



**DEN NORSKE  
ATLANTERHAVSKOMITE**  
THE NORWEGIAN ATLANTIC COMMITTEE

Security Policy Library

3-2016

## **ERDOĞAN'S TURKEY: AN UNPREDICTABLE PARTNER FOR A DESPERATE EU?**

*Joakim Parslow*

**Joakim Parslow**

is Associate Professor of Middle East Studies at the University of Oslo (UiO), where his currently primary project is "The politics of exceptional law in Turkey, 1930-1980".

Parslow holds a PhD in Near and Middle Eastern Studies from the University of Washington, and a Cand.mag. in Political Science and Turkish and an MA in Turkish Studies from the University of Oslo.

Published by: The Norwegian Atlantic Committee  
Editor: Magnus Vestby Thorsen  
Printed by: Heglands AS, Flekkefjord  
ISSN: 0802-6602

For more information, visit our website: [www.dnak.org](http://www.dnak.org)

# Erdoğan's Turkey: An Unpredictable Partner for a Desperate EU?

*Joakim Parslow*

*Associate Professor of Middle East Studies*

*Institute of Cultural Studies and Oriental Languages, University of Oslo*

The brutal attempt by factions of the Turkish Armed Forces at toppling the government and taking power into their own hands on July 15, 2016 led to a crisis in Turkey's already tense relationship to the EU. The crisis was caused by mutual misunderstandings, some of which were genuine, others manufactured. The genuine misunderstandings stemmed from the growing skepticism among European leaders and media toward the Turkish government's accusations, voiced since at least late 2013, that a "parallel structure" within the state was attempting to undermine and topple Turkey's democratically elected authorities. Although far too little information has been made publicly available regarding the coup attempt this July – and the testimonies that have been published are tarnished by accusations of detainees that are being mistreated in custody – there now appears to be at least some truth in the government's confident assertions that members of Fethullah Gülen's *Hizmet* movement took part in planning and carrying it out.

But the governing Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) is itself partly to blame for the fact that many outside observers questioned its accusations. Even by its own account, the AKP had for years allowed *Hizmet* members to infiltrate the state in an attempt to counterbalance the secularists who viewed the AKP with suspicion and sought to block its entry into the higher echelons of the state. From 2007 to 2012, prosecutors and judges connected to *Hizmet* undertook a series of wide-ranging political trials targeting common enemies of the AKP and *Hizmet*, among them generals and high-ranking officers in the army who were claimed to have formed a "deep state", a criminal conspiracy wielding power behind the scenes. Although many liberals within and outside of Turkey welcomed the trials during their initial phases, the process soon grew out of proportion, shedding credibility with each new journalist and academic added to the increasingly implausible indictments. Meanwhile, the AKP stood

aside, simultaneously offering moral support for the courts while arguing that it could not interfere in the judicial process. Although President Recep Tayyip Erdoğan now discounts his support for *Hizmet*, arguing that he was “duped”, it is not surprising that outside observers chose to hedge their bets when he suddenly began speaking of *Hizmet* as the new fifth column in 2013 and immediately pointed his finger at Fethullah Gülen on the night of July 15, 2016.

These misunderstandings of European leaders, understandable as they may be, were also seized upon and magnified by AKP leaders in the weeks following the coup attempt in order to mobilize Turks across political party lines to rally behind Erdoğan. Apart from a few marginal pundits, there were few outside of Turkey who welcomed the coup attempt. For Erdoğan, however, even a single voice would have sufficed to blame the “West” of supporting the dark forces in Turkey’s midst in their quest to destroy Turkish democracy and replace it with a dictatorial military regime more attuned to Western interests. One important reason for the ease with which Erdoğan can conjure up such an alliance of domestic conspirators and foreign powers is that support for the coup attempt, while clearly a negligibly marginal view, does in fact echo a wider sentiment in the West concerning regimes throughout the Muslim world. As Brynjar Lia has recently argued, the failure of the “Arab Spring” to bring liberal democracy to most of the Middle East has created a kind of “nostalgia” among certain Western observers, who long for the times when countries like Libya and Iraq were governed by unelected dictators-for-life.<sup>1</sup> Although they lacked democratic legitimacy, the thinking goes, these dictators did at least maintain stable enough regimes that foreign governments knew who they were dealing with and could plan accordingly. Such misplaced nostalgia, Lia argues, ignores the fact that the Middle East’s authoritarian regimes both provoked violent opposition at home and knowingly fanned unrest around the world. They were, in short, unpredictable actors.

As I argue in this report, Erdoğan’s manipulation of the post-July 15 process to consolidate his power underlines the folly of such nostalgia. Erdoğan has, through years of intelligent maneuvering, managed to make himself into the center of Turkish politics. Throughout the process, he has claimed that his legislative reforms as well as the

.....

1 Brynjar Lia, “The Arab Mukhabarat State and its ‘Stability’: A Case of Misplaced Nostalgia”. *On The New Middle East Blog*, April 26, 2016. (<https://newmeast.wordpress.com/2016/04/26/the-arab-mukhabarat-state-and-its-stability-a-case-of-misplaced-nostalgia/>)

increasingly repressive censorship and persecution of political opponents of all stripes was ridding Turkey of its authoritarian past and bringing it closer to a European standard of democracy. With roughly 2.7 million refugees from the Syrian civil war straining Turkey's state budget and the EU desperately bargaining to keep them there, the AKP government already had a strong hand in its negotiations to obtain visa-free travel to the Schengen area and an accelerated path toward EU membership—which would amount to giving Turkey's democracy the European 'certificate of approval'. Blaming the EU of supporting the failed coup only intensified the pressure on European leaders, who now find themselves dealing with a government that is ruling through decree laws, making up its own rules as it goes along, and is therefore more unpredictable than ever before.

