

THE BROOKINGS INSTITUTION

TURKEY'S NEW CONSTITUTIONAL CRISIS:
A JUDICIAL COUP D'ETAT?

Washington, D.C.

Thursday, April 17, 2008

PARTICIPANTS

Introduction and Moderator

OMER TASPINAR

Nonresident Fellow, [Foreign Policy](#)

Panelists

MUSTAFA AKYOL

Editor and Columnist, Turkish Daily News

LEVENT KOKER

Professor of Law, Gazi University (Ankara, Turkey)

MUMTAZ SOYSAL

Former Foreign Minister of Turkey

* * * * *

PROCEEDINGS

MR. TASPINAR: Ladies and gentlemen, welcome to Brookings. We will get started; we may have more people joining us in the coming minutes. My name is Omer Taspinar, I am the Director of the Turkey Project here at Brookings and the Turkey Project as you know is an independent subdivision of the Center on Europe and United States. We have been working actively with Mark Parris, Ambassador Parris who joined Brookings last year as the Director of the Turkey 2007 Project. We're very happy that Ambassador Parris decided to stay with us, he's currently the counselor of the project and we're extremely pleased to be able to continue our panels and public discussions on Turkey with him in the framework of such events, which essentially deal with the recent political developments in Turkey.

The Turkey Project has good friends; good supporters and I would like to thank a couple of institutional supporters of Brookings and the Turkey Project. First of all let me thank TUSIAD, the Turkish Businessmen Association and particularly Abdullah Akyuz who is here as the President of Washington TUSIAD and the Smith Richardson Foundation who is also helping us. We also have an increasing number of private sector supporters which enable us to work as an independent project.

Our goal is essentially to reflect the debate in Turkey as it is,

as objective as it can be without really taking sides by trying to reflect basically a mirror image of what is taking place. And for those of you who have been following Turkey I guess it's not surprising to tell you that the country's going through once again, polarizing times, difficult times. And we are here with three very distinguished commentators, experts of Turkish constitutional law, Turkish politics and we would like to discuss essentially the political, social, and legal dynamics behind the case against the AK Party government which is now in the constitutional court, but this will give us an opportunity to talk also about the general political dynamics in the country.

As I said, we're very lucky to have a particularly distinguished group of people, but I would like to extend a particularly strong welcome to Professor Mumtaz Soysal. For those of you who are from Turkey, I'm sure he needs no introduction. For my generation he is a renowned, almost legendary constitutional professor of Ankara University and he's not someone who comes to Washington very often. So we really are pleased that he honored our invitation. I refer to him as Professor, but in fact he was also the former Foreign Minister of Turkey. In 1994 he was Foreign Minister for only four months as he told me, but once a Foreign Minister, always a foreign Minister.

So he joined Turkish Grand National Assembly in 1991 and in 1995 and was appointed as Foreign Minister in 1994, has published

numerous books on constitutional law and political theory. He was a professor of constitutional law and political science at Ankara University between 1969 and 1991. He's a member of the founding assembly that drafted the 1961 constitution, which is often referred to as the most democratic constitution of the Turkish Republic. Definitely more democratic than the current constitution we have the 1982 constitution.

In 1971 Professor Soysal became the Dean of Political Science College at Ankara University and the same year he was arrested during the military coup and served a year and a half in prison. From 1974 to 1978 he served as a member and then Vice Chair of the Executive Board of Amnesty International. He has also been a constitutional advisor and political advisor to former President of the Turkish Republic of Cyprus, Rauf Denktas.

We're equally honored to have Professor Levent Koker on my right who is a very distinguished expert of constitutional law and a professor in the International Relations Department of Gazi University in Ankara. Professor Koker has written extensively on political theory and democracy and he developed a critical approach to the study of democracy in Turkey and his book in 1990, the most important one which I read and enjoyed reading was *Modernization, Kemalism, and Democracy*, but he has two more recent books. In 1998 he published *Two Different Conceptions of Politics* and recently in 2008 he's the author of

Democracy, Critique, and Turkey.

Perhaps more importantly for our discussion today Professor Koker is one of the six constitutional lawyers who drafted the new constitution that is currently being supported by the majority party in the Turkish Parliament, by AK Party Justice and Development. And I think it's fair to say that as a constitutional lawyer and a professor of constitutional law and political theory, he's more on the liberal democratic side of the current political and legal debate in Turkey.

Finally it's a real pleasure to introduce Mustafa Akyol who reminds me that I'm, myself, getting old. He's so young that I'm really impressed by all of the things that he has managed to do in his young age. He's an upcoming Turkish journalist who has written extensively on Islam modernization and political science. He has degrees in political science and history from Istanbul Bosphorus University and is currently the very productive opinion editor and columnist for the *Turkish Daily News*. That is one of the most important English dailies in Turkey.

He also writes a regular column for the Turkish daily newspaper, *Star*. Akyol's opinion pieces for American audiences are very much known. He's a regular commentator and he has many op-eds that have appeared in the *Washington Post*, *Wall Street Journal*, *International Herald Tribune*, *the American Interest*, *the Weekly Standard*, et cetera. He's also the author of a very important book on the Kurdish question,

which was published in 2006 titled; *Rethinking the Kurdish Question: What Went Wrong? And What Is Next?*

So let me give you brief information about the format here. We will have brief introductory remarks from our three speakers, no longer than 15 minutes and then we will open the session to a Q and A. We will start with Professor Mumtaz Soysal, we'll continue with Levent Koker and Mustafa Akyol. So without any further ado, please.

MR. SOYSAL: Thank you for allowing me to be in this group of discussion and having a certain exchange of ideas and I'll try to say in a nutshell what can be said in 15 minutes. I'm surprised by the interest created by the last series of events in Turkey and the general impression is as if Turkey is about to fall into a state of collision between different sectors of society, which I think is not the case and one speaks of polarization and you did it Mr. Chairman just awhile ago. My answer to that will be when Turkey did not have a certain polarization.

The whole history of not only the Republic, but also the last century of the Empire is a clash of two sectors of society; one for modernity, modernization, the other one for the continuation of the previous state of affairs. And these two ideas to me, although they give the impression of collision or the end of the world is a positive state of mind. At least it provides a certain dynamic to the society and that dynamic is needed, can be useful and will never be ended. It will

continue, because this is a Republic which tries to first found a secular Republic and trying to maintain it to ensure it lasts forever. And this is a very valuable experience for the whole world and should be understood with much more positive understanding because it may be also the key to what is now called the Clash of Civilization, as if that is a clash.

It is the coexistence of different civilization, different ways of looking to the state of affairs. Different ways of living, et cetera, and the world should benefit from that to improve the situation of the whole mankind. And the Turkish experiment is a very valuable in that respect and it will be wrong to assume that it will be solved at one given point. It will continue, it can never be solved definitely because it is an experiment, a new experiment which has never been tried before and it has been maintained at least for the eight and instead of appreciating this and encouraging it we are now, what we are seeing is a campaign outside Turkey taking positions either for or against on one of the sides in Turkey whereas foreign interest, too much foreign interest, and too much involvement in this state of affairs in Turkey will be to the detriment of the experiment itself.

