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INDIVIDUAL FREEDOMS IN TURKEY

Marc Pierini

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About the Author

Marc Pierini is a visiting scholar at Carnegie Europe, where his research focuses on developments in the Middle East and Turkey from a European perspective. He is also currently a fellow with the Open Society Foundation, Turkey.

Pierini was a career EU diplomat from December 1976 to April 2012. He was EU ambassador to Turkey (2006–2011) as well as EU ambassador to Tunisia and Libya (2002–2006), Syria (1998–2002), and Morocco (1991–1995). He also served as the first coordinator for the Euro-Mediterranean Partnership, or the Barcelona Process, from 1995 to 1998 and was the main negotiator for the release of the Bulgarian hostages from Libya from 2004 to 2007.

He has published three essays in French, “Le Prix de la Liberté,” “Télégrammes Diplomatiques,” and “Où Va la Turquie?”

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Summary

Turkey's ruling Justice and Development Party (AKP) has witnessed economic success and launched major reforms, in particular writing a new constitution, negotiating with the Kurdistan Workers' Party, passing four judicial reform packages, and installing an ombudsman. In sharp contrast, the AKP's exclusive reliance on its election victories for legitimacy and increasingly authoritarian practices in the fields of freedom of cultural expression and coexistence of different lifestyles are at odds with its stated objective of establishing an advanced democracy. Popular discontent with these practices and unending restrictions on media freedom resulted in major protests in May and June 2013.

Key Findings

- The government has introduced more conservative norms in various fields, such as cultural policy, the dress code, education, women's lifestyles, and alcohol sales.
- Freedom of cultural expression of citizens of Kurdish origin has been restricted by the government as part of the conflict between separatist Kurds and the state.
- The government has increased ideologically oriented project funding, imposed its political preferences on arts and culture, and has not consulted with the cultural sector.
- The ruling party has ramped up efforts to impose its own religious-conservative views on society, using the majority it acquired in three successive legislative elections as justification. The coexistence of different lifestyles is not a goal.
- The government has responded to recent protests with a divisive narrative and heavy-handed law-and-order policies. It has used aggressive language against specific people, groups, and institutions both in Turkey and abroad.

Steps Turkey Should Take

Abide by commitments to the Council of Europe on cultural policy. The state should formulate and manage a neutral policy on culture and the arts reflecting Turkey's vast ethnic, linguistic, and religious diversity.

Create a cultural policy workshop. A nongovernmental-organization-driven forum composed of cultural associations, filmmakers, civil society organizations, academics, and other cultural actors should be created. It would allow all concerned stakeholders to freely discuss cultural issues, to define an agreed upon concept for Turkey's cultural policy, and to consult on issues of tolerance and coexistence in this field.

Prioritize a policy that supports tolerance and the coexistence of lifestyles. In a liberal-democracy framework, the ruling party should avoid imposing its preferred lifestyle and value system on the entire society and recognize that diversity benefits the country.

Create a culture of dialogue and consensus. Legitimacy that stems solely from ballot-box results is not sustainable in an advanced democracy. Dialogue and consensus should be built systematically at local and national levels.

Preface

In any democracy, the success of the rule-of-law infrastructure is dependent upon the ways in which the daily issues of democracy are handled. These issues range from freedom of the press to accommodating cultural or religious differences, as well as issues linked to individual lifestyles.

My first paper, “Press Freedom in Turkey,” was issued in January 2013. This follow-up paper addresses two additional issues linked to individual freedoms: freedom of cultural expression and coexistence of different lifestyles. Taken together, I consider these three issues as central to the advancement of democracy in Turkey. Recent protests in May and June 2013 illustrated how central they are considered to be by a large segment of the population.

Research for this paper was conducted between February and July 2013 during five visits to Turkey, including some 40 meetings with various stakeholders in different sectors: academia, think tanks, cultural circles, the media, the ruling party, and the government. It was mostly written before the Taksim Square protests, was adjusted subsequently to take them into account, and was finalized on August 2, 2013.

Introduction

Turkey’s ruling Justice and Development Party (AKP) has won three consecutive elections in 2002, 2007, and 2011, has formed single-party governments, and is committed to establishing “advanced democracy” in the country. Since 2002, the AKP has launched a large number of reforms and has been able to build upon the economic policies of its immediate predecessor. Intense work is under way on several major pieces of the country’s “democratic infrastructure,” such as writing a new constitution, negotiating a peace agreement with the Kurdistan Workers’ Party (PKK), passing a fourth judicial reform package, and installing an ombudsman. Yet, the government has been criticized for restricting media and cultural freedoms and for interfering with private lives, as well as for its lack of consultation with civil society and divergence from European Union norms.

In recent history, Turkey was often governed under the army’s influence. Military coups overthrew civilian leaders in 1960, 1971, and 1980, while a military memorandum was issued in 1997 to precipitate the resignation of the prime minister and an “e-coup” was launched in 2007 when the army General Staff posted a statement on its website criticizing the presidential election process. The current constitution has been in force since 1982 and was inherited from

the 1980 coup. Some analysts argue that, despite many recent changes, the fabric of Turkish society dates back to the 1980s: fear of the state is deeply imbedded, the government declares rather than effectively consults, and collective bargaining and civil society dialogue have no real place in the country's management.

Yet, successive AKP governments have lifted many of Turkey's traditional taboos. The role of the military in politics has been challenged and gradually eliminated. The concept of "Turkishness" has been modified in the Turkish Penal Code. The cultural identity of citizens of Kurdish origin has been recognized and negotiations are under way with the PKK—which is considered a terrorist organization by Turkey, the EU, and the United States—to end decades of bloodshed in a conflict over Kurdish autonomy. This negotiation, by its very existence, amounts to a modification of the hitherto immovable concept of a "unitary state."

However, major issues with media, cultural, and personal freedoms persist. From a liberal democracy perspective, the solution is not found exclusively in the ballot box for the simple reason that such solutions do not depend solely on legislative changes but also on the day-to-day management, at the national or local level, of differences of views among citizens. In modern and diverse societies,

**Conducting inclusive forms of dialogue
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part of advancing democracy.**

conducting inclusive forms of dialogue and building consensus is an essential part of advancing democracy. This is especially true in Turkey, which is quite diverse in terms of beliefs, religious practices, and lifestyles.