To understand how Erdoğan has reached a position where he can simultaneously threaten Europe and claim to be a truer version of it, we have to trace his transformation from persecuted activist to uncontested leader. In this report I will describe Erdoğan's path to dominance from the beginning of his first term as Prime Minister in 2002 through the 2016 coup attempt. The lessons to take from this story, I argue, are that Turkey's increasing unpredictability from a European perspective has little to do with the democratization of the Turkish state and the subsequent entry of conservative Muslims into the higher echelons of power. Far from liberalizing the Turkish state, Erdoğan has maintained its authoritarian structure, and is now using it to gather power into his own hands. A Turkey that acts as a "good neighbor" to the EU is therefore not a Turkey that keeps leaders like Erdoğan in prison; it is a Turkey whose state places checks on elected leaders while respecting their right to compete in free and fair elections.

### **Turkey and Europe**

Turkey is an unusual country for at least two reasons. First, it is a majority Muslim country with fundamental historical, cultural and political ties to Europe. Unlike many other majority Muslim countries, Turkey's ties to Europe are not only related to European imperialism from the eighteenth century onward, a history that has forever tainted European influence with memories of brutality and condescension; they also stem from the fact that Turkey is heir to the Ottoman Empire, whose European provinces, which included much of the Balkan Peninsula, held pride of place as its wealthiest and most populous. The Ottoman Empire's capital city was Constantinople, which had since the fourth century been the capital of the Roman Empire itself. When Mehmet II conquered Constantinople in 1453 he

therefore proclaimed himself “Kayser-i Rûm”, the Emperor of Rome. Even in its waning days the empire was known among European great powers as the “sick man of Europe”, not of the east. When the Young Turk regime lost most of the empire’s European provinces in the Balkan Wars (1912-13), the loss was devastating enough that it spurred a military coup which brought an authoritarian-nationalist regime centered on the Turkish language and Islam.

After surviving the subsequent Great War (1914-1918) as well as the Turkish War of Independence (1919-1923) with most of what later became, through the Treaty of Lausanne (1923), the territorial borders of the Republic of Turkey, the state’s leadership cadres returned to the task of Europeanizing their codes and institutions with renewed vigor. Ottoman statesmen, jurists and intellectuals had since the mid-nineteenth century regarded European states as models to be emulated in order to save the culturally heterogeneous Ottoman Empire from collapse. The new republic’s leaders were not burdened with the need to hold the disparate provinces of the empire together and could therefore concentrate on the task of molding Turkey into a fully-fledged member of the European community of nation states. The importation and translation of legal and political concepts and institutional models from the continent accelerated dramatically, carrying with it elements both of nineteenth-century liberal constitutionalism and early-twentieth-century nationalist authoritarianism and *étatisme*. Although the leaders of the Republic of Turkey moved the capital of their new state to the inland Anatolian town of Ankara in 1923, the same year that the republic itself was founded, the fact that Turkey’s cultural and historical center, now officially named Istanbul, lay on both the European and Asian continental shelves was not simply a geographical fact; it was also a constant historical reminder to Turks that they belonged in Europe as much as in the Middle East.



*Panorama of Istanbul, including the historic peninsula and modern skyline, 2012.  
Photo: Ben Morlok (CC BY-SA 2.0)*

After World War II, the mainly educational and diplomatic encounters through which Turkish state leaders and jurists had interacted with European political-legal culture was increasingly accompanied by an institutional layer that provided stability and predictability in Europe's relations to Turkey. Turkish leaders declared war on Nazi Germany in February 1945, late enough to avoid participating in actual combat but just in time to take part in the post-war international order that was emerging with the United States of America and Western Europe as its gravitational center. Turkey was among the founding charter members of the United Nations and joined NATO in 1952, having participated in the Korean War. In addition to entering into important economic frameworks such as the OEEC (1948) and the OECD (1961) and becoming an associate member of the EEC in 1963, the country's leaders signed on to the pivotal organizations and charters that came to define Europe's postwar self-image as union of human rights ideals and legal standards, including membership in the Council of Europe (1949) and accession to the European Convention on Human Rights (ECHR) in 1954. Although the EEC rejected Turkey's application for full membership in 1987, the country did enter into a customs union with the EU in 1996 and was granted the status of candidate member in 1999.

With these anchors ensuring that Turkey's public institutions would evolve in tandem with—if not precisely as true copies of—European institutions, the complex of professions that emerged to populate and run these institutions, as well as the surrounding ecology of businesses, universities, and civil society associations, likewise developed in close cooperation with corresponding formations on the European mainland, from the Council of Bars and Law Societies of Europe and the Erasmus student exchange programme to the European University Association and the European Trade Union Confederation. As a result of these layers of historical, cultural, and institutional ties, Turkey's relationship to the European mainland on which barely three per cent of its territory is located runs much deeper than current national boundaries would suggest.<sup>2</sup>

These ties intensified as the European Court of Human Rights (ECtHR) expanded its own jurisdiction during the 1980s and 1990s, making the ECHR into a cornerstone in Turkish human rights activists' fight for the rule of law.<sup>3</sup> Turkey's postwar democracy was unstable

.....  
2 E.J. Zürcher and H. van den Linden, *The European Union, Turkey and Islam* (Amsterdam: Amsterdam University Press, 2004).

