amendment to the Law of Construction took into consideration the need for places of worship of different religions.\textsuperscript{146}

\textsuperscript{138} Id at 12.
\textsuperscript{139} Id.
\textsuperscript{140} Id at 13.
\textsuperscript{141} Id.
\textsuperscript{142} Id.
\textsuperscript{143} Id.
\textsuperscript{144} Id at 14.
\textsuperscript{145} Id.
\textsuperscript{146} Id.
In August of 2003 the seventh harmonization package was put into force.\textsuperscript{147} It furthered the liberalization of the freedoms of association, and religion. For the first time it also addressed civilian-military relations. Freedom of expression was expanded by amending the Penal Code in regards to insults to Turkishness. Expressions of criticism that deride the Republic, the governing bodies, the military or security forces and moral personality of the judiciary could no longer incur any penalties.\textsuperscript{148} Scientific, artistic and works of literary value were no longer subject to criminal laws of being offensive to morality.\textsuperscript{149} This package introduced the first curtailments of the militaries influence in the judicial and legislative branches. Soldiers inciting mutiny and disobedience or discouraging the public form military duty were no longer to be under the jurisdiction of the military courts.\textsuperscript{150} This conceivably would reduce the militaries ability to sustain ideological purity within its organization, allowing for the membership of individuals more ideologically aligned with the AKP. The Court of Accounts was given authority to audit accounts and transactions when public means were used at the request of parliament. This included military expenditures.\textsuperscript{151} The laws governing the National Security Council, which began the campaign to remove Erbakan in 1997, were amended as well. The National Security Council was headed by the Chief Officer of the Armed Forces and a majority of the council was military officers.\textsuperscript{152} Executive functions of the Council were removed to reinforce the purely advisory role of the Council.\textsuperscript{153} The Secretary General of the Council would now be chosen by the prime minister and president, allowing for the first time the possibility of the position being filled by a civilian. The number of annual meetings of the Council was reduced from twelve to six.\textsuperscript{154} The eight harmonization package was passed in July 2004, and repealed an amendment that gave the MGK the right to appoint one member

\textsuperscript{147} Id at 15.
\textsuperscript{148} Id.
\textsuperscript{149} Id.
\textsuperscript{150} Id at 17.
\textsuperscript{151} Id.
\textsuperscript{152} Id.
\textsuperscript{153} Id.
\textsuperscript{154} Id.
to the Higher Education Council, the High Communication Council, and the Supreme Board for Radio and Television.\textsuperscript{155}

**Dirty Politics: Bluntly Excising the Military**

Tensions between the military and what it perceived as an Islamist coup once again came to a forefront beginning in 2007. The term of the President, Ahmet Sezer, a fiercely secular former judge, was ending.\textsuperscript{156} With the president elected by the TGNA and the AKP commanding a majority of the TGNA, the AKP’s could choose the next president without consultation of rivals.\textsuperscript{157} Prime Minister Erdoğan announced his choice—Abdullah Gul.\textsuperscript{158} This would be the first time that the presidency would be occupied by an Islamist.\textsuperscript{159} Gul had been a member of RP and the Virtue Party, both dissolved in by the Constitutional Courts, mainly for violations of the principles of secularism.\textsuperscript{160} Within hours the MGK responded in what has become known as the e-coup.\textsuperscript{161} The MGK posted on its website a threat to step in to prevent the appointment of a president whose wife wore a headscarf.\textsuperscript{162} At the urging of the CHP, the Constitutional Court handed down a ruling on dubious grounds invalidating the TGNA vote.\textsuperscript{163} Instead of backing down, Erdoğan called for early parliamentary elections.\textsuperscript{164} In July 2007, the AKP received 47 percent of the vote; the CHP received 21 percent.\textsuperscript{165} Only one other party crossed the 10 percent threshold needed to be seated, once again giving the AKP an outright majority.\textsuperscript{166} Erdoğan got

\begin{itemize}
\item<sup>155</sup> Id at 18.
\item<sup>156</sup> Supra note 111.
\item<sup>157</sup> David Capezza, Supra note 58.
\item<sup>158</sup> Supra note 111.
\item<sup>159</sup> Id.
\item<sup>160</sup> Steven A. Cook, Supra note 49 at 130.
\item<sup>161</sup> Supra note 58.
\item<sup>162</sup> Supra note 111.
\item<sup>163</sup> Id.
\item<sup>164</sup> Supra note 58.
\item<sup>165</sup> Supra note 111.
\item<sup>166</sup> Id.
\end{itemize}
his way. When the new parliament was seated, Gul was appointed president.\textsuperscript{167} Due to a presidential veto by Sezer, when the package first passed TGNA, the amendments to the constitution regarding the presidential office were put to referendum. It passed. Previously the president served one seven year term and was appointed by TGNA. In the future the president shall be elected by popular vote, and will be limited to two five year terms.