For instance, Europe in that respect is more responsible for this situation than the U.S., U.S. is I think in my mind, judging it from a distance, is following the events in Turkey with much more understanding that Europe.

What I see in Europe is mobilizing the whole European public opinion on the continent for the sake of what they call victory or the winning of one side and considering the position of the other side as something as very conservative, very negative, and very undemocratic, et cetera. Not realizing that what Turkey is trying to do is to maintain a democratic order in an Islamic society in spite of the nature of the religion itself. In spite of the difficulties of the country, the economy, et cetera, et cetera, and in the middle of all these difficulties trying to maintain a courageous enterprise that should be understood with much more sympathy. And the European attitude to me is all the more astonishing in the case of the trial of closure of one political party. Amazing to see how much European public opinion is encouraged to maintain the one side against the other, whereas, in the previous attempts of closures of more or less the same kind of parties, never such an interest was shown. Other parties which can be considered as the ancestors of the present government party, namely the Welfare Party, it's continuation through two more parties was not met with much interest or much reaction in Europe. No one spoke against these attempts of closing these parties and my question is why?

Because it's not a matter of democracy or fairness, et cetera because this present party is really serving the interest of Europe much more than the other, the previous ones. Because the previous ones

claimed to be more national interest minded, more inclined to defend the interest of the country rather than establishing a certain union of interest between Europe and one sector of the society in Turkey in foreign affairs when it came to situations like Cyprus, et cetera. In that attitude against the military, in the attitude of the unity of the state, the unity of the nation, et cetera, all of these concepts that the present party is willing to concede, it willing to make concessions about them and Europe find this in their interest and that's why probably, basically it's not for democracy's sake, et cetera. It is a matter of interest.

Perhaps I'm exaggerating this side of the affairs, but it is an interesting situation and it needs a certain explanation. On one hand, Europe or the two big powers in Europe, Germany and France have said openly that Turkey will never become a true member and now they are all mobilizing their public opinion in order to back the present government in its confrontation with the other side of society rather than trying to look at it as a natural incident or natural outcome to the existing camps in the life of the country and this could have been interpreted much more constructively rather than holding one side defending, or advocating one side against the other. That is the most important thing that strikes me in the picture.

The second one is the disposition of Europe is against what Turkey has taken from Europe as concepts. The concept of a nation, the

concept of rule of law, and the whole picture is presented as if there is a clash in Turkey between the concept of democracy and the concept of rule of law. Whereas, both democratic idea, both the concept of nation, the rule of law, et cetera were imported as concepts from the West and now we see that if the system is carried according to its own rules of constitutional order as if this is going to become a big failure and a big danger for the whole country and for the region.

What is happening is the function of a constitutional order. Constitutional order which foresees the continuation of the democratic rules controlled by a judiciary to see to it that the majority rule of the democratic system does not violate the basic rules of the rule of state of rule of law. And that is for instance, better understood here in this country which has had a Supreme Court from almost the very beginning since 1803, the *Marbury v. Madison* case, et cetera. Some sort of judicial control about the outcome of political process and say the majority rule should not be to the detriment of the rule of law. And the Turkish Constitutional Court is there to see to it that the political process does not transcend the basic values of the Republic represented in the constitution and there is a mechanism to carry on this control.

The Chief Public Prosecutor of the Republic is there the only public figure to open such a case when he has the impression that certain basic concepts of the constitution are in danger and so open this case in

Constitutional Court so that the 11 members of that party can pass their judgment. He conveys his impression that there is an imminent danger for the future of the Republic, an imminent and real danger, very close, because the outcome of the election have shown this party is gaining the majority of the people and that in itself is not the end of the process. That outcome should be construed and be explained and controlled by the other basic principle of the constitution, namely the rule of law.

So rather than leaving this process to continue to function and wait for the outcome, the whole world especially European public opinion is now worried about the real and smooth functioning of the system. And I am usually accused of being so negative and so on and the first time in my life I am trying to see something in a positive light and interpreting it toward the sake of democracy and rule of law in Turkey. I'm being accused of taking the wrong side. I'm taking the side of the regular function of a system control of the democracy by the rule of law and that is not new in Turkey since 1961 we have that institution and up to now in spite of the failures of the three military interventions the system is still on its feet and it could continue to be so if the negative attitude is not created.

So I don't see anything unnatural or irrational in this, on the contrary I'm glad that the Republic is trying to overcome its difficulties through its institutions rather than waiting for the interruption of the process by other forces of the society. Many people up to now criticized

the Turkish Armed Forces when they intervened for the sake of maintaining the basic principles of the Republic. Now we have this system trying to replace this kind of interventions by something regular, legal, constitutional and there is nothing to be afraid of this. But many people have interpreted it from other perspective, for instance, if the decision is taken through this deliberation in the wrong way as if the whole economy will collapse. If this closure becomes a reality the whole democracy will fall into pieces. Whereas, all of these can be interpreted in a smooth way by saying, okay the system is working. It has own safeguards and these safeguards will ensure that the system will work without further interruptions by forces outside the democratic order.

So I think this is what can be explained with the 15 minutes that you have given me.

MR. TASPINAR: Thank you Professor for this overview and very lucid analysis. In a nutshell with much less sophistication I guess the argument is that the Republic has a right to defend itself with the rule of law. Now the debate becomes whether this clashes with democracy, that to Levent Koker.

MR. KOKER: Thank you and my thanks go to the Brookings Institute and TUSIAD again for providing me with this opportunity to share some ideas of mine regarding issues in Turkish society and politics with you.

Let me try to depict another picture of Turkish society first, which I didn't do this morning, I mean, lunchtime. I don't want to repeat this cultural essentialism of Professor Soysal. Once again, Islam in a sense is not compatible with a secular idea of state and there are certain segments in Turkish society who are, for example, one segment is modernizing, the other segment is trying to stick to the previous set of affairs.

I would like to remind the audience that Turkey has been undergoing a process of modernization, a process of series of reforms since the beginning of the 19th Century and since the Tanzimat Era in the Ottoman times. We have been striving to achieve a certain standard of equality before the law and this began with Gulhane Hatt-I Humayun and I don't know if this development was compatible with an idea of an Islamic state because when we talk about Islamic state, I know that we have this famous idea of Sharia, Islamic law but that idea of Islamic law pertains to a large extent to spheres of private law; including family law or law of obligations or law torts. But when it comes to the sphere of public law, I mean, what kind of a state does Islam, for example, what do you find in the Qur'an about the Islamic state? Will it be a monarchy? Or will it be a Republic?

I mean, is Islam compatible with representative government or is it compatible with a monarchy? So these are all historical

ramification of a certain region in society. So I don't see the problem as a clash between modernizers and traditionalists but it's rather, what's happening in Turkey is that as a result of this process of modernization we have to establish a system of democracy compatible with an idea of rule of law. By this I mean, every society including Turkey and Turkey is no exception I mean, every society experiencing some historical stage of modernity has to provide certain institutions and procedures to enable itself to reach some collectively binding norms which we would call law, in a sense would legitimize these rules.