3 Ergun Özbudun and Füsün Türkmen, "Impact of the ECtHR Rulings on Turkey's Democratization: An Evaluation," *Human Rights Quarterly* 35, no. 4 (2013): 985–1008.

and punctured by military coups and persistent abuses by both official and unofficial parts of the security apparatus. The Cold War landscape of political radicalism was occupied by a variety of Marxist groups on the left and ultranationalist and religious groups on the right. Toward the end of the 1970s, the separatist Kurdistan Workers' Party (PKK) emerged from the fragmented left, waging a guerilla war on the Turkish state that began in 1984. Meanwhile, the religious right pursued its goals partly within a parliamentary framework and partly through grassroots activism by groups such as Fethullah Gülen's *Hizmet* movement. The army intervened and altered the institutional framework of Turkey's democracy in 1971 and 1980 to prevent radicals on either side from taking control of the state, in the process interning, torturing and killing thousands. Yet the fact that Turkish state leaders on both sides of the civil-military divide saw Europe as their main point of reference ensured that even the most brutal suspensions of the rule of law had at least to pay lip service to the same ideals and standards to which European states held their public institutions. During the 1990s, in particular, the ECtHR became a focal point of rights activists' efforts to hold state agents to European legal standards and to lift the state of emergency, which was in effect in the southeast during the conflict with the PKK from 1987 to 2002.<sup>4</sup>

Although Turkey's democracy was far from perfect by the turn of the millennium, therefore, institutional ties such as the ECtHR and increasing interest in EU membership ensured that the country's persistent problems were scrutinized and discussed in a European idiom of human rights, administrative transparency and pluralism. The interaction between Turkish and European leaders was increasingly structured by the expectation that Turkish authorities must act on the basis of a truly democratic mandate awarded through free, pluralist and fair elections, and must exercise that mandate within the boundaries of stable institutions and respect for the rule of law. From a European perspective, therefore, a Turkey stable and predictable enough to be considered for membership in the EU would also be a Turkey whose domestic actions were structured by a stable and predictable legal framework.

These expectations were current not just among European observers, but also among Turkish voters, many of whom considered the

.....  
<sup>4</sup> Dilek Kurban and Haldun Güllalp, "A Complicated Affair: Turkey's Kurds and the European Court of Human Rights," in *The European Court of Human Rights: Implementing Strasbourg's Judgments on Domestic Policy*, ed. Dia Anagnostou (Edinburgh: Edinburgh University Press, 2013), 166–87.

largest parties represented in Parliament throughout the 1990s to be hopelessly out of touch with society and too wedded to the tutelary, stodgy and paternalistic state in its many official and unofficial manifestations.<sup>5</sup> With the poorly handled 1999 earthquake and the 2001 financial crisis stretching their trust in those parties past the breaking point, the scene was set for the arrival of a new party more attuned to the ideas and discourses that were being voiced by Turkish civil society.

### **The Rise of the AK Parti**

The emergence of the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) in 2001 spurred renewed debate over the European component of Turkey's identity. The core of the AKP's founding members came from a string of openly Islamist parties led by Necmettin Erbakan who had since the 1970s explicitly cast the European Union as part of a worldwide conspiracy of capitalism, Zionism and colonialism designed to ensure that Turkey's Muslim population would remain subservient to the West.<sup>6</sup> These parties had all been closed, either through military coups or by the Constitutional Court, which argued that they violated the prohibition on using religion as a tool of political mobilization.

The most successful of these parties prior to the AKP was the Welfare Party (*Refah Partisi*), which was founded in 1983 and spent the following decade building a solid following through grassroots outreach, eventually earning enough seats in Parliament to enter into a coalition cabinet with the center-right True Path Party in 1996.<sup>7</sup> It, too, was closed following the army's "postmodern coup" in 1997, when suspected Islamists were purged from all state institutions and the party's immensely popular Istanbul mayor Recep Tayyip Erdoğan was jailed for religious propaganda. It came as a shock to many when the ECtHR itself upheld the closure of the party in 2003 on the grounds that it constituted a threat to Turkish democracy.<sup>8</sup>

.....  
5 Chris Rumford, "Placing Democratization within the Global Frame: Sociological Approaches to Universalism, and Democratic Contestation in Contemporary Turkey," *The Sociological Review* 50, no. 2 (2002).

6 Necmettin Erbakan, *Milli Görüş* (Istanbul: Dergah Yayınları, 1975).

7 Jenny White, *Islamist Mobilization in Turkey. A Study in Vernacular Politics* (Washington, DC: University of Washington Press, 2002).

8 *Refah Partisi and Others v. Turkey*, 13.02.2003.

Two years before the ECtHR reached its decision, a group of leading party members led by Erdoğan realized that the only way to gain a lasting place in Turkish politics was to thoroughly adapt to the standards by which the EU and the ECtHR measured political suitability. In 2001 they founded the AKP and took part in elections the following year with promises of bringing Turkey's public institutions to the European level. The identity shift attracted followers from segments outside of the Islamist parties' core constituencies. Secular liberals and even some leftists hoped that the AKP's emphasis on economic recovery and democratic accountability would liberalize the state and create a more pluralist society.<sup>9</sup> The 2002 general elections swept out all of the parties represented in Parliament and awarded the AKP 363 of the 550 seats, giving it a free hand in carrying out some of the most wide-ranging reforms Turkey had seen since the 1920s. Over the following years Parliament lifted the State of Emergency, abolished the death penalty in peacetime, allowed for public broadcasts and schooling in Kurdish, introduced measures for preventing torture, and more thoroughly incorporated the ECHR into domestic legislation by providing retrials in cases where complaints had been upheld by the ECtHR. By 2005, EU leaders were satisfied that Turkey sufficiently fulfilled the so-called Copenhagen Criteria that membership negotiations could begin.<sup>10</sup>

