

2009

## Turkey: At the Crossroads of Secular West and Traditional East

Padideh Ala'i

Follow this and additional works at: <http://digitalcommons.wcl.american.edu/auilr>



Part of the [International Law Commons](#)

---

### Recommended Citation

Ala'i, Padideh. "Turkey: At the Crossroads of Secular West and Traditional East." *American University International Law Review* 24, no. 4 (2009): 679-684.

This Article is brought to you for free and open access by the Washington College of Law Journals & Law Reviews at Digital Commons @ American University Washington College of Law. It has been accepted for inclusion in *American University International Law Review* by an authorized administrator of Digital Commons @ American University Washington College of Law. For more information, please contact [fbrown@wcl.american.edu](mailto:fbrown@wcl.american.edu).

## CONFERENCE

# TURKEY: AT THE CROSSROADS OF SECULAR WEST AND TRADITIONAL EAST

## INTRODUCTION

PADIDEH ALA'I\*

Turkey has always been at the crossroads of the East and the West in terms of both geography and national identity. Today, as the world faces growing tensions between secular ideals and an assertion of Islamic identity, Turkey is even more important as the country struggles to reconcile the ideals of “secularism”<sup>1</sup> with Islam. On one hand, the current Islamist government of Turkey is portrayed as an example of a “modern” and “moderate” Islam that should be welcomed by the West.<sup>2</sup> On the other hand, many inside and outside of Turkey view the rise of Islamist support as a betrayal of Turkey’s secularist and modernist roots.<sup>3</sup> Additionally, those who oppose

---

\* Professor of Law and Acting Director of the International Legal Studies Program (2009), Washington College of Law, American University. The author wishes to thank Dean Claudio Grossman for his financial support of the conference on Turkey in January 2008 at which the papers on Turkey published in this volume were presented.

1. The Turkish Constitution guarantees that the country remains secular, Article 2 states: “The Republic of Turkey is a democratic, secular and social state governed by the rule of law; bearing in mind the concepts of public peace, national solidarity and justice; respecting human rights; loyal to the nationalism of Atatürk . . . .” CONSTITUTION OF THE REPUBLIC OF TURKEY art. 2.

2. See John O’Sullivan, Editorial, *A Perfect Storm Threatens to Swamp Turkey*, CHI. SUN-TIMES, May 8, 2007, at 29 (arguing that the Justice and Development Party (“AKP”) is “the equivalent of any socially conservative Christian Democrat Party in Western Europe” and a favorable alternative to the Turkish army).

3. See Editorial, *How Islamist is Turkey? Flags, Veils & Shari’ah*, THE ECONOMIST, July 17, 2008, available at [http://www.economist.com/opinion/display\\_story.cfm?story\\_id=11745570](http://www.economist.com/opinion/display_story.cfm?story_id=11745570) (discussing the suit brought by Turkey’s

Turkey's accession to the European Union view the support for an Islamist government as further validation of the view that Turkey has been and always will be a nation of Muslims with stronger ties to the Islamic nations of the region than to Europe. As such, it is argued that Turkey and its proposed accession to the European Union is incompatible with and poses a threat to the European Christian identity.<sup>4</sup>

On January 9, 2008, the American University Washington College of Law ("WCL") held a one day conference entitled: *Turkey: At the Crossroads of Secular West and Traditional East* (the Conference). This conference was an outgrowth of conversations I had with Dean Haluk Kabaalio lu of Yeditepe University Faculty of Law, the pre-eminent Turkish expert on E.U. law and E.U.-Turkish relations, while in Turkey as part of the WCL-Turkey Summer Law Program.<sup>5</sup> The aim of the conference was three-fold: (1) address the legacy of Mustafa Kamal Ataturk, the founder of modern Turkey; (2) discuss the question of Turkish accession to the European Union and more generally the evolving relationship of Turkey with Europe and the United States; and finally, (3) provide a forum for a discussion of the current tensions in Turkey between the ideal of secularism and assertions of Islamic identity. All three goals highlight Turkey's unique status as a country caught between the secular west and the traditional east with the potential to serve as a *bridge* and/or a *battleground* between the two.