So if law is going to be legitimate it has to be achieved through collective participation, free discussion, or a process of deliberation which incorporates certain fundamental rights and liberties. So instead of describing a picture of Turkey as a continuous never-ending clash between two sides, the traditionalists and the modernizers, I think we have to think in terms of forces of democracy on the one hand while trying to establish more valid standards for legitimately creating a legal system, whereas on the other hand we have the guardians of the state so to speak.

So in modernity I mean we have this never-ending crisis of legitimation through, I mean, we can't overcome this crisis of legitimation by proceeding on certain democratic values.

Now if I may jump from history to the present day Turkey, I

would like to remind the audience one again that Turkey is a member of the European Council and an important document of the European Council is the European Convention of Human Rights and European Convention of Human Rights is part of Turkey's domestic law and has a binding force not only on the legislature, but also on the executive and also on the judiciary. So let me give you some examples of, I mean, if we are talking about this closure case against AK Party for example. I would like to provide you with some information about the Constitutional Court decisions on dissolution of political parties in Turkey. For example, I have some nine cases here or ten cases, ten parties closed by the Turkish Constitutional Court and all of them appealed to the European Court of Human Rights and with the single exception of Refah and I may go into some details why that decision was kind of approved by the European Court of Human Rights.

All of these decisions of the Turkish Constitutional Court are, I mean, according to the verdict of the European Court of Human Rights, all of these decisions were regarded as a violation of the European Convention of Human Rights. I mean, the Turkish Constitutional Court's decision violated European Convention of Human Rights Article Nos. 10 and 11, Freedom of Thought, Freedom of Association, and sometimes Article No. 6, the Right to a Fair Trial. So this means that there is a problem either with the constitutional accord or with the interpretation of

the legal system in Turkey vis-à-vis the standards of rule of law and democracy in the European arena.

I think the problem is not with the Constitutional Court basically, there might be a problem with the Constitutional Court as well, but the problem is with the regulations of political parties in Turkey's domestic law. There are hundreds of prohibitions imposed on political parties, in the Turkish called on political parties which actually leaves no room for a genuine democratic debate. I can give you some examples from the Turkish called on political parties. For example political parties cannot aim at the principle that sovereignty belongs unconditionally to the Turkish Nation, this is understandable. But, and that this used by authorized organs in accordance with the principles set out in the constitution.

Now authorized organs using sovereignty include National Security Council for example. So this prohibition puts a restriction on the political debate about the National Security Council for example, a political party in Turkey. If this rule is valid, a political party in Turkey cannot debate the position of National Security Council because it's a constitutional organ authorized partly in its limitations to use sovereignty in the name of the nation. This may also include the Council for Higher Education as well.

Another example comes from another Article which may be

more important, in the Article No. 136 of the Turkish Constitution there's a regulation on the General Directorate of Religious Affairs as a part of Turkish public administration. And any debate which focuses on the role or tries to change the status of the General Directorate of Religious Affairs and if this sort of debate is included in the program or statuses of a political party, this means that that party aims at changing the secular nature of the Turkish Republic so that this might be another reason for banning that political party from politics or it's dissolution.

On the other hand, Article No. 5 of the Turkish Constitution paradoxically has a certain regulation saying that Article No. 5 actually regulates the fundamental aims and tasks of the state. And it says, the fundamental aim and task of the state, one of the fundamental aims and tasks of the state, is to protect the Republic and democracy. Now the first article says the Turkish state is a Republic. But Article No. 5 says the state has the aim or task of protecting the Republic and democracy. So I find this rather inconsistent. I mean, the state is a Republic and it has the aim of protecting the Republic. So the state is protecting itself? Or of there's no inconsistency this means that state is something else, whereas Republic is something else and state or Republic is under the protection of the state.

From a sociological perspective the state here means probably the high ranking civilian and military bureaucracy. They have to

protect the Republican, state and democracy against, maybe, some sections of the citizenry. This includes, I mean, some Kurdish population, some dissenting groups in Turkish society because all of these illiberal and undemocratic regulations openly in conflict with the European standards of democracy and rule of law. They all show that this system has a problem of legitimizing its actions, transactions, or whatever you might call.

So here we are actually in a situation of a clash of let me use Murat Belge's term, we have a clash between the true owners of the present Republican state and the democratization or democratic forces in society who try to change the current situation. Okay I think I shall –

MR. TASPINAR: This is a good segue actually to Mustafa's presentation which will be adding more about the political, social, cultural dynamics behind the legal debate that is taking place.

MR. AKYOL: Okay, thank you.

MR. TASPINAR: Thank you Mustafa.

MR. AKYOL: Thanks to Brookings Institution for having me here. It's a pleasure to be here and it's also an honor for me to appear in the same panel with Professors Soysal and Koker, I mean, I was an undergraduate student who grew up with their articles and books and it's really a privilege.

I think Dr. Soysal mentioned a very important point, he said

Republic has difficulties and now it's having another difficulty and it's trying to solve it by closing down a party which get support of the health of the people. And I agree. The Republic has difficulties from the very beginning and the difficulty is quite many of the Turkish people itself. I mean, I'm sure like many Americans, I mean, all Americans are familiar with the term a government of the people for the people by the people. I think that's a great principle.

In the 1930s the Turkish Republic was defined as a government for the people in spite of the people. That's what the CHP elite called it, the People's Republican Party, the ruling elite. They said, because the idea was that you have a society, peasants, you know, not very enlightened, not very modern. So you have a vanguard elite who should guide and enlighten society, teach them what civilization is and do this by using state power by imposing a different way of life, imposing a different music, different clothing, different lifestyle, different beliefs, and so on.

And of course this idea is defined as modernity itself, but actually this is just one version of modernity and modernization. I mean, the United States did not modern like this way, neither did Britain. This is a very French way of modernization. It's not an accident that all of the founders of the Republic were francophones, I mean, they spoke French and they were very much inspired by the French ideas of secularity,

excessive secularism, and anti-clerical. Removing religious influences from society in the name of progress and so that's a French case.

Another notion, which was again very powerful was building a homogenous nation in which different ethnic differences are wiped out. You force a national language on the people by force, not by just supporting trade and national education, so just by force you force a language which, hence, Turkey has a Kurdish Question which came out from that notion. So the thing is like this is a belief that the state, the elites have a justified role to guide the people and the people are by definition not very smart, because they always choose the wrong party to power when they're allowed.

So I mean, Turkey from 1925 to 1950, from 1946 actually but '50 was the first free elections, went on as a euphemistically single party regime. One party was allowed. And Turkey had to accept multi-party regime thanks to the Second World War, the Victory of the Allies and democracy became more popular in the world, well the elite had to accept democracy. And then a party which came to power in 1960 was Democratic Party. Their motto was this famous motto, "Enough, the Nation has the word." And they came in, they were not medievalish, you know, Taliban-like people who were trying to take Turkey back to the Middle Ages. I mean, the Democratic Party made Turkey a part of NATO and you know, economy boom in Turkey; introduction of capitalism, free-

market, and so on.