The European Union's Charter of Fundamental Rights provides a valid basis for evaluating Turkey's positions on these issues since the country is engaged in accession negotiations with the EU and will eventually adhere to the charter.

The code establishes principles related to the right to liberty and security; respect for private and family life; freedom of thought, conscience, and religion; freedom of expression and information; freedom of assembly and of association; freedom of the arts and sciences; and respect for cultural, religious, and linguistic diversity.

Similarly, the Council of Europe offers relevant texts to measure freedom of cultural expression. As a member of the Council of Europe, Turkey adheres to the main principles held by that institution in cultural matters. Those principles include respect for identity; the promotion of cultural diversity and intercultural dialogue; respect for freedom of expression, association, and opinion; the support of creativity; the promotion of cultural participation; and the democratization of culture. These are the accepted benchmarks for Turkey's cultural policy, and they may provide solutions to many of the conflicts over the freedom of cultural expression.

By European standards, many of the changes Turkey has undergone represent advances toward democracy, at least as long as a balance is struck among the various segments of society and their specific preferences. Yet,

in bringing about this change, and maybe unwillingly so, the AKP government has crossed over a new frontier. The citizens of Turkey have overcome their traditional submissiveness to the state. Civil society is more active, many nongovernmental organizations (NGOs) have been created, striking workers have become more demanding, artists criticize both the state and their private sponsors, and the youth is more rebellious and imaginative.

Turkey is not the only state undergoing a transition, of course. During the last decade, change has come to the countries of the Arab world, Brazil, Spain, and more. Although these countries cannot be directly compared, their citizens are behaving similarly, daring to protest their rulers. These citizens have introduced a new form of direct democratic expression to their societies that is unrelated to the political sphere. In Turkey in particular, the protests around the Taksim Square and Gezi Park renovation project are a telling illustration of this popular groundswell.

In this new socioeconomic context, there is a sharp contrast between the AKP's political and economic successes and its increasingly authoritarian practices in the areas of cultural expression and tolerance of different lifestyles. Turkish society is polarized. Protesters confront what *Today's Zaman* columnist İhsan Dağı has described as “postmodern authoritarianism,” defined as a framework in which “the majority legislates a particular way of life and uses the state apparatus to impose its choice of morality, lifestyle and values system.”¹ Contacts with the arts and cultural communities in Turkey have very much confirmed this view.

Since the AKP, in power alone for more than ten years, has increasingly used religious concepts and terminology in the formulation and implementation of its policies, it would be tempting to summarize the debate on freedom of cultural expression and coexistence of lifestyles as a tension between secularism and religious conservatism. But the debate is much broader than secularist political parties and nationalist movements. What is at stake is the issue of fundamental freedoms in the daily life of Turkish citizens and the limits on an elected government's way to exercise authority.

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Freedom of Cultural Expression

Contrary to freedom of the press, in Turkey, freedom of cultural expression—a concept extensively defined by international organizations such as the United Nations Educational, Scientific, and Cultural Organization (UNESCO) and the Council of Europe—is not extensively monitored by a large array of NGOs and is not the subject of regular reports. Evidence is scarce, research is minimal, and public events on the issue are few and far between.

In Turkey, only a few organizations deal directly or indirectly with the subject matter: Anadolu Kültür, Antenna, BiaNet, Bilgi University, the Black Ribbon Project (Siyah Bant), Boğazıcı University, the Istanbul Arts and Culture Foundation (IKSV), as well as a few blogs and individual researchers or activists. International actors such as UNESCO, the Council of Europe, and the European Union are involved in monitoring developments in the field of freedom of cultural expression. International NGOs such as Art Freedom, the Art Newspaper, Cultural Exchange Turkey-Netherlands, Index, Pen International, and Red Thread are also active in this field.

The risk posed by this dearth of coverage is that any research into freedom of cultural expression in Turkey will give prominence to anecdotal evidence as opposed to analytical findings. Nevertheless, this paper represents an attempt to collect available evidence—from existing research, media, interviews with stakeholders, governmental statements, and more—in a systematic manner and to provide a coherent assessment of the situation.

Freedom of cultural expression can be separated into two sets of issues: those related to the Kurds and those related to the relationship between the state and culture. These two subjects take center stage because, in the available literature and in the research conducted for this paper, they are the recurrent sources of incidents and complaints about freedom of cultural expression.

The Kurdish Dimension

For several decades, Turkey has been confronted with terrorist acts perpetrated by members of the Kurdish ethnic group pushing for a degree of autonomy from the Turkish state. Until the end of 2012, no political negotiation process between the government and the Kurds had been successfully initiated. As was the case with media freedom, the conflict has impacted the freedom of cultural expression.

For a long time, the Turkish government has censored books, banned artists from performing, and taken legal action to limit Kurds' freedom of cultural expression. A large proportion of all such actions undertaken in Turkey is related to antiterrorism legislation and is directed against the Kurdish segment of the population or those allegedly linked to the PKK.

Traditionally, Article 301 of the Turkish Penal Code dealing with the notion of “insulting Turkishness” (the broad meaning of “Turkishness” is “being a Turk”) was the main vehicle by which the Turkish government interfered with the freedom of cultural expression. It was reformed in 2008 (“Turkishness” was replaced by “the Turkish nation”) and its use now requires prior authorization from the Ministry of Justice. However, other legislative tools remain available.

As stated by Professor Banu Karaca in a book entitled *New Perspectives on Turkey*: “While Article 301 seems to have outlived its function, leaving nonetheless a trail of intimidation, other articles of the Turkish criminal law punishing ‘separatist expressions,’ for instance, remain active and are open for

promiscuous use. Together with police interventions, financial and personal threats and the like, they present a repertoire for delegitimizing and discouraging certain kinds of expressions, or their public circulation.”²

As is the case with press freedom, the provisions of the Turkish Criminal Code (Article 314) and the Anti-Terror Law (mainly Articles 5 and 7) constitute the main bases for censorship or prosecution. The Law on Meetings and Demonstrations (no. 2911) is also used.

This situation has been documented by researchers. For example, Pelin Basaran, director of the Black Ribbon Project,³ commented that in April 2012

a criminal lawsuit was brought against 13 members of the first Kurdish music group and the only Kurdish theatre company in [the city of] Batman . . . for violation of “Law no. 2911 on Meetings and Demonstrations” on the grounds that they held a demonstration by participating in Newroz celebrations [the Kurdish new year festival], issued a press statement, and inflamed the public with erbane [a tambourine with disks] that they sang along with. The court sentenced them to the punishment of “non-performance of art.