These reforms were not without their detractors in Turkey. Counter-majoritarian state institutions like the high judiciary and the military had since late-Ottoman times regarded themselves as the *avant garde* of Europeanization, a self-image that had only been strengthened with the transition to democracy in 1950. In the eyes of elite judges and generals, the constant threat from Communists on the left and religious conservatives on the right justified maintaining a corporatist, military-backed state in which the Constitutional Court, the High Educational Council, and the Presidency policed the universities, professional organizations, political parties and Parliament itself, while the General Staff had the final say. To them, the fact that Erdoğan, who had been convicted of religious agitation less than a decade earlier, was now being lauded by European leaders for opening up public institutions to religious pluralism while simultaneously subordinating the security apparatus to civilian

.....  
9 Ziya Öniş and E. Fuat Keyman, "Turkey at the Polls: A New Path Emerges," *Journal of Democracy* 14, no. 2 (2003): 95–107.

10 Joakim Parslow (2007): *Turkish Political Parties and the European Union: How Turkish MPs Frame the Issue of Adapting to EU Conditionality*. ARENA report 7/07. Oslo: ARENA Centre for European Studies.

control constituted a threat to the state's unity as well as to its European identity.

Whatever the merits of such arguments, the AKP, with Prime Minister Erdoğan at the helm, increasingly reacted to the pushback by turning its attention to those parts of the state that stood in the way of its reforms. In April 2007, when the time came for Parliament to elect a president to replace the staunchly secularist Ahmet Necdet Sezer, opponents of the AKP organized mass demonstrations in Turkey's largest cities in defense of the secular republic; meanwhile, the General Staff posted an ominous message on its website, which most observers interpreted as threatening intervention if the AKP had its candidate Abdullah Gül elected. The parliamentary opposition then boycotted the first two rounds of voting and obtained a ruling by the Constitutional Court declaring the votes invalid for lack of quorum. In response, the AKP called for early elections to overcome the deadlock. The snap elections in July 2007 punished the abstaining parties and awarded the AKP with 46 per cent of the vote—the first time since 1954 that a governing party had increased its share of the vote in Turkey—enabling it to elect Gül with the help of deputies from the Nationalist Party.



*Left: The 11th President of Turkey, Abdullah Gül, 2011. Photo: Michal Koziczynski.  
Right: AKP leader Erdogan thanks the people for the result from the 2007 parliamentary elections. Photo: Ekim Caglar (CC 3.0)*

With the ‘veto-happy’ Sezer replaced by a president from the AKPs own founding members, attention turned to the Constitutional Court and the army. In May 2008 the court accepted an indictment claiming that the AKP had become a center for anti-secular activities. In July six of the court’s eleven judges voted to close the AKP, one shy of the seven votes needed for the closure case to succeed. However, the court did punish the AKP by almost unanimously ruling to cut its public funding in half.

Having conquered one of the Turkish state’s anti-majoritarian bastions—the presidency—and barely survived a challenge by another, the AKP now turned to the army, an institution with which the party’s core members had clashed several times in the past. Erdogan was still reeling from his imprisonment following the army’s “postmodern coup” ten years earlier, and thus personally symbolized the victimization of thousands of conservative Muslims who had lost their jobs during the same process. The 2007 snap elections following the General Staff’s threatening statement showed that Erdogan had the backing of voters in his quest to ‘civilianize’ the army leadership, as did the encouragement from European leaders who wished to see a Turkey where elected representatives controlled the military and not the other way around. To subjugate the army without itself being accused of undermining the rule of law, however, the AKP had to tread carefully.

On the formal end of the scale, the government had to proceed securely within the framework of the 1982 Constitution as well as wider principles of democracy and the rule of law. Parliament thus passed a number of amendments during the first two years of AKP rule that brought the National Security Council under civilian rule and removed the army’s representatives on state boards such as the High Educational Council. However, the army still exercised informal influence through its long-standing connections with secularist segments of society, and its well-known propensity to intervene in the political process depended not so much on its formal channels as on the personal inclinations of its top generals. To sideline these powerholders, it was not enough to reduce the army’s formally defined role within the state; specific individuals had to be sidelined.

On the less formal end of the scale, therefore, the AKP also had to significantly alter the balance of power within the state in favor of elected leaders by removing or rendering harmless certain influential individuals or groups, an aim that could potentially have required

violating the constitutional principles underlying the party's legislative efforts. This task proved easier than expected. Far from contradicting each other, the legacy that decades of authoritarian single-party rule (1923-1950) and semi-democracy in the shadow of military coups had left in Turkey's legal and institutional apparatus allowed the AKP to balance incremental legal reforms with increasingly repressive measures against those who stood in its way, and to do so using the very same instruments it claimed to be fighting.