And of course, the Democratic Party brought in a softening of secularism. I mean, religious orders for the first time they had, I mean, the Kurds were allowed to get into Parliament so there was like a reconciliation with the people during the Democratic Party in 1950, '60. And what happened in 1960?

The self-appointed guardians of the Republic, they launched their military coup and after a short trial they executed the Prime Minister and two of his ministers and they put the People's Republican Party, the single party which should rule Turkey back to power. That's actually how CHP generally comes to power in Turkey after some military design, you know, they are put there. And then the first elections, you know, you have a center-right political party which represents the majority of the people.

Now of course, here's a problem of Islamism. Of course an Islamist political party which says enough with the secular Republic we are going back to the Taliban-like life that's great. That is a danger, of course, to open society and I don't think that a Turkish Republic should allow Islamist parties. Neither should it allow a political party which says we should, you know, support racism and hatred and violence and so on. But the thing is the self-appointed guardians of the Republic always depict their center-right conservative opponents as dangerous Islamists and many of time they are not.

They are just people who believe in conservative values, who want more religious freedom, who believe in a different definition of secularism instead of overthrowing secularism. That was the case with the Democratic Party, for example. And of course, in the '70s and '80s Turkey saw the rise of Islamism with Necmettin Erbakan and today's incumbent AKP actually, of course, has its roots there. It was a wrong root, but the AKP renounced its roots and it's come back to Turkey's traditional center-right which was defined by Menderes and Ozal and to today's thing. But the problem is even that is not enough for the self-appointed guardians of the Republic.

Any little inch from the basic principles and how the basic principles are defined by the Constitutional Court and the military is seen as a treason.

Let me give you an example of the secularism issue. I mean, today, the AKP is defined as an anti-secular party and it is like, the idea is to close it down. And many Americans, of course, I mean they knew – hear the term secularism, you might think it's something like the U.S. secularism; separation of church and state, freedom for religion, freedom from religion, whatever you want. Freedom for everybody. It is not like that in Turkey.

In Turkey secularism means, it doesn't mean protection of religion from state. It basically means protection of state from religion

only. State can dominate religion, it can influence, it can close down religious institutions. Whatever it wants. The idea is the supremacy and the sovereignty of the sacred state, the Turkish state is a sacred one as defined in the constitution.

Recently, actually, it's become even harsher with the decision of the Constitutional Court because the Constitutional Court has the decision which means what secularism is. Because you know, what secularism is? People have different ideas. The Constitutional Court says I'm defining what secularism is for you and everybody has to accept it. What is that? It is cited in the indictment of the Chief Prosecutor. Here's this famous line. It says the society should be protected from ideas and judgments which are not based on science and reason. So society should be protected from ideas which don't fit into this positivistic, materialistic world view which is a world view which as I think in the West Christopher Hitchens or Richard Dawkins, you know, give the same idea that we should wipe everything out except science and reason, that's one view.

But people also can have, like, you know, traditional beliefs and of course, the idea that science will guide and solve every problem is an idea which is coming from early modernity. People don't think that way anymore, generally in the West. I mean, science gives you some tools but you're morality doesn't come from science, you are to find it somewhere. So I think a healthy society should have freedom and freedom of religion

and religion has a role and so on.

But the Constitutional Court says no, we should protect society from religion. And how do they do that? Well, you suppress religious practice. You don't allow religious people to, I mean, if they're visibly religious like wearing a head scarf. To be a member of the public institutions, you don't allow them to show up on the campus. You don't allow them to get educations so that they can have jobs and so on. So this is a kind of idea of pushing religion back. And the crimes of the Prime Minister Erdogan, which are cited in the indictment includes sentences like this: We want a country in which the head scarf girls and the other ones can go to university hand-in-hand in peace. That is a criminal statement because it wants to put head scarf in the campus, which is a violation of Turkish secularism.

The question is do we really need such a staunch illiberal secularism? Of course the idea comes from well, this is a different society. It's an Islamic society. So Islam is a dangerous religion so you should be really staunchly, you know, you should be tough about it. That's the line.

And well, I see some merit in this if this we were speaking about Afghanistan or Pakistan, those countries whose Islamic traditions haven't really modernized themselves in themselves. But Turkey, Turkish own Islamic tradition has been undergoing a real modernization process

since the Ottoman Empire. And survey after survey confirms that right now.

The majority of Turkish people, including the majority of the pious, conservative Muslims they don't want a religious state, they want a secular state which grants religious freedom. TESEV, one of Turkey's most prominent think tanks which is accused by the way for being an EU fifth column or something by some secularists. TESEV recently carried out, I mean by two professors working for TESEV, supported by TESEV, they made a social study in Turkey and people were asked like thousands of people interviewed. Do you want an Islamic sharia state? Only seven percent said yes. And people were asked about specific harsh measures of the sharia, like stoning. Only two percent said yes. But 80 percent of the people said head scarves should be free.

So I think that is something that the guardians of our secular Republic should see and understand that you cannot fight against your people forever. I mean you cannot try to suppress your people's beliefs, languages, cultures, and so on. You should become a total democratic Republic instead of saying that we are leading a revolution.

Now revolutions have their own logic. I understand. Okay, the French Revolution had its logic. But at some point revolution should end and you should start a healthy normal life and I think the time has come for that in Turkey. And during this whole process the Turkish

Muslims understood and realized that, the practicing Muslims, there is a sacred part of society so we should live in it. Everybody should be able to have its' own practice and so on. So demand about imposing Islam by law is very low in Turkey.

So, and I think this doesn't mean, first let me give you the idea about head scarf. Now today the head scarf is said, secularists in Turkey are speaking about imposition of the head scarf. AKP is accused for imposing the head scarf. What they say imposing is setting it free. I mean, nobody is in Turkey speaking of a law which says people should wear a head scarf to go to university. The question is can people wear this if they want to?

So I think the problem here is the definition of secularism as done by the Turkish Constitutional Court and the solution will come when Turkey accepts that secularism is legitimate, only it is based by democracy. Because sacredism itself is not a value. There are many sacred dictatorships in the world. I mean Communist countries were secular. I mean being not defined by religion, by itself is not a value. But if secularism is the guarantee for open society, which I believe the case in the U.S., I think that's the best principle you can find for an open society. And I think it is very notable that the so-called Islamists of Turkey, the AKP or intellectuals who define themselves as conservative or religious and so on.

They are not asking for the overthrowing of secularism. They say we want the U.S.-type of secularism. For example, Prime Minister Erdogan in the indictment he is quoted when he was speaking to CNN's Wolf Blitzer, he said there's religious freedom in the United States. My daughters can go to U.S. campuses, my daughters can't go to Turkish campuses because of the head scarf ban. We want the same religious freedom in the U.S. to put it in Turkey. But that's a criminal, anti-secular activity which is one of the reasons that the Party is trying to be closed down.