The author points to similar charges of “propagandizing for the terrorist organization” or “being a member of the organization,” the word “organization” referring to the outlawed PKK.

Until recently, the government held the view that support for terrorism could come from the arts and culture domain. In a speech in November 2011, then Turkish minister of the interior Idris Naim Şahin said: “There is a backyard that feeds terrorism. In other words, there is propaganda, terrorist propaganda. . . . What kind of support are they delivering? Perhaps they are reflecting it on a canvas with a painting. Reflects it in his/her poetry, writes here and there, writes daily articles in columns.”⁴ The authorities and the artistic community strongly disagree about which activities are to be considered artistic and which fall under the scope of propaganda for, or membership in, a terrorist organization, which is similar to the situation with press freedom.

Even after the initiation of peace discussions between the state and the PKK, difficulties remain. During the 2013 Newroz celebration, a singer, Niyazi Koyuncu, was met with protests on social media for singing in Laz (the language of the Black Sea region) and participating in a Kurdish festival. Several artists supported him with statements such as: “Arts and artists stand for peace for humanity. With this commitment in Diyarbakır, Niyazi Koyuncu was on the stage saying we do not have to speak the same language to understand one another, which is our sentiment.”⁵

It remains to be seen if the current peace negotiations between the government and the PKK will succeed in bringing about a consensus on cultural issues. Undoubtedly, education in the mother tongue and artistic expression in the Kurdish language will be of central relevance.

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The Relationship Between the State and Culture

Turkey has always had a strong tradition of state management of public policies and funding. Hence, the relationship between the state and culture has long been a sensitive one, although never one of very high relative importance. During recent months, a number of public decisions in the cultural sector have increasingly stirred up uneasiness and unrest.

Public Theaters

In April and May 2013, a major dispute erupted over public subsidies provided for theaters—both municipal and national—reflecting the cultural clash between the ruling party and the art elite, especially in Istanbul. Turkey has 30 national theaters and Istanbul alone has nearly 100 municipal theaters. Until the spring of 2013, all of those theaters received public subsidies in a pattern similar to most European theaters. However, as reported in April 2013, the Istanbul mayor “amended the regulations of the City Theaters, which are run by the Metropolitan Municipality, to increase the influence of civil servants in selecting the repertoire and to better control the artistic content of the theater.”⁶

Subsequently, Prime Minister Recep Tayyip Erdoğan announced the privatization of theaters. Referring to those protesting the move, the prime minister asked: “They have started to insult us and all conservatives over a change in the City Theaters regulations. . . . Who are you? From where do you get the authority to express opinions on every issue, to argue that you are the only eligible person to know everything? Are theaters your monopoly in this country? Are arts your monopoly? These days are gone.” He went on, “You can play on your theaters freely after privatization. If there is a need for support, then we as the government can sponsor plays that we want.”⁷

Reactions from the art sector have been biting. In May 2013, an NGO, Arts Freedom, commented: “Arts organisations described the attack as a ‘pointless witch hunt,’ pointing out that the theatre is subsidized in almost every developed country and that Turkey’s theatres are the fullest in Europe, thanks to low prices and a most traditional repertoire that appeals to conservative and religious audiences in the governing AK party’s Anatolian heartland.”⁸ The president of the Theater Critics Association, Üstün Akmen, declared, “Privatizing theaters means cultural murder. Look at the world, are the English National Theater and the French Comédie Française privatized associations? No, they are not.”⁹

The Black Ribbon Project’s Pelin Basaran also commented on the state’s interference with the theaters’ repertoire: “Instead of determining and remedying content and organizational problems of theatres working in affiliation with it, through a regulation that it suddenly put in effect excluding the main actors from the solution process, the state changed the organizational

structure and shifted the function of creating a repertoire from the art director to a bureaucrat appointed by the state.¹⁰

This reorganization of public subsidies to theaters was in a way directly linked to the government's cultural preferences, and importantly, the state did not consult with theater professionals (such as managers, actors' unions, theater critics, and academics) before making its decision. These steps were a marked departure from the practice of developed countries and led to a substantial reduction in funds for public theaters in Turkey. All in all, this episode effectively introduced limits to the freedom of cultural expression.

Television

The television sector is not exempt from difficulties either. At a more anecdotal, but still politically significant, level the widely publicized troubles encountered by the soap opera *The Magnificent Century* are revealing. Advertised in December 2010 and aired for the first time in January 2011, the show led to nearly 75,000 complaints being filed with the Radio and Television Supreme Council (RTUK).¹¹ On January 12, 2011, the council issued a warning to the television station airing the program on the grounds that it "broadcasted a program that was contrary to the national and moral values of the society."¹² The RTUK's warning constituted a form of intimidation that, later on, resulted in the story line of the series being modified.

The show, based on the life of Suleiman the Magnificent, the Ottoman sultan, is immensely successful with some 150 million viewers in Turkey, the Balkans, the Middle East and North Africa, and Russia. It has earned substantial revenues and benefited Turkey's international image.

Time magazine described the program: "Crammed with trinkets, eunuchs, wine, giggly harem girls, seduction and intrigue, *Magnificent Century*, a Turkish soap opera on the life and reign of Suleiman the Magnificent . . . might at times appear gaudy, predictable and rife with historical inaccuracies. To the show's estimated 150 million viewers, . . . however, it's nothing more than good entertainment. To Turkey's Prime Minister Recep Tayyip Erdoğan, though, it's blasphemy."¹³

According to the Turkish prime minister, "This is not the Suleiman we know. . . . Before my nation, I condemn both the director of this series and the owner of the television station. We have already alerted the authorities and we are awaiting a judicial decision."¹⁴ The prime minister's statement attracted worldwide attention, as it revealed a direct intervention of the state into freedom of cultural expression. It was followed by the removal of the show from Turkish Airlines' in-flight entertainment program.