Though the Turkish state already offered the necessary legal and institutional tools, however, the AKP still needed personnel willing to use those tools to pursue the AKP's goals rather than to block them, as anti-majoritarian institutions like the judiciary had traditionally done. In this, it appears very likely that Fethullah Gülen's *Hizmet* movement provided crucial assistance. Gülen began his career as a preacher inspired by the Quran exegeses of Said Nursi (1878-1960), whose charismatic authority had become the basis of a country-wide social network despite attempts by state authorities to repress it. In the 1960s Gülen founded his own school of religious thought, which shared Nursi's distaste for public political life and sought to gain political and social influence through network building. Gülen's message was quite anti-Western until the 1980 *coup d'état*, after which he changed tacks and began promoting a worldview which, at least outwardly, supported the General Staff's priorities: societal depoliticization, neoliberal economic reforms, international trade and globalization, and nationalistic-religious conservatism as a means of preventing radicalization.<sup>11</sup> He also appears to have begun a concerted effort to place his followers throughout the state apparatus, including the Turkish Armed Forces, which jealously guarded entry and promotion within its ranks.<sup>12</sup>

Though these efforts suffered a setback during the purges following 1997 "postmodern coup"—when Gülen himself relocated to the United States and was tried in absentia in a part-military State Security Court—the movement as such appears to have continued growing after the AKP entered government. Although the AKP and

.....

11 Among the first to write about the *Hizmet* movement's pro-state orientation after the 1980 coup was Ruşen Çakır in his book *Ayet ve Slogan. Türkiye'de İslami Oluşumlar* (Istanbul: Metis, 2002), first published in 1990.

12 After the 1971 military coup, the army succeeded in establishing a High Military Administrative Court (*Askeri Yüksek İdare Mahkemesi*) to function as the military equivalent of the Council of State in matters concerning dismissals and promotions within the armed forces.

the *Hizmet* movement had different ideas about how to gain public power—the former preferring party building and elections, the latter behind-the-scenes infiltration—their worldviews were sufficiently similar that they supported each other.

Among the AKP's most celebrated reforms was the removal, in 2004, of the State Security Courts and their replacement with a new category of "Specially Authorized Courts" (*Özel Yetkili Mahkemeler*) whose prosecutors and judges had the power to investigate and punish abuses by high-ranking officials. Several of these jurists appear to have been affiliated with the *Hizmet* movement, and were therefore more than willing to use their mandate to prosecute enemies which Gülen and the AKP had in common. Starting in 2007, therefore, they began investigating a purported organization within the state called *Ergenekon*, which the indictments claimed had been planning to overthrow the AKP government by spreading disinformation and fomenting unrest. As the indictments continued to expand both in the number of suspects and in fantastical detail over the following four years, it became apparent that the trials were in reality a "cleaning-up operation"<sup>13</sup> of influential individuals opposed to the AKP or the Gülen movement. This suspicion was strengthened when the investigations expanded to encompass suspects from the the army's upper ranks as well as investigative reporters who were researching the Gülen movement.

Despite growing criticism both from Turkish and European observers, the *Ergenekon* trials did succeed in rooting out several of the highest-ranking secularists within the army with the AKP government itself seemingly refraining from interfering in the judicial process. Meanwhile, the "Specially Authorized Courts" also turned on other segments of Turkish society that Gülen as well as the AKP saw as standing in the way of their hegemony. The pro-Kurdish movement, whose political party BDP did well in the 2009 local elections, was soon drawn into the maelstrom through the so-called KCK trials, where over 2000 activists, academics, editors and journalists were put on trial on charges of working on behalf of the PKK's urban branch. Like the *Ergenekon* trials, the KCK trials were facilitated by a criminal code which, despite having been passed during the AKPs first two years in government, maintained several of the 1926 code's

.....  
13 Soli Özel, "Afterword," in *Winning Turkey. How America, Europe and Turkey Can Revive a Fading Partnership*, ed. P.H. Gordon and Ö. Taşpınar (Washington, DC: Brookings Institution Press, 2008), 97.

vague provisions regarding participation in criminal conspiracies against the state. The Gülen movement's media channels, including the daily newspapers *Zaman* and English-language *Today's Zaman*, also supported the AKP's campaign for constitutional amendments that provided the party with more control over the High Council of Judges and Prosecutors, which appoints judges and prosecutors throughout the Turkish judiciary; the amendments passed in a referendum in 2010.

### **Pulling up the Ladder**

By 2012, then, the AKP had either sidelined, subordinated, or fended off the Turkish state's anti-majoritarian bastions—the presidency, the Constitutional Court and High Council of Judges and Prosecutors, and the Armed Forces—partly with moral support from European and Turkish liberals who hoped to see a more pluralist and dynamic state replace the tutelary and authoritarian-corporatist state model that had dominated since 1923, and partly with behind-the-scenes assistance from jurists and police investigators connected with, or simply acting on orders from superiors connected with, Fethullah Gülen's *Hizmet* movement. Now the only thing in the way of Erdoğan's dominance was his supporters in the *Hizmet* movement itself; conversely, the only thing standing in the way of the *Hizmet* movement's dominance of the state was Erdoğan and his increasingly close-knit circle of loyal supporters within the AKP.

The first signs of a conflict between the two leaders manifested itself in February 2012, when Sadrettin Sarıkaya, one of the 'specially authorized' prosecutors, subpoenaed the undersecretary of the Turkish intelligence service (MIT), Hakan Fidan, because of his ongoing secret negotiations with the PKK. Fidan was at the time directly subordinated to Prime Minister Erdoğan. Since any wrongdoing on the part of Fidan would have also implicated him, Erdoğan advised Fidan to refuse to be interrogated. He then pushed through legal amendments making any judicial investigation into the head of the MIT dependent on prior approval from the prime minister. Subsequently the High Council of Judges and Prosecutors reassigned over 2300 judges and prosecutors, removing suspected members of *Hizmet* from ongoing cases in the specially authorized courts.<sup>14</sup>

.....