And finally, it's not just secularism. You see this dogmatic, early modernity being preserved by the guardians of the Republic in many issues like the economy. Recently the Constitutional Court in the past five, ten years, the Constitutional Court of Turkey canceled several legislations for private (interruption) developing states, you cannot switch to a free market economy. They said you cannot privatize a company with (inaudible) opens, it's a public company (inaudible) that way. You cannot privatize. But it's like -- it's not making profit anymore. It's becoming -- it's not working -- it's a free market -- I mean the economy is changing. I think (inaudible) accepted a protected, like a balanced, economy in the 1930s because of the Great Depression, and capitalism was falling down. Now we are living in different times.

Recently, the constitution court cancelled the law which would allow foreigners to buy land in Turkey. They say this is against our nationalism. You can't sell our land to foreigners. So this is a very -- this is like -- this was a model which worked in the 1930s amid its troubles. It doesn't really work anymore. The solution is just to become a real democracy. In real democracies, secularism grants religious freedom to people, and that's what we need.

MR. TASPINAR: Thank you Mr. Akyola. I think we have a full picture of the debate taking place in Turkey. The other thing comes down to, boils down to a perception of threat, and to the debate about the compatibility between secularism and democracy in a kind of republican context. It's good that you mentioned France as also going through a similar process. It's not a coincidence that Turkish secularism is inspired by French *laïcité* (?).

Using the prerogative of the Chair before opening it for a Q&A, I would like to ask Professor Mumtaz Soysal a question myself about this perception of threat. France has its certain perception of threat. This is why they have banned the headscarf in their high schools.

MR. SOYSAL: Yes, they banned all of their symbols, all sorts of symbols.

MR. TASPINAR: In Turkey, the perception of threat is a similar one coming from religion, yet the ban is at the university level. And

in many ways, I think there is this parallel between the shokoban (?) tradition in France and the shokoban tradition of the republic. Is there a stage in the life of a republic where your threat perception changes? What would it take for Turkey for the threat perception to change about religion?

MR. SOYSAL: Can I give Jacobean answer to that?

MR. TASPINAR: Please do.

MR. SOYSAL: The threat is out when the aims of the republic are solidly founded in the society. We are not yet at that stage, because anytime there is a relaxation of these rules, you find Islam overboard and invading. It is a religion that is, by itself, aiming at regulating this world as well as the divinity of the other world, etc. Its rules should be respected according to Islam. Whenever you don't respect it, there are threats of sin, punishment, etc., etc. But these rules do not always concern the other world or divinities, etc., it concerns today's life from marriage, from the private law, to everything.

So it has to be controlled -- you said it quite rightly -- by the modern state. And the modern state is -- and sometimes it's ridiculed as if it is based on science and knowledge, etc. Yes, but it is -- it demands a certain rationality because the reformation in Islam is a blasphemy. It has always been considered as a blasphemy because the rules are those of the Prophet. They are divine rules, conveyed by messages from divinity. So, therefore, you either accept them as such, otherwise you're sinning.

This is what the heretic or the modernist in the 19th century -- this is quite right.

There were modernizing attempts under the Ottoman rule, too, they are trying to introduce a sort of rationality, trying to reform the religion without using the word "reformation" because it is blasphemy. So this is an unending attempt to rationalize as much as possible the divine message in order to make it one of the elements of modern life. So the republic has been the continuation, in a way, of all these sort of partial attempts, many sort of slow attempts of modernizing the life. And the Jacobean attitude was imposed, that's true, in the first, let's say, quarter of the republic, by the authority of the state.

But you can call it liberalizing the society rather than looking at it as sort of an oppression of the society. All these reforms, the republican reforms, starting from the change of the alphabet, changing the rules of the law, etc., modernizing and introducing modern law -- early stage -- by importing them and adopting them to the realities of the country. All these attempts were there thanks to the separation of the religion and the state.

Otherwise, it could not have been accomplished because without this separation, the religion would interfere at all stages, and would stop these reforms. So it was necessary for the republic, finally, after a war, after a war of liberation where the caliph or the sultan collaborated

with the invaders. He had sent his troops against the resistant Camelist forces, etc. All these developments do not come like reforms or events falling from the sky. These are the consequences of Turkish life since the time of the Ottomans. There is a clash always with those people, the modernizers or the democrats, etc., who try to introduce modern ways of living, and there is a sense of the religion.

So, finally, you may expect that these would come to an accord, to an understanding, but the basic nature of the two sides -- one rationality, the other one divinity -- and an over-boarding religion which tries to control everything in this world, and a republic which tries to introduce new rules. So this is -- I said it a while ago in our lunch discussions -- this is an unending dialectic of the Turkish society. It will never be put to a final end, it will never come to a final end, it will continue, perhaps indefinitely, because the religion is there. You cannot change people's basic religious beliefs. The republic is there trying to change the society.

And that is perhaps -- and this would be my positive interpretation of these straiten -- by considering this dialectic as a useful thing for the society. Okay, people can continue to believe in what they do provided that they don't use religion as an obstacle to these modern efforts, and this is why the article in the constitution 24 first starts with the liberty of worship, protection of beliefs, etc. The state is there to

guarantee people's liberty of realizing their wishes in the religious field without interfering with the state. And the second paragraph brings the basic rule of the separation. The state doesn't interfere with people's beliefs up to a point where these beliefs threaten the public order.

Religion should refrain itself from interfering with the work of the modern state, and permit me to correct one thing. The exercise of national sovereignty does not cover neither the security council, the military security council, nor the general directorate of affairs. The concept is the two, the three basic powers of the republic: the legislative, the judiciary, and the executive.

These should take their authority from the constitution, and all the others are the administration subject to these three main powers of the state. So not everything is considered as sacred. They are controlled by the judiciary. The judiciary has to maintain these values of the republic against the threat of the religion because the religion has been threatening them for the last few centuries of the empire.

And this is why the affairs came to a point where the revolution became a necessity, and this necessity had to be maintained by rules imposed not by force, but by the judicial order, by the legal order. This is where the court of, the constitutional court came into the system in order to protect these values, rather than having them protected by the will of one single party or the force of the armed forces. This is what people

find unnatural nowadays. The other option would be frequent coups by an army that considers the republic as its own child and feels it has the right to interfere on each occasion. So now let's leave the whole system work smoothly without really creating straitens, whereby the forces outside the established constitutional order have to come into the system and interrupt the working of democracy. So it is democracy through law, through law. So the democracy needs to be protected by the legal order. I don't see any sort of basic clash between the two.

MR. TASPINAR: Thank you. I would like to open it up to a Q&A, but Mustafa, you had something to say, very shortly please.

MR. AKYOL: Yes, I wanted to say one thing. The idea that you will give freedom to people once you convert them into something else isn't a totalitarian idea. Lenin says that dictatorship of the proletariat will continue at a point when people will internalize the principles of socialism. The problem is people never internalize your totalitarian principles and you always have to fight with the people. Of course, the state should ask from its citizens to obey law. I mean, you should, the state should ask from its citizens to respect other citizens, so there should be like a civility and a social contract.