Three articles published in this volume, written by Fernanda Nicola, Catherine Ross and Rachel Rebouché, generally address E.U.-Turkey relations. Also participating at the Conference were: Feroz Ahmad (Yeditepe University); Haluk Kabaalio lu (Yeditepe University); Gianmaria Ajani (Turin University); Mustafa Aksakal (American University, Department of History); Ambassador Clovis Maksoud (Center for Global South, American University); Bulent Aliriza (Director, Turkey Project, Center for Strategic and

---

chief prosecutor seeking to disband the AKP for allegedly "seeking to establish an Islamic theocracy").

4. Editorial, *Saying No to Turkey*, N.Y. TIMES, Aug. 15, 2004, at 4 (opposing efforts by members of the Vatican to block Turkey's accession to the European Union because "Europe is Christian, so Turkey doesn't belong").

5. The Summer Law Program in Turkey enables students to study a variety of topics and gain a better understanding of social and political developments in the Middle East. For more information, see <http://www.wcl.american.edu/turkey/>.

International Studies (CSIS)); Tülin Dalo lu (Washington Times Columnist); Düden Ye eno lu (Union of Chambers and Commodity Exchanges of Turkey); Soner Çagaptay (Washington Institute of Near Eastern Policy); Claudio Pinto (EU Commission Delegation, Trade Section, Political Counselor); and Ayse Kadayifci-Orellana (American University, School of International Service).

At the Conference, historian Feroz Ahmad distinguished between “laicism”—concerning “state control over religion”—and “secularism”—about separation of church (or mosque) and state.<sup>6</sup> Ahmad stated that the founder of modern Turkey, Mustafa Kemal Atatürk, believed in laicism since Atatürk wanted to prevent the use of Islam to stifle progress by maintaining a patriarchal society. Kemalists were not against Islam and, to the contrary, maintained that they were restoring true Islam by taking it away from the hands of superstitious reactionary mullahs (clergy). According to Ahmad, a “lai” government transfers leadership from “the ignorant to the enlightened” and for Atatürk this meant transforming a patriarchal society into a modern one. Turkey today is not in danger of becoming another Iran because of its different history and religious tradition; however, Ahmad recognized there is a real danger that Turkey will see a resurgence of the patriarchy fought against by Atatürk.<sup>7</sup>

In reference to the compatibility of Islam with secular, liberal, democratic forms of government, Ahmad argues that such incompatibility is a result of Wahabi/Salafi ideas of Islam propagated by the Saudi government and arising from U.S. opposition to and fear of Arab nationalism.<sup>8</sup> By 1957 the United States perceived Arab nationalism as the greatest threat to its interest in the region, rather

---

6. Webcast, *Turkey: At the Crossroads of Secular West and Traditional East*, American University, Washington College of Law (Jan. 9, 2008), <http://www.wcl.american.edu/secle/video.cfm>.

7. See *id.* for complete comments. See FERUZ AHMAD, *THE MAKING OF MODERN TURKEY* (1993), for more information on the modern Turkish state and choices facing its leaders.

8. Salafism is often practiced by those seeking a more "authentic" version of Islam and places emphasis on imitating the Prophet Muhammed and the manner in which Islam was practiced in the 7th Century. See Caryle Murphy, *For Conservative Muslims, Goal of Isolation a Challenge*, WASH. POST, Sept. 5, 2006, at A1 (highlighting the efforts of Washington-area Salafis to isolate themselves from secular society). Wahhabism is a Saudi-specific version of Salafism, financed and encouraged by the government of Saudi Arabia. *Id.*

than communism, and that “Islam was to be the antidote to [Arab] nationalism.”<sup>9</sup> According to Professor Ahmad, up until this time Arab nationalism was “essentially secular and had succeeded in reconciling Islam and nationalism.” It is Professor Ahmad’s view that during the 1960s and 1970s the Saudis used their money to transform the very character of Islam by financing Wahabi Islam around the world.<sup>10</sup> The face of this political Islam, according to Professor Ahmad, was to call for social and economic change and it reached its peak when the Soviets invaded Afghanistan in December 1978 marking the “launching of an ‘international jihad’ through Pakistan.” According to Professor Ahmad, the Iranian revolution further threatened the Wahabi Islam promoted by the Saudi government and led to the current power struggle between the Saudi-funded and Iranian-funded Islamic movements for influence in the Islamic world. It is Ahmad’s view that “an Islamic identity [is] consistent with secularism as understood in Western liberal democracies” and that the problem is one of “recent making” resulting from the “infection” of Islam by Wahabism.<sup>11</sup>