Today's Zaman columnist İhsan Dağı wrote: "What we see in this anecdote [the problems encountered by the TV series] is that an 'imagined history' with values attached to it is imposed not only on the producers of the series but on

the society at large by the apparatus of the state. This exemplifies ‘constructing a new society’ according to the ‘image’ the powerful hold in their mind.”¹⁵

Art in Public Spaces

In Turkey, debate and discussion about art in public spaces is in many respects uncharted territory. The issue is extremely sensitive, as illustrated by the controversy about the demolition of a statue in Kars symbolizing Turkish-Armenian friendship. Despite the fact that the statue was commissioned by the local authorities, it was demolished in 2011.¹⁶

Yet, there are some examples of instances in which dialogue about public artwork has had positive effects. A 2009–2011 project entitled “My City,” part of the EU-Turkey Cultural Bridges program, attempted to encourage debate by engaging EU and Turkish artists, policymakers, local officials, and local people in discussions about various topics. The themes included the tradition of using public space for the good of the community, the role of cultural programming in regenerating cities, and the role of politicians and local government in the development of cultural identities. David Codling, “My City” project director,¹⁷ says:

In every society public space is a zone of contention. . . . Sometimes there are uncertainties and disputes about ownership of a particular site or about the uses to which it can be put. Commercial interests seek to invade, colonise or intrude on public spaces and to influence not only how we move through them but how we look at them.

Book Censorship

Book censorship in Turkey appears to be a complex mix of issues. The recently implemented third judicial reform package allowed for lifting the censorship of some 458 books and more than 645 other publications. However, citizens challenged the reversal of the censorship of some of the books, such as John Steinbeck’s *Of Mice and Men* and José Mauro de Vasconcelos’ *My Sweet Orange Tree*.¹⁸ Those legal actions were condemned by the Ministry of Culture and Tourism because both books are on the education ministry’s recommended reading list.

During a visit to Istanbul, the president of PEN International, John Ralston Saul, summarized his assessment of the situation in November 2012:

For several years, PEN witnessed the declining number of writers either in prison in Turkey or caught up in endless and personally destructive legal mazes. . . . Then, abruptly, the arrests began again, the pre-trial detentions, the dragged-out trials, the cases suspended in order to leave writers in limbo. Worse still, we have seen the Anti-Terror Law increasingly used with a lack of rigor. This in turn has led to writers and publishers—who in our carefully researched and considered opinions have nothing to do with terrorism—becoming the

unwitting victims of myriad legal traps. In other words, the law is being used to limit freedom of expression.

A researcher, Emin Karaca, published a survey of book censorship in Turkey under the title “Look what happened to these books!”¹⁹ According to Karaca, around 20,000 books remain censored by the authorities.

State Funding and Management of the Arts

The issue of funding cultural activities remains of concern in Turkey. The Ministry of Culture and Tourism gets a minuscule proportion of the government’s budget—on average 0.5 percent of the total state budget for the period 2012–2015—and only 20 percent of the ministry’s budget is allocated to cultural activities and programs.

Banu Karaca argues that

contemporary art in Turkey has developed largely outside the patronage of the state, and maybe even despite the state. It is not only the fact [that] neither the Ministry of Culture and Tourism nor local government agencies have established standing provisions to support independent arts spaces and artistic production through public monies, but that contemporary artists have—by and large—rejected any dealings with the state, including voicing demands for more funding and support.²⁰

As a result, private sponsorship of cultural activities and museums has become a major financial vehicle in Turkey. The best-known examples are the IKSVM, which runs major festivals in the fields of cinema, theater, music, and jazz, as well as a contemporary art biennial; the Istanbul Modern Art Museum; and the Sakip Sabancı Museum. Major private business holdings and banks are the main funders of arts activities and cultural venues.

There are still issues with this type of funding, however. Recently, a group of cultural activists challenged the choices made for the IKSVM’s current Istanbul Biennial. They alleged restrictions that private sponsors placed on freedom of cultural expression because of their business dealings with the AKP government—a conflict of interest that is also apparent in the media.

In addition, Turkey has issues regarding the management of cultural activities and programs by the state because of the long-standing, strong role of the state and the record of the current government. Cultural stakeholders (including associations, producers, filmmakers, and actors) describe the AKP government as considering the field of arts and culture primarily as an “economic sector,” giving priority to physical infrastructure rather than to the creation of art and exchanges among artists, and privileging forms of art that glorify the Ottoman past and represent the country’s religious heritage.

Banu Karaca states that “cultural policy officials have seemingly felt uncomfortable with contemporary artistic production and have frequently confined themselves to the rather narrow definition of traditional arts, and in the past

few years to heritage-based flagship restoration projects.”²¹ These considerations raise the question of whether such policy management has limited freedom of cultural expression by allocating public money to selected forms of art.

At present, a draft law is pending before parliament that aims to create a Turkish Art Council (TÜSAK) meant to evaluate all public funding provided to art projects. This seems to encompass the elimination of recurrent state subsidies to state theaters, opera companies, ballet companies, and symphony orchestras, as a new eleven-member board appointed by the government will choose which theaters, cinemas, ballets, or operas will receive state funds. These measures triggered protests from members of these professions, including street demonstrations such as the one in Istanbul on May 25, 2013.

Cultural Policy

Unlike many members of the Council of Europe, Turkey does not have a formal document defining its cultural policy in line with international standards. Several laws have been introduced since the proclamation of the republic in 1923, and a document entitled “2010–2014 Strategic Plan of the Ministry of Culture and Tourism” was published in late 2010. The document is based on the notion of “national culture” dating back to 1923, but it introduces noteworthy new elements, such as “cultural diversity within national unity” and the participation of civil society organizations in the definition of cultural policy.

As stated by Serhan Ada, associate professor at Bilgi University, at a 2011 conference at the university: “In the course of the history of the republic, Turkey’s cultural policy has evolved through various stages. During this time, Turkey never had a written cultural policy, nor a comprehensive document providing directions for cultural life. Our cultural policy existed by default.”²² The conference provided an occasion for the nongovernmental cultural milieu to propose its views on what a cultural policy should be: “As non-governmental organizations, . . . we . . . began working on a report ourselves which reflected our views and positions—while adhering to the systematic structure of the Council of Europe—as if the duty of preparing the report had been assigned to us.”²³

At the same conference, Osman Kavala, chairman of the board of the NGO Anadolu Kültür, declared:

We believe that the support and participation of non-governmental organizations in a project aimed at identifying problems and coming up with solutions for resolving them, will contribute to the elaboration of public policies. We also hope that these and other non-governmental institutions will play an active role in the public debate around these proposals.²⁴

The issue of Turkey’s implementation of international standards is central to the making of cultural policy.