The power struggled turned to the center of the ideological battlefield, the judiciary. In 2007, a public prosecutor began targeting Islamist networks.\textsuperscript{168} He claimed to have evidence that members of the Gülen Movement and those close to the AKP were involved in criminal activities including running illegal Quran courses and fixing state contracts.\textsuperscript{169} When the prosecutor refused to drop the case, he found himself stripped of his position and charged as part of the Ergenekon terrorist organization.\textsuperscript{170} Prosecutors also brought a dissolution case against the AKP for overtly anti-secular activity.\textsuperscript{171} In July 2008, the Constitutional Court decided against the ban by a single vote.\textsuperscript{172} In July 2008, the first indictments in the Ergenekon trials were brought.\textsuperscript{173} To date over four hundred have been formally charged, and hundreds more detained.\textsuperscript{174} The indictments claim that the organization had its roots in the military, and had planned to instigate a military coup to overthrow the AKP in 2004.\textsuperscript{175} The one commonality seems to be that all charged are opponents to the AKP. The Gülen media network proved instrumental in leaking incriminating documents and the Movement’s sympathizers in the judiciary.\textsuperscript{176}

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\textsuperscript{167} \textit{Id.} \\
\textsuperscript{168} Gareth H. Jenkins, \textit{Turkey’s Constitutional Amendments: One Step Forward, Two Steps Back?}, The Turkey Analyst, (March 29, 2010). \\
\textsuperscript{169} \textit{Id.} \\
\textsuperscript{170} \textit{Id.} \\
\textsuperscript{171} \textit{Supra} note 111. \\
\textsuperscript{172} \textit{Id.} \\
\textsuperscript{173} \textit{Gareth H. Jenkins, The Devil in the Detail: Turkey’s Ergenekon Investigation Enters a Fourth Year}, The Turkey Analyst, (July 5, 2010). \\
\textsuperscript{174} \textit{Id.} \\
\textsuperscript{175} \textit{Id.} \\
\textsuperscript{176} Gareth H. Jenkins, \textit{Supra} note 17.
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Many inaccuracies in the evidence have been found making many of the charges fabricated.\textsuperscript{177} The truth probably lies somewhere in the middle. It is almost certain that at least talk of military intervention occurred, but it is doubtful that it was as intricate, organized, and widespread as the cases insinuate.\textsuperscript{178} What is important is that in 2012 the court found over 300 military officers were convicted, many with extended prison sentences, including the former commanders of the First Army, the Navy, and the Air Force.\textsuperscript{179} While the convictions could potentially be overturned in a higher court, the message is clear.\textsuperscript{180} After over eighty years over rule, the military is no longer in charge.

**Conclusions: The New Turkish Model, True Democracy in a Muslim Land?**

The democratization of the Republic of Turkey removed the military from politics. The Gülen Movement proved instrumental in this by creating a large secularly educated and ambitious base to infiltrate the formerly staunchly secular government institutions. TGNA is now in the process of drafting a new constitution behind closed doors to replace the constitution drafted by the military in 1980.\textsuperscript{181} There are fears that a ‘Russian style’ of democracy may result. Erdoğan has made clear at his desire to change the system from a parliamentary one to a presidential one.\textsuperscript{182} Of course he has also hinted at his desire to then become president.\textsuperscript{183} Gül shows no intention to step aside.\textsuperscript{184} The Gülenists tend to prefer Gül’s measured tone over Erdoğan’s authoritative one.\textsuperscript{185} Furthermore, the Gülenist’s alliance with the AKP seems to have been based on a common enemy—the military. With the military

\begin{itemize}
\item\textsuperscript{177} Gareth H. Jenkins, *Supra* note 172.
\item\textsuperscript{178} \textit{id}.
\item\textsuperscript{179} Halil M. Karaveli, *What the Sledgehammer Sentences Mean*, The Turkey Analyst, (Sept 26, 2012).
\item\textsuperscript{180} \textit{id}.
\item\textsuperscript{181} \textit{Gareth H. Jenkins, Supra* note 24.}
\item\textsuperscript{182} \textit{id}.
\item\textsuperscript{183} \textit{id}.
\item\textsuperscript{184} \textit{id}.
\item\textsuperscript{185} \textit{id}.
\end{itemize}
effectively ousted, cracks between that alliance have emerged. Gülenist sympathetic prosecutors have begun investigating AKP members, and the AKP has responded by relocating their posts.\textsuperscript{186} The new mission of the Gülenists will be to assure that recent events are a step towards true democracy, and not simply replacing one authoritative system with another. Trusting in the teaching of Fethullah Gülen, they will continue to strive towards the first liberal, modern, multi-party Muslim democracy. Much needs to be done. While many Kemalists remain fearful of the Movement, they should instead be embracing it. The tenet of secularism has accomplished its original goal: the creation of a brand of Islam compatible with a modern westernized democracy.

\textsuperscript{186} Gareth H. Jenkins, \textit{Supra} note 17.