14 For a concise overview of how successive reforms of the criminal justice system allowed the AKP to sideline its opponents, see Joakim Parslow, "Waiting for Turkish Democracy", on *The New Middle East Blog* (<https://newmeast.wordpress.com/2015/11/09/waiting-for-turkish-democracy/>). Sadrettin Sarıkaya is said to have escaped Turkey in October 2015. Sabah, 9 January 2016.

From then on, tension continued to increase. In December 2013, after a summer of anti-government riots had shaken the entire country, another judicial investigation emerged, this time targeting the AKP more directly. In two separate cases—one involving international money laundering to evade the sanctions on Iran, the other corruption in large-scale construction projects—more than 80 individuals were sought, and 52 were taken into custody. Among them were the sons of the minister of the interior, economy minister, and the minister of the environment and urban planning; eventually, even Erdoğan’s son, Bilal Erdoğan, was sought for questioning as a suspect.

Recep Tayyip Erdoğan reacted to the corruption scandal by accusing Gülen’s followers of attempting to stage a “judicial coup.” Over the following months, hundreds of police officers, prosecutors and judges were removed or transferred to different positions in a push to disrupt the network that had apparently been investigating the AKP’s inner circle for months; meanwhile, recordings continued to surface of private telephone conversations purporting to show, among other things, Erdoğan and his son conspiring to hide large sums of money. In June 2014, the government went one step further, removing the Specially Authorized Courts altogether and transferring their jurisdiction to “Regional Heavy Penal Courts” (*Bölge Ağır Ceza Mahkemeleri*) with newly appointed staff. At the same time, a new category of courts, “Criminal Judgeships of Peace” (*Sulh Ceza Hakimliği*), were established and given the job of overseeing “various tasks” that arise in the course of criminal investigations, including ordering detentions and seizing properties of suspects. These single-judge courts, of which only six were established, replaced thirty-eight existing first-instance criminal courts. As opposed to the previous courts, appeals against their decisions would be heard by another court in the same circuit, not by a higher instance; thus the number of judges within the courts’ jurisdiction decreased from ninety-three to only six, a number far easier for the government to control or pressure.<sup>15</sup>

Indeed, over the following months the Criminal Judgeships of Peace became pliant tools in the hands of the government. After August 2014, when Erdoğan became the first president elected by popular vote, the courts busied themselves with arresting individuals accused

.....  
15 A critical analysis of the Criminal Judgeships of Peace can be found (in Turkish) in Kemal Gözler, “Sulh Ceza Hakimlikleri ve Tabii Hakim İlkesi”, in *Güncel Hukuk*, October 2014, pp. 46-49.

of “insulting the President of the Republic”, an offense punishable by prison to five years and four months; they also ordered the arrest of journalists such as Can Dündar, who was accused of espionage because his newspaper had published images of trucks owned by the MIT transporting weapons to Syria. As the parliamentary elections scheduled for June 2015 approached, the courts began seizing media outlets connected to the Gülen movement, including the Koza-İpek Group, a conglomerate of 23 different newspapers and TV channels.

The election of Erdoğan to the presidency by popular vote allowed him to explicitly articulate a claim that had only been murmured among AKP ranks in previous years. The fact that he had been directly elected by the people, Erdoğan claimed, imbued his position with a democratic legitimacy that had been lacking in previous presidents. Whereas the presidency had until now been a primarily symbolic position intended to represent the entire Republic regardless of political view—hence the title *Cumhurbaşkanı*, “President of the People”, and the stipulation that a new president must cut ties to political parties—the new presidency had been given a popular mandate not reflected in the existing Constitution. The powers already granted to the president by the Constitution include, in addition to veto powers such as returning laws to Parliament to be reconsidered or submitting constitutional amendments to a referendum, certain executive functions, but these are largely auxiliary to the council of ministers’ powers and can only be exercised by the president in his capacity as chairman of the council. To upgrade the presidency to a truly executive power, therefore, requires constitutional amendment.

Once a constitutional amendment has been proposed by at least one-third (184) of the Parliament’s 550 members, there are two paths for carrying them out. One is for at least two-thirds of the Parliament (367 members), to vote for the amendments. Unfortunately for Erdoğan the parliamentary elections of June 2015 were the worst in the AKP’s history, providing it with only 258 seats. Thus the AKP fell short not just of enough seats to form a single-party government; it also lacked sufficient seats to follow the second path, which is for at least three-fifths of the General Assembly, 330 members, to vote twice for the amendments, which would then be put to a referendum.

The events that took place after the parliamentary elections rectified the situation somewhat. Coalition talks between the AKP and other parties soon failed, with several analysts claiming that the AKP had no desire to share power. President Erdoğan therefore announced

snap elections to be held on November 1<sup>st</sup>. Already before the June elections the government had cordoned off entire neighborhoods in the predominantly Kurdish southeast, designating them as “temporary security zones” in response to the Kurdish youth militia YDG-H’s declaration of administrative autonomy. After the elections, large-scale security operations began, not just against the YDG-H, but also against the PKK, which was accused of having broken the ceasefire by killing two policemen. In addition, police began arresting local representatives of the pro-Kurdish political party HDP, which had won 80 seats in Parliament and was thus partly to blame for the AKP’s poor showing in the election. Meanwhile, the so-called Islamic State carried out several suicide attacks on the pro-Kurdish movement, in one attack killing over 100 peaceful protesters in Ankara. These attacks served to heighten tensions between the Kurdish movement and the government, as many pro-Kurdish activists accused the AKP of using ISIS as a weapon to crack down on the HDP.