In 2008, the Turkish Ministry of Culture and Tourism initiated a voluntary national cultural policy review within the Council of Europe. According to the council's procedures, the review encompasses the aims and outcomes of Turkey's cultural policy, the models upon which it is based, and an analysis of trends and potential.

The review resulted in the production of two documents: a Council of Europe "experts' report," which has been finalized but not yet published, and a government-produced "national background report" that will be submitted to the Council of Europe. On May 27, 2013, the Council of Europe's Steering Committee for Culture, Heritage, and Landscape heard a so-called interim presentation by the Turkish authorities. The national background report is expected to be presented at the autumn session of the Steering Committee's Bureau, a smaller structure that meets more often.

How to Make Progress on Freedom of Cultural Expression

Advancements in freedom of cultural expression in Turkey are most likely to be made on four primary fronts: the Kurdish peace negotiations, the new constitution, the role of the state, and international cultural policy standards.

Negotiations with the Kurds are a game changer for freedom of cultural expression in Turkey. Although the precise outcome of the process is far from predictable at this stage, negotiations cannot reach a successful conclusion without substantial improvements in the cultural rights of citizens of Kurdish origin, especially on issues such as the provision of education in the Kurdish language; the use of the Kurdish language in dealings with the state (some provisions are in place to make this a reality); the right to use the Kurdish language in public events, publications, and performances (some of this is already possible); and a degree of decentralization of administrative decisions. All these changes will affect the domain of arts and culture and will have repercussions in the legislative and regulatory fields.

Similarly, changes in the legislative environment such as the implementation of the fourth judicial reform package and related amendments to the Turkish Penal Code, the Anti-Terror Law, and the Law on the Media should reflect the new political arrangements stemming from the Kurdish peace negotiations. If necessary, additional measures should be implemented as part of a fifth judicial reform package.

The new constitution under discussion in the Turkish parliament will also have to reflect the new political reality stemming from the Kurdish peace negotiations. However, the cultural aspects of the new constitution are more far-reaching than the Kurdish issue. They concern the entire society and touch upon deeply rooted issues, such as secularism and religious conservatism.

Culture has not featured prominently in the constitutional discussions in parliament. This is why the IKSU has proposed a draft article on the right to take part in, access, and contribute to cultural life, based on United Nations

principles. In particular, the article relies on the principle that cultural rights are an integral part of human rights. Important notions are covered by the draft article, such as the “respect of individuals’ cultural identity and their choice to identify or not with a community,” the “protection, improvement, and enrichment of cultural heritage with all its diversity,” the “protection and promotion of cultural diversity,” and the “cultural rights” of minorities. The text has been sent to parliament.

The relevance of this article will be gauged by the way in which the government and the parliament discuss the text during the drafting and adoption process for the new constitution. In addition to discussions with lawmakers and

The concept of a “culturally neutral” state not only corresponds to international practice but is also in harmony with the rich mix of ethnicities, languages, beliefs, and lifestyles that characterize Turkey.

the Ministry of Culture and Tourism, it is recommended that public discussions of this draft article take place outside the context of the constitutional drafting exercise so all relevant stakeholders are included in the process.

The role of the government in cultural affairs is another central issue. In the Western concept of democracy, the government should provide a broad framework for arts and culture, but it should remain a neutral facilitator rather than becoming a cultural actor deciding which forms of culture are representative of the country. Such a concept

of a “culturally neutral” state not only corresponds to international practice but is also in harmony with the rich mix of ethnicities, languages, beliefs, and lifestyles that characterize Turkey.

The management of cultural diversity and the funding of cultural activities are complex endeavors. The processes involve a vast domain of material and immaterial cultural heritage (including religious heritage), the creation of culture, and the availability of funding mechanisms as well as actors from the state, civil society, and the private sector. What makes the establishment of cultural freedom particularly difficult in Turkey is the Turkish state’s traditionally major role in defining public policies and the tendency to decide unilaterally more than entertain a dialogue with stakeholders. Moreover, public funding plays an extremely small part in cultural activities, and the current government tends to give priority to its own views on societal issues, including cultural issues.

According to EU and Council of Europe norms, in managing cultural diversity, the state should refrain from imposing a given vision and operate through inclusive consultation mechanisms. Several considerations factor into this process:²⁵

- Culture requires exchanges, discussions, and openness to differences, within and beyond each social group, society, and country.
- Culture is, by definition, a civil society issue: it requires pluralism, freedom of initiative, and freedom of expression; cultural projects should not be driven by political or specific interest considerations.

- Cultural projects should give priority to organizing people-to-people contacts and to illustrating diversity and coexistence. By staying away from politics and by remaining close to the “real people,” cultural initiatives will play a full role in the development of society.
- Cultural initiatives need both public and private funding. The funding should not come with strings attached and should preserve, even guarantee, the freedom of artistic expression.
- The government plays a multifaceted role: providing artistic and cultural education, supporting cultural initiatives, and securing the appropriate regulatory framework.

Abiding by international cultural policy standards is an important step in the development of Turkey’s cultural policy. In this respect, the Council of Europe’s Cultural Policy Review currently under way is a milestone. When the debate on Turkey’s cultural policy occurs in the autumn of this year, the Turkish government’s position on issues such as respect for identity, the promotion of cultural diversity, intercultural dialogue, respect for freedom of expression, the support of creativity, and cultural democracy will be watched closely by international observers.

In addition, Turkey has signed but not yet ratified the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. The convention creates conditions for cultures to “freely interact in a mutually beneficial manner.”²⁶ If ratified, the convention would provide internationally recognized principles to inform the formulation of Turkey’s cultural policy and provide benchmarks to measure progress in this area.

One useful step that could be taken to make progress would be to set up a nongovernmental cultural policy workshop composed of cultural actors and operators (for instance, members of cultural associations, producers, filmmakers, and actors), civil society organizations, academics, and representatives of the private sector with the participation of the Ministry of Culture and Tourism. This platform should be led by a small group of civil society organizations with established expertise in the sector, and it could also include foreign observers so Turkish society can benefit from best practices. The prime objectives of such a platform should be to facilitate a free discussion of cultural issues among all stakeholders concerned, help define an agreed upon concept for Turkey’s cultural policy, and provide a venue for consultations on issues of tolerance and coexistence in the field of culture. Such an initiative would ease many of the tensions illustrated by the recent Gezi Park protest movement.

These issues of tolerance and coexistence of differences stretch beyond the realm of culture into other domains that impact people’s lifestyles. At base, this is about the state remaining neutral when it comes to the private lives of its citizens.