But in Turkey the problem is state doesn't trust its citizen unless it converts all of them into something else. If they take off the headscarves, everything will be fine, there will be no problem. If

everybody speaks Turkish instead of Kurdish, there will be no problem, then we will be a totally open society. But first we have to convert them into a homo-Camelistic or something, ideological child of republic. People never get that. These totalitarian measures never work, so you have to accept that people have their own beliefs, life styles, they're irrational, blah, blah, whatever they are. They speak a weird language that you don't like, but that's their mother tongue. You have to accept them, then you should start I think, otherwise these will continue forever.

QUESTIONER: One part of the problem is that, in the West, modernity came to society modernized and then democracy followed. In Turkey, the problem, I think, is that for many Camelists, the democracy came too early. There was a sequencing problem. The model of European societies is not really one man, one vote, immediately. Modernization started and they became democracies at the end of a long process, and the free elections culminated the process. That's why I think many people --

SPEAKER: In the U.K. there was always a different --

MR. TASPINAR: Let's open it to a Q&A, questions.

Will you please identify yourself before you ask the question?

QUESTIONER: Geneive Abdo from the Century Foundation. Thank you very much for those very interesting presentations.

SPEAKER: Can't hear, sorry.

MR. TASPINAR: Could you please repeat your name and institution?

MS. ABDO: Can you hear me now? Better?

SPEAKER: Yeah. If you speak little bit louder.

MR. TASPINAR: Louder please.

QUESTIONER: My name is Geneive Abdo. I'm with the Century Foundation, a think tank in Washington. And thank you very much for the very interesting presentations. My question to whomever might be interested in answering is it seems that the basic problem with the issue of the constitutional court is that there have -- at least from what you have explained -- there is not really a role for the court in the democratic process that has already been laid out by the AK party since it took power. So at least if you sort of look at this in reverse, you have a party, which to some degree has acted very democratically while in office, while you have the republic/the state, which is now acting very undemocratically. So it seems that there's been somewhat of a role reversal in terms of what the perception is, certainly, probably in the United States. So I was wondering if you could sort of speak to, is this the

view in Turkey. I mean would you say that this is the prevailing view, that now you have somewhat of a role reversal? And as Mustafa pointed out, you have liberalization by a party by allowing the headscarf, yet you have an arm of the state that is basically acting in an autocratic manner. Thank you.

MR. SOYSAL: Maybe I can elaborate on this question.

The constitutional court's decisions on the headscarf issue date back to 1989 and 1991. In 1989 -- it was our government, I think -- they passed a law saying that for reasons of religion or religious belief, women students can cover their heads and shoulders and necks, and the constitutional court says this article is unconstitutional because it clearly refers to reasons of religion, and this cannot be valid in a secular state. And after that, they made a new law, which is enforced now, that says clothing in universities is free with the condition that that clothing cannot violate any existing law. This was the case brought to the constitutional court and the constitutional court's decision in 1991, this time, said that this is not unconstitutional, but the term "free" here does not include headscarves.

Now this shows that the constitutional court does not only decide whether a law is constitutional or unconstitutional, but it interprets certain wordings of the rules or laws in certain ways that it rewrites the law. This happened back in May 2007 when we were having our presidential elections in the parliament. The constitutional court, as you

might know, said that the first round of the voting in the parliament was unconstitutional because it said -- and it explained this justification later on, which was also against the constitution again -- and the constitutional court said this first round is unconstitutional because there has to be 367 parliamentarians inside the general assembly before the start of the voting because the constitution requires a qualified consensus or a qualified compromise before the presidential election could start.

Now this is a rewriting of the constitution, and I certainly agree with Professor Hesbulon that the constitutional court in this verdict has put itself into a sort of, a kind of consummate power I mean. The same happens now, the same is about to happen I am afraid, with the AK party closure case now because previously when the constitutional court ruled for the dissolution of virtual party, positivist party, that was the only reason behind that decision was that positivist party aimed at lifting this ban on headscarves. Because it was against the constitutional court's interpretive verdict in 1991, the constitutional court said lifting the ban on headscarves is to undermine the secularist foundations of the republic. So the indictment now for the AK party is similar to the positivist party's indictment. So there's still this position of the constitutional court.

MR. SOYSAL: Let me explain this headscarf issue, because looking at it from a distance you may think that these Turks must be maniacs to be obsessed by a piece of cloth and so on. The obsession

is due to the fact that it has now become the banner, the symbol of a certain way of opposing the principles of the state, namely secularism, etc. So there is a certain way of putting this scarf, which is distinguished from the rest of the population because the majority of not only Turks, but people all around the Mediterranean, cover their head the normal way, and so on. So it is part of the populist way of living. But there is a certain way of putting your scarf. It has to be some sort of aerodynamic in a way and which has become the symbol of a certain way of looking at things. Because in the past, let's say 20 or 30 years ago, I may have had students, girls, wearing a scarf the normal way, and it didn't constitute a problem. I didn't oppose it or there were no rules about that.

But it became a political fashion, a political fashion of showing that you are for one way of interpreting the religion, interpreting the republic, and this has become the banner of anti-secular opposition to the republic. This is why, in periods when it was allowed, it became sort of a rapidly growing fashion of opposing the republic. This is why the constitutional court has started to interpret it that way, and it is that interpretation that creates the problem. Because another interpretation would be allowing it, and then coming to the point where, for instance, Iran, after the coups against the Shah, a few months afterwards, started to impose the wearing of the scarf. I was there in Tehran for an international meeting, the first international meeting that started where secretaries and

women working for the meeting had opened their hair and even were putting on some makeup, etc. But then one day came the order.

Heads had to be covered, and immediately all of the secretaries had to cover their heads. But still at that time the headscarf could be from different colors and the women were wearing different clothes of different colors, and so on. And I was, two months ago, or was it even shorter, two months ago I was in Tehran for another meeting on nuclear energy, etc. They all have to wear that except they can show one part of the hair, and all have to be black. So you look around, you see all women in black. It's depressing. This is what the republic tries to emote.

QUESTIONER: So pink headscarves would be better?

MR. SOYSAL: There may come a time when these things are not considered as a threat to the republic. Nowadays it is a threat.

QUESTIONER: It's a threat to the aesthetic standards of reform?

MR. SOYSAL: It includes that, too.

QUESTIONER: Do they exist to make their public happy, like by their existence to people?

MR. SOYSAL: It will be happier than having everybody, women in black and covering their head.

QUESTIONER: Do they choose for themselves? Do they have the freedom to wear it or not, to wear a miniskirt or anything?

MR. SOYSAL: This is what I'm saying. There may come a day, there may come a day, there may come a day when this becomes part of the liberty. But nowadays, it is a protest. It is a protest, and the republic has to defend itself against that way of protesting its basic concept of morality.