The snap elections in November brought the HDP down from 80 to 59 seats, giving the AKP 317 seats—enough to form a government, but still short of the 330 seats needed to bring constitutional amendment to referendum on its own. To do that, the AKP still needs assistance from MPs outside of its own party. The events of July 15th 2016 appear to have brought it one crucial step closer to obtaining that support.



Left: Anti-coup protesters after the 15 July 2016 coup d'état attempt in Bağcılar, Istanbul, Turkey. Photo: Maurice Flesier (CC BY-SA 4.0). Right: Turkey's 12th President, Recep Tayyip Erdoğan, used FaceTime to phone into a Turkish television network during the coup attempt. Photo: screenshot CNN Türk.

## Conclusion

Although there is still too little information available to draw any certain conclusions about the failed coup attempt in July this year, it is clear that it has provided the AKP with an enemy both indisputably brutal and vague enough in its contours that it can be used as a justification for almost any measure short of re-writing the Constitution. Under the state of emergency declared days after the coup attempt, the council of ministers, meeting under the chairmanship of president Erdoğan, can promulgate decree-laws required by the exigencies that necessitated the state of emergency. These decree-laws cannot, according to the Constitution, be reviewed by the Constitutional Court; several of the decrees issued after July 15 have gone one step further and declared that civil servants carrying out orders pursuant to the decrees cannot be held legally, administratively or financially responsible for their actions, effectively placing the government's powers outside of any legal limitations whatsoever.

As I have argued in this report, this turn toward authoritarian governance has little to do with Erdoğan's religiosity per se, nor can be it explained as a result of an early opening of the democratic floodgates to the unpredictable whims of the masses. Since first coming to power in 2002, Erdoğan has in fact maintained many of the anti-majoritarian institutions and laws that kept politicians like himself on the margins of political life, simultaneously replacing the extended cliques that previously stood in the way of the AKP with networks willing and able to work for it. A judiciary well-versed in European-style legal discourse but operating with very constricted understanding of democracy has made it possible for Erdoğan to argue that he represents a truer form of democracy, even when he is systematically dismantling the very structures that would have made Turkish democracy possible. As a result, Erdoğan is becoming an unpredictable authoritarian much like the Middle Eastern dictators of the twentieth century, one who is capable of speaking the language of self-styled European democrats while at the same time pointing out their democratic failings. The increased unpredictability of Turkey from a European perspective is not, therefore, caused by the ascendance of a conservative Muslim majority in itself. It is instead caused by the current governing clique's successful efforts at dismantling competing power centers and concentrating even more power in the hands of one leader.

## Previous publications in this series:

- 2-2016 Ten Proposition about the US and the Middle East *Steven Simon*
- 1-2016 The Migration Challenge from MENA: considering the EU's struggles *James H. Wylie*
- 4-2015 A Timeline for the Conflict and War in Ukraine *Geir Flikke and Tor Bukkevold*
- 3-2015 Opening speech at the 2015 Leangkollconference *Erna Solberg*  
Prospects for NATO–Russia relations *Alexander Vershbow*
- 2-2015 Fremveksten av autonome droner *Gjert Lage Dyndal*
- 1-2015 Crimea and the Russian-Ukrainian conflict *Anton Alex Bebler*
- 3-2014 Baltikum, Russland og fremtiden *Tor Husby*
- 2-2014 Russlands stormaktsstrategi og Vestens respons *Janne Haaland Matlary*
- 1-2014 What now, little England? Prospects for the forthcoming Scotland and EU referendums. *Øivind Bratberg*
- 4-2013 Konflikten i Syria *Rolf Willy Hansen*
- 3-2013 Polen – et lyspunkt i Europa *Jahn Otto Johansen*
- 2-2013 Hva skjer i Nord-Korea – Asiatisk stabilitet i fare? *Sverre Lodgaard*
- 1-2013 Engaging with Islamists: A new agenda for the policy community *Mona Kanwal Sheikh*
- 3-2012 US Shale Oil Revolution and the geopolitics of Oil *Trygve Refvem*
- 2-2012 NATO's influence in the near abroad *Oktay Bingöl*
- 1-2012 Ungarn – alene og miskjent *Jahn Otto Johansen*
- 4-2011 Conflict or Coincidence of Interest of Main Oil and Gas Importing, Exporting and Transit Countries *Liana Jervalidze*
- 3-2011 Breaking down the remaining walls *Alister Miskimmon*
- 2-2011 Russia in NATO *Charles A. Kupchan*
- 1-2011 Bringing War Home–The use of Provincial Reconstruction Teams by Norway and Denmark to construct strategic narratives for their domestic audiences *Ida Dommersnes*
- 5-2010 Sjøforsvarets historie 1960-2010–En kortversjon *Roald Gjelsten*
- 4-2010 The Tragedy of small power politics *Asle Toje*
- 3-2010 Integrasjon med grenser eller grenseløs integrasjon? *Bjørn Innset*
- 2-2010 Reconciling the nuclear renaissance with disarmament *Alex Bolfrass and Kelsey Hartigan*
- 1-2010 Approaching the comprehensive approach *Dag Kristiansen*
- 3-2009 Turkish Neo-Ottomanism: A turn to the Middle East? *Einar Wigén*
- 2-2009 20 år etter muren *Jahn Otto Johansen*
- 1-2009 Between Reluctance and Necessity: The Utility of Military force in Humanitarian and Development Operations *Robert Egnell*
- 5-2008 Civil-military relations: No Room for Humanitarianism in comprehensive approaches *Stephen Cornish and Marit Glad*
- 4-2008 Tsjekkoslovakia–40 år etter *Jahn Otto Johansen*
- 3-2008 NATO–Moldova/Israel/Ukraine *Dr. Gabanyi, Dr. Kogan, Dr. Begma & Igor Taburets*
- 2-2008 Hearts, minds and guns: the Role of the Armed Forces in the 26st Century *UK Chief of Defence Staff, Air Chief Marshal Sir Jock Stirrup*
- 1-2008 Krav til fremtidens forsvar sett fra unge offiserers ståsted *Tomas Bakke, Kadett Krigsskolen*
- 7-2007 Threats to Progress of Democracy and Long Term Stability in Georgia *Liana Jervalidze*
- 6-2007 Militærmaktens særtrekk i moderne konflikter *Div. forfattere*
- 5-2007 Norge i et Sikkerhetspolitisk Dilemma *Asle Toje*
- 5-2007 EU-staters varierende bidragsvilje til militær intervensjon *Rolf Magnus Holden*
- 4-2007 Defence as the Best Offence? Missile Defences and Nuclear Non-proliferation *Lars Van Dassen and Morten Bremer Mærli*
- 3-2007 Putins Russland–Partner eller utfordrer? *Jahn Otto Johansen*
- 2-2007 Energy and Identity–Readings of Shtokman and NEPG *Jakub M. Godzimirski*
- 1-2007 NATO and the Dialouge of Civilisations *Christopher Cooker*
- 1-2007 NATO planlegger å være relevant–også i fremtiden *Ivar Engan*
- 7-2006 Putins Russland og utenverdenen *Jahn Otto Johansen*