Managing the Coexistence of Different Lifestyles

The definition and enforcement of social and moral norms in Turkey is not a new subject in the country's domestic political debate. But it is one that has evolved drastically during the last ninety years. Issues of personal freedom when it comes to lifestyle choices have come more visibly to the fore during the last ten years. These issues include the treatment of specific groups, such as the Kurds; Roma; and lesbian, gay, bisexual, and transgender Turkish citizens.

Between the proclamation of the republic in 1923 and the beginning of AKP rule in 2002, most social and moral norms were the result of Kemalism, which included as one of its basic tenets the Westernization of Turkey. The difference in lifestyles was managed along strictly secularist lines.

In the early years of the republic, Turkey's first president, Mustafa Kemal Atatürk, introduced major changes: a new alphabet, new family names, a European dress code, European-style social habits regarding culture and alcohol, a sense of belonging defined by the word "Turkishness," and a strong definition of a "unitary state" as a reaction to the dismantlement of the Ottoman Empire. In many ways, a new Turkish identity was formed. From then on, Turkey lived through some eighty years of rigorously monitored secularism. A permanent feature was the glorification of Atatürk himself, while insult toward Atatürk, the army, or "Turkishness" was promptly sanctioned.

After the Islamist-rooted AKP rose to power, it changed these norms in a gradual manner, with a noticeable acceleration in 2011 in the promotion of conservative values and lifestyles. Recently, an important novelty has appeared in the AKP's political narrative: words such as "revenge" or "these days are over" have been used publicly by AKP personalities, while references have been made to the perceived "oppression" of the conservatives by the secularists.

The main issue at hand is whether, since 2002 and the AKP's entry into power, there has been a trend toward the Islamization of society. The issue was for a long time one of perceptions. But recently, legislative steps have been taken that chip away at the hitherto prevailing concept of state secularism, while the country's leadership has increasingly used religious concepts in its political narrative and religious justifications for its decisions.

Since legislative elections in June 2011, developments affecting lifestyles have been frequent but were usually disconnected from one another. Apart from the passing of two laws (on education reform and limiting the sale of alcohol to a certain time of day) and two administrative rulings (that banned the wearing headscarves at universities and in courts), information on developments is scattered and research is almost nonexistent. These issues are, however, of great political significance and can be seen as part of the underlying discontent that led to the Taksim protests of May and June 2013.

Dress Code

Whether women should be banned from wearing headscarves in public institutions has long been debated in Turkey. Generally speaking, wearing a headscarf was prohibited in all public universities and administrations. In 2007, the AKP government submitted a constitutional amendment that would allow headscarves to be worn by redefining the regulations of public services outlined in Article 10 and the restrictions on the right to education outlined in Article 42. In February 2008, the amendment was adopted by the Turkish parliament by a 411 to 103 vote.²⁷

After an appeal by the opposition, the constitutional court annulled the parliament's proposed amendment in June 2008. It concluded that lifting the ban ran counter to the founding principles of the constitution. A ruling by the constitutional court is final.

However, in a landmark decision in October 2010, the higher education board ruled that Istanbul University should stop professors from expelling veiled female students from classrooms. Although some universities and professors still insist on implementing the ban, which is legally still in effect, the board's decision effectively stopped its application. This issue of great significance was actually resolved outside the framework of the constitution.

For many, the lifting of the ban was seen as progress for a woman's right to education irrespective of religious beliefs and behaviors. Secularist circles at the time requested that parallel guarantees should be given by the state to secular women to protect them against pressure to wear the headscarf. This request was not heeded by the government, which argued that the constitution guarantees secularism.

A parallel evolution was seen in courts, where women are normally prohibited from appearing with a headscarf. However, in January 2013, the Council of State (Turkey's highest administrative court) revoked the ban on wearing the headscarf in judicial institutions, and for the first time, a female lawyer wore her headscarf during a hearing in an Istanbul court.²⁸ The court noted that the practice of law, although a public service, is a private business in the way it is conducted: "Since the profession has codes of practice of its own, practicing law is not seen within the definition of public service. Putting the profession under the codes of practice of state employees just on the grounds that lawyers provide a public service would not comply with the qualities and standards of the profession."

Beyond the courts and as a follow-up to the January 2013 ruling, in February the confederation of public servants' trade unions (Memur-Sen) collected 12.3 million signatures against the ban on wearing headscarves in public areas. In March, the organization launched a civil disobedience campaign, with some female teachers wearing headscarves in their classrooms.²⁹ However, the right to wear a headscarf was contested in an Ankara court in March 2013.

In practice, the headscarf ban has been substantially watered down during the last five years. The country's new constitution is expected to set a broader framework to ease tensions over the issue.

Sale of Alcohol

The sale of alcohol has traditionally been debated primarily at the local and municipal levels. During the last three years, there has been a gradual trend toward banning the sale and consumption of alcoholic beverages.

In 2010, a sharp increase in taxes on alcoholic beverages was introduced. In May 2011, a regulation was issued by the Turkish Tobacco and Alcohol Market Regulatory Authority prohibiting alcohol producers from sponsoring sporting events and festivals or advertising campaigns. The same regulation stopped the sale of tobacco and alcohol in vending machines.³⁰

In June 2013, a new law came into effect banning retailers from selling alcoholic beverages between the hours of 10:00 p.m. and 6:00 a.m. (accompanied by fines of up to 500,000 Turkish lira, or over \$250,000, for violations). The law also further restricted companies selling alcoholic beverages from advertising and sponsoring certain activities, required the placement of warning notices on all liquor bottles, and raised the penalties for drunk-driving. New licenses for alcohol sales will require facilities selling alcoholic beverages to be located more than 100 meters away from religious and educational buildings.

In a number of public statements, the government has cited health, safety, and protection of youth as justification for the measures, arguing that it is also moving Turkish regulations closer to the restrictive laws that apply to countries in the European Union as well as the United States. Critics, nevertheless, point to a “new moral order” being introduced by the AKP since statistics do not depict a society put at risk by alcohol: only 6 percent of Turkish households consume alcohol, and only 1.4 percent of traffic accidents were related to alcohol in 2012.