QUESTIONER: Thank you. Onur Sazak with the Hudson Institute. A month ago, there was an excellent article in the *Hurriet Newspaper*. Documented how the wives and daughters of certain AKP ministers covered themselves. And Mr. Akyol, you made the point of free choice, but I don't read anything in that article on freedom of choice granted to those ladies. Could you elaborate on that?

MR. AKYOL: Definitely, I think it's a problem when women in Turkey in conservative neighborhoods and families are forced by their fathers and their grand brothers or something to wear the headscarf. That's a true problem, that's a social problem, and I preach -- I mean or speak against that, but I don't think that the solution of this is a totalitarian law by the state to take the headscarf off. I mean if there's a social problem, if there's like some families are forcing their children to wear the headscarf, you cannot go and say well, I'm ordering you as your state to take it off now when you come to the temples, it's no solution. So that's a social problem. There are also other problems in Turkey.

There are bigoted Islamic people who just like yell at people who eat during the Ramadan and so on. So that's the real ultraconservative neighborhoods, which is a problem. Then there are other neighborhoods in Istanbul, like Mushanta, share something when a woman with a headscarf walks, people call them cockroaches.

QUESTIONER: They look like?

MR. SOYSAL: Well, I think they look like whatever they want and I don't have any authority to define people or insult them, but people have the right -- you have this polarization in Turkey, and you have a totalitarian conservative families, you have totalitarianism. I know like a few girls who were like disapproved by their families because they became conservative and observant and so on. You have problems in both sides. This is a social intolerance problem. But the problem with this state, the republic, is like it's saying I'm ordering you to take it off, and I don't think it's too different from Iran.

In Iran, the state orders to put it on, and in Turkey, the state says put it off. Well, I mean, it's 50/50. Not on the street, but it says if you come into a campus, you have to take it off. And I think it's none of the state's business. I mean, people wear what they want and whatever they -- and our aesthetical standards, again, is not an issue. My aesthetical standards might not be in favor of the headscarf, too, in my personal life, it is not. But, you know, I just can't say people should look like in a certain

way to please my view. I mean, I can't say that. And I think the state doesn't have the right to say that.

And I think, you know, if the state stops pressuring people, there will be a better discussion among the conservatives about all these problems. I mean, actually, the headscarf thing can be discussed. Does the Koran rule you over the headscarf? That's a legitimate question. It is asked. But people ask that question and they try to justify the ban. But if you actually stop all these bans -- and there are a lot of people to discuss these issues -- people have different opinions and there are people who will interpret it this way or that way. That would be more religious plurality. And I think that's how we start modernizing reform itself, not by a totalitarian state which says I want you to dress up like this because that's modernity.

QUESTIONER: Professor Koker speaking. Yes, I think nobody is in a position to judge somebody else's clothing; I mean, why she wears or doesn't wear the headscarf, it's a free choice or something else. There's also another dimension to this problem with the headscarves. As far as I know from the statistics, only 1% of women in Turkey can attend universities some 20 years ago, and now it's 4%. This made probably women from certain parts of Turkish society more visible, more traditional rural areas, women from those parts of Turkey came to

the universities, and they probably have to wear these headscarves. I don't know. But it rendered this kind of clothing more visible.

On top of that, these functions I mean -- this ban on headscarves -- functions as a discrimination against women. Because if they are Islamists, for example, as some French Jacobins have thought in the past, if we want to see a free-rider fundamentalist in every woman wearing headscarves, if this is true, then we have also Islamic fundamentalist men attending freely the universities, and we have this ban on Turkish women. Why? I mean, these functions as a discrimination.

MR. TASPINAR: We have a question in the back? Could you wait for the microphone and identify yourself please?

QUESTIONER: My name is Michael Williams. I'm from Howard University. I wanted to know, is there an actual model out there currently now in any -- is there a model right now, currently, in another Muslim country that you would model the Turkish government? Perhaps would model the pretentious groups between the Islamists and the secularists. Is there a model currently available out there that you all will model after this and compromise, so to speak, between the two? Thank you.

MR. SOYSAL: Sometimes, sometimes. In this country I hear people proposing Malaysia as a model for Turkey. Completely against such ideas. We thought that Turkey could be a model for other

Islamic societies. We have not accomplished that, and I hope it would become a model. It may be -- it should become a model for the whole world by showing that Islam can be a parent, can be put together with modernity, rather than being continuously a point of reaction to modernity, or even terror or oppression, etc. Islam can be converted into that sort of religion rather than being totalitarian. It is totalitarian if the state leaves it free. So it has to be coaxed on within certain limits by the modern states. That is perhaps what is unacceptable to the others. But to us, to me, it becomes very natural, because I can see that whenever it is left free without such control by judiciary, by rules of the republic, etc., it is overboarding and invading all sectors of the society. And I don't want my country to become an Iran or Malaysia.

QUESTIONER: Neither do I. And I don't think there is a nicer Islamic country, I mean, there's not a nicer country than Turkey in the whole Islamic world. So that's why I appreciate the modernization proposals in Turkey. But I think Turkey's modernization process has its own problems, and it is becoming, growing militarily. And Turkey should just move on and update itself and become a more liberal society. Turkey has taken someone else as a model. It's not Malaysia, it's not Iran, it is France. Turkey has taken France as a model, and I think U.S. would be a much better model, religious freedom and all those kind of things. One thing, like Islam invading everywhere.

Do we mean like religious people showing up with their headscarves and walking as cockroaches in public? Of course, they have a role in society. They will be everywhere. Of course, they have the right as a citizen, as a taxpayer who pays the same taxes with the Shantashe elite or uncle or something. They are equal citizens, I mean they are not, I mean they are not paying less taxes than others, their sons are serving and dying in the military, they're equal citizens, and they are not getting equal treatment. That's the problem. Of course, they have the right to show up everywhere. I mean, this is their country. They're not Indians or something.

MR. TASPINAR: We're running out of time unfortunately. Let's take two more questions.

QUESTIONER: (inaudible) CNN Turkey, Millet. With all due respect, before asking a question, I'm just going to say, let's be honest and be fair to my sisters. I mean, you know, they can cover their hair, and they pretty much wear very low-rise jeans and they're comfortable with it. And I'm totally comfortable with them wearing it, and that's the way it should be in our country. The second point I want to make is the women employment rate has been dropping sharply and that's one of the emerging signs of this country becoming more conservative. We see signs of prep school girls being covered by headscarves. These are the

small things that make people worry. We can discuss this. This is not a reason to ban the headscarf. I get your point.

But with all this big women-and-headscarf-and-clothing-fashion argument, I'm going to come back to our original discussion which is the closure case of the AKP. My question is to Professor Soysal. From the standpoint of the judicial and the legal point of view, can you say that this case leaves an opening for the party to make a legal argument, legal defense, and avoid the closure?