- 6-2006 Ungarn 1956–Et 50-årsminne *Jahn Otto Johansen*
- 5-2006 NATO foran toppmøtet i Riga *Ambassadør Kai Eide*
- 4-2006 Russian energy policy and its challenge to western policy makers *Keith Smith*
- 4-2006 Oil and gas in The High North—A perspective from Norway *Ole Gunnar Austvik*
- 2-2006 EUs sikkerhetspolitiske rolle i internasjonal politikk *Jan Erik Grindheim*
- 1-2006 Fra "Kursk" til "Priz": Ubåtredning som internasjonalt samarbeidsområde *Kristian Åtland*
- 9-2005 Nordisk sikkerhet *Tønne Huitfeldt*
- 8-2005 NATO going global or almost  
The Current Revolution in the Nature of Conflict  
The Fiftieth Anniversary of the Norwegian Atlantic Committee. *Alv Jakob Fostervoll, Jamie Shea, Chris Donnelly*
- 7-2005 Galileo—et europeisk globalt navigasjonssystem *Hans Morten Synstnes*
- 6-2005 Coming home to Europe? Central and Eastern Europe in EU and NATO  
Eastern Europe's silent revolution *Jahn Otto Johansen og Nils Morten Udgaard*
- 5-2005 Det tyske eksperiment *Jahn Otto Johansen*
- 4-2005 The naval Dilemma of the early 26st Century *Hans Olav Stensli*
- 3-2005 What are the strategic challenges faced by Norway in the years to come?  
In the new types of conflict we face, how to define and defend humanitarian space?  
The Norwegian Atlantic Committee's 40th annual Leangkollen Conference. the Nobel Institute. *Jørgen Kosmo and Jonas Gahr Støre*
- 2-2005 The New Geopolitics of the North? *Jakub M. Godzimirski*
- 1-2005 "Global Partnership", russiske ubåter og brukt kjernebrensel – internasjonal koordinering av oppgaver og bidrag  
*Christina Chuen og Ole Reistad*
- 6-2004 Oljens geopolittikk og krigene ved Persiagulfen *Ole Gunnar Austvik*
- 5-2004 Coping with Vulnerabilities and the Modern society *Jan Hovden*
- 4-2004 Forsvarsperspektiver i nord *Jørgen Berggrav*
- 3-2004 NATO og de transatlantiske motsetninger  
-Kortsiktige og langsiktige perspektiver *Jahn Otto Johansen*
- 2-2004 The Role of a Humanitarian Organization in an International Security Operation -  
a Basis for Cooperation or a Basis for Separation? *Jonas Gahr Støre*
- 1-2004 If Effective Transatlantic Security Cooperation is the Question, Is NATO the Answer? *Stanley R. Sloan*
- 6-2003 Frankrike og Irak-krigen: Bare i prinsippenes navn? *Frank Orban*
- 5-2003 Norwegian Priorities for the Extended G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction  
*Asle Toje and Morten Bremer Mærli, NUPI*
- 4-2003 Saddam's Power Base *Major John Andreas Olsen*
- 3-2003 Terroristbekjempelse og folkeretten *Terje Lund*
- 2-2003 Men and Machines in Modern Warfare *General Charles A. Horner (ret.)*
- 1-2003 The Real Weapon of Mass Destruction: Nuclear, biological and chemical warfare in the era of terrorism and "rogue" states  
*Morten Bremer Mærli*





**B** ØKONOMI  
ÉCONOMIQUE



**DEN NORSKE  
ATLANTERHAVSKOMITE**  
THE NORWEGIAN ATLANTIC COMMITTEE

Fridtjof Nansens plass 8

N-0160 Oslo

Tel: +47 22 40 36 00

Fax: +47 22 40 36 10

post@dnak.org

www.dnak.org