The issue seems to be not so much the restrictions on sales in themselves, nor the health considerations, but the speedy manner in which the changes have been introduced and the justifications given in defending the stricter measures. For instance, Prime Minister Erdoğan queried, “Why should a law that is commanded by religion be rejected?”³¹

Some observers have referred to the changes as “Alcohol McCarthyism.” As columnist Semih İdiz wrote in May 2013: “the zeal with which the campaign against alcohol is conducted—in a country where alcohol consumption is below international averages—with the prime minister, Erdoğan, throwing his full weight behind the campaign, has secular Turks wondering where their country is headed.”³²

The Government's Unease With Social Media

Social media plays a central part in democratic societies, but it is not fully accepted by the authorities and parts of society in Turkey. For instance, in April 2013, world-renowned pianist Fazıl Say was indicted and sentenced to a ten-month suspended jail term for re-tweeting a verse of an Omar Khayyam poem that is considered an insult to Islam by some. Expressing his own views, the minister of culture and tourism, Ömer Çelik, was quoted as saying: “I would not wish anyone to be put on trial for words that have been expressed. This is especially true for artists and cultural figures.”³³ In addition to his jail sentence, the artist received hostile mail and phone calls.

In the wake of the Taksim protests, authorities declared in June 2013 that Twitter was a “scourge” and launched investigations into the use of Twitter and Facebook during the crisis. They also announced the preparation of a restrictive law on the use of social media. Previous experience has shown that such tough policies can hardly defeat the inventiveness of users and the rapid evolution of technology.

Tough policies can hardly defeat the inventiveness of social media users and the rapid evolution of technology.

Infringements on Citizens' Privacy

Recently, the government has made statements recommending that women have at least three children and characterizing abortion as a crime. Reactions to the statements focused essentially on the fact that much of the incitement came from the prime minister himself in the form of a personal and moral injunction about the conduct of women's private lives.

An education reform law passed in 2012 changed the structure of religious education schools (*imam hatips*) and more importantly promoted a particular type of belief system—the Sunni-Hanafi doctrine. This was interpreted by those who belong to other branches of Islam as a state decision to support a single faith group and as running counter to the principle of equality. The issue of religion in education is immensely complex and is mentioned here as an example of what some Turkish citizens describe as the state's lack of respect for their individual beliefs.

Other incidents have illustrated Turkish society's uneasiness with moves, real or assumed, by authorities to impose more conservative standards on citizens' private lives. These incidents include the ban imposed on “displays of affection in public places,” the presumed directives to Turkish Airlines' female employees to use only pale shades of lipstick, and the same airline's reported attempt to provide female employees with more conservative uniforms.

Such developments may seem inconsequential to observers outside of Turkey, yet they are immensely significant to entire segments of the Turkish population.

Secularism in the Constitution

At a more general level, a recent ruling by the constitutional court pointed to a possible evolution of the legal definition of secularism:

According to the hardline understanding of secularism, religion is a concept that should be reflected only in the conscience of people and definitely should be separated from the public and social field. The more flexible or liberal interpretation of secularism in contrast is based on the assumption that religion has both individual and public dimensions. This understanding of secularism doesn't confine religion to the inner world of the individual. Religion is seen as [an] important element of the individual and collective identity. This understanding allows the social visibility of religion. In a secular political system, individual religious choices and the lives shaped by those choices are outside [the] state's intervention but under [the] state's protection. Thus, secularism is the insurance of religious and conscience freedom.³⁴

This ruling signaled at least an attempt to depart from the decades-long definition of secularism in Turkey. Although it was only one ruling on one issue, it was labeled a “revolutionary change in the definition of secularism” by *Hürriyet* columnist Taha Akyol.³⁵

On the issue of coexistence, the president of the constitutional court, Hasan Kılıç, adopted a conciliatory line in a speech on May 30, 2013:

The democratic system has been defined as the most courageous regime of all, not only because it allows opinions which do not arouse interest or concern, but also because it allows those which hurt and shock the society. The limit for these voices is to avoid the path of terror, pressure, violence or insult. Voices remaining within these limits will not only strengthen the democratic state of law's immune system but will also positively affect the coexistence of differences.³⁶

Advancing the Acceptance of Different Lifestyles

The current debate on how different lifestyles can coexist in Turkey raises a number of questions. Are social and moral norms rightly stemming from the ruling political party or should they be the result of societal consensus? Should the key objective in a diverse society be the organization of tolerance and coexistence? And how compatible is the current trend toward “majoritarianism” in Turkey with the country's membership in the Council of Europe and its bid for membership in the European Union?

In many ways, Turkish society is undergoing a renewed phase of acute polarization, which is exacerbated by the forthcoming municipal and presidential elections of 2014 and the legislative elections of 2015. The popular protests about the Taksim Square and Gezi Park renovation have come to vividly illustrate preexisting tensions. Their expansion to nearly all 81 provinces in Turkey shows that dissatisfaction with the Turkish government is widespread.

In such a delicate context, societal issues deserve to be handled in a sensible and forward-looking manner.

In recent months, analysts have drawn a parallel between the “Kemalist era” and the “AKP era.” “Previously the law was used to protect secular idols. Today it is being used to protect religion and its idols. The basic instinct to restrict freedom of expression, when the subject matter is considered sacrosanct, remains,” wrote Semih İdiz. The author continued, “The institutionalized culture of intolerance is alive in Turkey” and warned of “a looming clash of civilizations” in the country.³⁷ Similarly, *Today’s Zaman* columnist İhsan Dağlı wrote:

The inheritance of Islamism in the AK Party is still the prevailing belief that a new society is possible, a new society constructed by the state apparatus according to a set of imagined values. This is not any different from the social engineering Kemalism has implemented in Turkey. So if the Kemalist conducted and achieved a social engineering project in Turkey, why not the AK Party?³⁸

On the other side of the coin, conservative politicians have repeatedly argued that the ruling party was brought to power by way of free and fair elections, and that the ballot box is the only way in which political preferences should be expressed. They add that conservative values have been suppressed since the proclamation of the republic and that this era is over.

Due to the absence of a credible challenge from the political opposition, the notion of “majoritarianism” and the intrusion of the governing party’s ideology into private lives are now considered even more worrying for the secularist portion of the population. This is what led to the feelings of rejection expressed during the Taksim protests: the segments of Turkish society that are not conservative refuse to be “force-fed” conservative norms. Attempts to try to install conservative norms have led to social unrest, major economic disruption, and substantial tensions within the conservative camp. In addition, authoritative conservative personalities have recognized the legitimacy of these different voices as well as the notion of diversity in the society.