MR. SOYSAL: Sure. The party will make its defense, legal defense, and the court will judge. So that's what I think should be considered as the normal process of the system, rather than finding an unusual thing in this process. The party has expressed certain ideas, has done certain things, has prevented certain things from becoming the rules of the country, and tried to change certain rules. Therefore, where its activities are considered by the public secular as against the principles of the republic, and now the court will judge about that. So what I mean is that we should leave the system function, rather than being alarmed by it, and find this as something against democracy.

Democracy has functioned, and it has produced a certain majority, and that majority has now to respect the rules of the republic in order for such democracy to continue. This is perhaps different from England, from the example of England, where parliament can do

everything. But in our system, the parliament is controlled by the constitutional court, as your system here is sometimes controlled by the Supreme Court, which finds certain legislation against the constitution.

MR. TASPINAR: Last question please.

QUESTIONER: (inaudible), student from Turkey. I'd like to ask a question to Mr. Akyol. In my opinion, there is another dimension of this political events happening in Turkey which is the international part. So we are living in such a political, such a geography, that it's not possible to explain the political events without the international happenings. So, if we look to the history of the Turkish republic, we see that after the Second World War and we enter the NATO and then we pass to the multi-party elections, and now we see that there is now this -- for example -- the policy of the United States in the Middle East, which is the greater Middle East policy, and they call Turkey in many articles that I read and we all know as a moderate Islamic state.

And you told us during your comments that Turkey is getting a democratic state, but if we somehow combine the internal politics and the international politics, we see that Americans showing Turkey as an Islamic state is not a democratization, but an Islamification of Turkey. So it's not democratization, so I'm just -- your comments.

MR. SOYSAL: Well, I don't represent the U.S. government, but I think they have never defined or seen or billed Turkey as an Islamic

republic. I mean, this is a big fuss in Turkey. In the indictment, chief of security uses the point that you mention, says that U.S. is conspiring with AKP to turn into a republic, Islamic republic, which I think is total nonsense. I mean, U.S. officials several times mention Turkey as a good place where you have Islam and democracy together, and they might have used the wrong word, I mean, one accidentally says that Islam and republic blah blah, but U.S. doesn't have a policy like that.

It is interesting that in Turkey, the Islamist, diehard Islamist, is thinking that U.S. is leading a war on Islam, and the diehard secularist is thinking that U.S. is leading a war on secularism. But it can't be true at the same time, but I don't know, people believe in these things. I think U.S. government officials recently said Turkey, Islam, and democracy are compatible. In Turkey, we have such a fear from religion that if you hear Turkey and Islam in the same sentence, we say there must be a conspiracy behind it. I don't think that's a good observation. Turkey is a predominantly Muslim society. It is a secular state. It should remain so. I don't believe in the idea of a religious state. I think Islamic state idea is a bad idea.

I think the state should be neutral towards religions. But an enlightenment state, which imposes modernity on people, is similarly a horrible idea, and I think the state should just respect people's differences, plurality, and so on. In Turkey the problem is that the state never comes

to accepting the point, and it says if you allow people to speak and live according to their life styles and their cultures, then we have a problem. But I think we precisely have a problem because we don't allow people to speak their language, and we didn't for a long time, the Kurds. Or we don't allow people to do their religious practice. If you allow those people, then you can come to a social contract. You can say let's just live in this open free society. That's the only solution. Let's give peace a chance.

QUESTIONER: Can I say a few words without abusing -- I think the fear in this country is, especially after 9/11, is the fear of Islam, Islamist terror. Because people here, and in general in the West, especially in the Christian world, cannot understand how people can blow themselves, die for the sake of jihad and so on, expecting to become sort of prosperous in another world, etc. There is not a rational way of dealing with this, and the West is horrified, does not know exactly what to do in this case, and there is a panic.

So I can sense the expectation of people in this part of the world of some countries, and this may include Turkey, too, to become the example of Islam, which is not finding terrorism or that sort of violence, as a way out of the situations where these countries find themselves and become a model. So this is why this concept of sort of moderate Islamic state is in the minds of some, without calling it as such, and this is how it is interpreted back home by saying what I said just a while ago.

Perhaps there can be, in the minds of the West, of reducing Turkey to become a model for the rest of the world provided that Turkey gives up certain precepts of the Camelist revolution. So becomes less republican, less modernist, less secular, so that the adjustment of the rest of the Islamic world can be made easier by Turkey losing some of the things that it has, or she has, or it has, accomplished up to now. So there is this concession of modernity, of secularism, or republicanism that is -- we sense that is -- what I sense is expectation from this part of the world that Turkey perhaps made a mistake by becoming that modern, that secularist, that anti-religious.

And perhaps if that mistake is corrected, if someone that you cherish here and lives in this country goes back home and shows the example of such modernity of combining Islam with modernity, etc., perhaps this fear of Islamist terror can be stopped. So this may not be the reality, but this is the perception of the people back home when we see that such a person is protected here, such ideas are encouraged, etc. And talking of Malaysia or Tunisia, etc., as examples for the rest of Islam may be behind this reach of converting Turkey into a secular state, but less secular, less modernist, moderate secular, and so on. And perhaps that is the solution to denying the 9/11 problem that you have here.

MR. KOKER: Professor Koker speaking. Well, I want to make some points actually. When I began my presentation, I said

Turkey's a member of the European Council and that membership has been going on for the last six years I think now. And Turkey has a commitment to become a full member of the European Union for the last 50 years despite all the changes in government and military coup d'états, etc. So this means that Turkey's also now carrying out this process of negotiation with the European Union. So this means that Turkey is going to achieve the European standards of democracy and rule of law, in which I mean in the European Union context. Historically, we know that rule of law came first, democracy came later. I mean, one man, one vote and pluralist politics. But now in today's world, rule of law and democracy go together. Without one, the other one becomes impossible.

So rule of law, democracy, and this has to be incorporated together within the principle of a policy which respects cultural and other differences. So this is a matter of change for a nation state, modeled on the 19th century premises, which requires -- to quote the late Ann Skelnif "A sort of marriage between a central political power organization legitimized by a homogeneous national culture." This doesn't exist anymore.

We have differences in society, and we have to incorporate those differences, not only the Islamists or religious identities, we also have ethnic problem. I mean we also have the Kurds and other dissenting groups in Turkey, non-Muslim minorities, their rights and their position in

society. So the Camelism model cannot work within the framework of a democratically oriented rule of law idea in the European Union context. On top of that, secularism in the Turkish context, as Mr. Fako has rightly pointed out, is based on the model put forward first by San Simone in the 19th century, then taken up by the founder of the positivist philosophy by August Comte, and San Simone's group was called New Christianity.

I mean early positivists, original positivists, regarded positivism as a new religion, which would guide the humanity to the future, so 19th century modernity incorporates this idea of positivism as a kind of new religion and the homogeneous ideal nation state. This was what Camelism based itself -- its vision of Turkish politics on. And this is about to change and we, unfortunately, are guardians of this position, and their political position is challenged. I hope the European Union context will become -- will determine the future.

MR. TASPINAR: Please join me in congratulating this panel, which I think showed the polarization in Turkey. Thank you all for coming.

(Applause)

* * * * *