In such a context, the central question is whether the governing party is contemplating a form of organized coexistence or to impose its preferred lifestyle and value system on the entire society. In the latter option, it would do so with the sole justification that the current electoral system gives it a majority of seats in parliament.

The AKP has without doubt gained the upper hand at the ballot box. However, it can be argued that ballot-box democracy is only one part of democracy and that civic dialogue represents its indispensable complement. In addition, it is clear that even without an opposition party effectively defending

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respect for different values, Turkey's civil society is intent on expressing its opposition to decisions that are forced upon it.

From a Western perspective, the coexistence and tolerance of different ethnicities, beliefs, and lifestyles in a diverse society should remain a key objective in order to achieve social harmony.

Looking at a way forward, it can be argued that, with its tradition of centralized government, where state authorities have long had a predominant say in the conduct of public affairs, Turkey is not well equipped to nurture social consensus. This puts a huge responsibility on the governing party, opposition parties, and civil society organizations.

The governing party has seen that ignoring the different leanings of large segments of the population has a price, both political and economic, even if doing so does not put its electoral supremacy in jeopardy. Whether it will draw lessons from that experience remains an open question at this stage.

As in any democracy, Turkish opposition parties have a role to play in providing the public at large with alternative proposals and should promote them vigorously through dialogue with interested parties. This implies that they must grasp the new trends in the society.

Civil society organizations have a specific role to play in channeling the new expressions of protest into a nonviolent form of political demands. This can be done at the local level, as exemplified by the "Taksim Platform" that brought together groups and activists opposed to the square and park renovation; at the sector level in the form of a cultural policy workshop, for instance; or at the national level.

In this effort, Turkey's civil society will face a number of challenges, such as learning how to deal with a government unaccustomed to handling strong civil society organizations or nurturing an effective consensus among numerous and diverse stakeholders. Recent historical experience, not unique to Turkey, shows that liberal forces tend to be so democratic and individualistic in their thinking that it is difficult to form a united front. They risk prioritizing sheer protest over effective influence.

Conclusion

Most of these issues related to freedom of cultural expression and coexistence of lifestyles have been playing out behind the scenes in Turkish politics for many years. Recently, after protests erupted in Taksim Square, what was simmering discontent morphed into a new political situation in Turkey. The reality is now lasting opposition to the governing party's ideology.

This situation is in part the product of a large segment of society's clear refusal to be force-fed societal norms by the conservative government. It also stems from the government's choice to oppose rather than engage in dialogue with the protesters, which in turn makes the upheaval last longer. And the

wedge that the government has driven between itself and its Western allies in terms of democratic concepts is a factor as well—with potential consequences on the international stage.

Today, few Turkey observers would dispute the statement that the government has become more authoritarian, politics have become more majoritarian, and values have become more religiously conservative. This is apparent in the areas of both freedom of cultural expression and the acceptance of different lifestyles.

For a long time, Turkey's political pendulum was on the side of Kemalist ideology. The rise to power of the AKP swung the pendulum to the side of religious-conservative ideology. Both Kemalism and the AKP era have constituted cultural revolutions of sorts for Turkey. But the world has changed significantly in the past ninety years. Thanks to globalization and social media, Turkey is integrated in the wider world. Citizens are better educated and better equipped to exert their own political judgments. And, most importantly, during the Taksim crisis, liberal citizens have demonstrated how attached they are to liberal values, how fearless they have become in the face of repression, and how resilient they intend to be in the defense of their beliefs. The question now is whether political and social mechanisms will succeed in bringing the pendulum to a point of equilibrium that all segments of society can accept or whether the pendulum will stay at an extreme. The upcoming elections in 2014 (municipal and presidential) and 2015 (legislative) will be the first gauge of which way society will go.

Internationally, an open, pluralistic, and tolerant society is essential for Turkey to be considered a full member of the first league of world democracies. The substantial loss of international prestige by the AKP government in the wake of its response to civilian protests is a signal that Turkey is perceived as attempting to distance itself from the Western world. Such a trend has severe consequences not only domestically and diplomatically, but also economically because Turkey has suddenly appeared to be a potentially less reliable partner to international business.

And this is key because to fuel its ambitious economic objectives and to make up for its insufficient natural resources and domestic savings, Turkey needs steady inflows of foreign capital. It only has a temporary competitive advantage in today's industrial world, its innovation and technological capacities are limited, and its demographics are ineluctably on the decline. In such a context, Turkey's performance is dependent on the judgment made by international investors, banks, and rating agencies about its democratic credentials and social landscape, not just its macroeconomic prospects.

Turkey is similar to the Western world in its geography and economic outlook and its stated willingness to improve its democratic credentials. Turkey

An open, pluralistic, and tolerant society is essential for Turkey to be considered a full member of the first league of world democracies.

is affiliated with multiple international organizations. It is a member of the United Nations, the North Atlantic Treaty Organization, UNESCO, and the Council of Europe and therefore has a political obligation to respect the norms to which it has subscribed. As a country negotiating its accession to the EU, Turkey also has a number of commitments to respect and reforms to make. As a consequence of this network of relations, Turkey's government is not expected to decide on freedom of cultural expression, social norms, and behaviors all by itself, but rather to build consensus around these issues through meaningful consultations with all stakeholders. Yet, its response to recent popular protests, based mostly on inflaming societal cleavages and executing repressive law-and-order policies, is not in line with Western values.

Turkey's domestic stability, economic performance, and influence in world affairs will be linked to the choices it will make in the coming two years. Whether its political leadership wants to continue to rely on polarization and repression, and to create distance rather than rapprochement between the country and its main Western partners, remains an open question at this stage.

The U.S. relationship with Turkey is traditionally based on security issues and devotes relatively less attention to governance issues. In June and July 2013, Washington signaled that substandard fundamental liberties in a strategically allied country are a serious cause for concern. The EU, for its part, might be tempted to interrupt Turkey's accession negotiations with the union on the grounds that the Turkish government has now adopted a policy on fundamental values that is at odds with its principles. At the same time, the EU can hardly ignore the political fact that a very large segment of the Turkish population is strongly adhering to these fundamental values.

The novelty of Turkey's political life is the emergence of a strong civilian movement in response to the government's authoritarian practices. The movement's broad message is that the ballot box is not enough; the government should also respect individual preferences. The months ahead will reveal whether this message is heeded or ignored by the governing party.

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