The three articles published in this volume all demonstrate the difficulties that Turkey will face should it continue to aspire to be a member of the European Union. Fernanda Nicola does a wonderful job recounting the story of Turkey’s long and difficult path towards E.U. membership, demonstrating the contradictory and conflicted treatment of Turkey by the European Union. Nicola argues that given all that Turkey has done in preparation for accession, the failure of the European Union to live up to its promises allows for the use of the doctrine of promissory estoppel.<sup>12</sup> Specifically, Nicola discusses the case of *Yeda Tarim* where the Turkish claimants argued that they suffered a number of financial losses with entry into force of the E.U.-Turkey Customs Union in 1996. Nicola argues that such damage was created because of the “macroeconomic imbalance” that

---

9. *Id.*; see also NCS 5820/1: U.S. Policy Towards the Near East (Nov. 4, 1958).

10. Written notes from historian Feroz Ahmad, Yeditepe University (on file with author).

11. *Id.* For a more detailed discussion of Turkey’s modern tensions between religion and secularity, see FERAZ AHMAD, *TURKEY: THE QUEST FOR IDENTITY* (2003).

12. Fernanda G. Nicola, *Promises of Accession: Reassessing the Turkey-EU Trade Relationship*, 24 AM. U. INT’L L. REV. 741 (2009).

was created by the failure of the EU to provide the promised aid to Turkey.

Nicola's views on the accession process and the European failures to live up to its promises were also discussed by Dean Kabaalio lu at the Conference. Kabaalio lu argued that Turkey has done a great deal to comply with the requirements of the accession imposed on it by the European Union and that from Turkey's perspective the end game had never been to only create a customs union with the European Union.<sup>13</sup> Kabaalio lu warned against any form of "special relationship" status for Turkey, as suggested by French President Sarkozy, in lieu of full E.U. membership. He warned that such a "special relationship" resolution would be a mistake as it would not "fully anchor Turkey in the European Union."

Catherine Ross argues in her article that problems of Turkish integration into Europe will persist even if Turkey *does* accede to the EU. In her article, Ross looks at the experience of Turkish immigrants in Germany where they account for 2.4% of the population.<sup>14</sup> Ross's article shows that the educational system in Germany has disproportionately excluded Turkish youth born or living in Germany from access to university education and that the differential treatment accorded training in Islam (as opposed to Christians, humanists (non-religious), and Jews) in the public school curriculum is only making assimilation and upward mobility even more difficult. Ross concludes that "despite recent progress legal and cultural barriers continue to inhibit the assimilation of German Turks into mainstream German society."<sup>15</sup>

Rachel Rebouché's article looks at the treatment of Turkey's ban on the wearing of headscarves which was upheld by the European Court of Human Rights in the case *Şahin v. Turkey*. In analyzing the court's decision in that case, Rebouché demonstrates how both the proponents and the opponents of the headscarf ban have used the concept of substantive gender equality.<sup>16</sup> Rebouché demonstrates the

---

13. Webcast, from the conference *Turkey: At the Crossroads of Secular West and Traditional East*, American University, Washington College of Law (Jan. 9, 2008), <http://www.wcl.american.edu/secle/video.cfm>.

14. Catherine Ross, *Perennial Outsiders: The Educational Experience of Turkish Youth in Germany*, 24 AM. U. INT'L L. REV. 685 (2009).

15. *Id.* at 687.

16. Rebouche distinguishes between substantive equality and classic or formal equality by stating that: "Substantive equality . . . is concerned that laws and

problems with applying substantive equality to the headscarf debate in Turkey given that the European court accepted one version of women's experience to the negation of the another based on what Rebouché sees as 'scant reasoning'. The article also does a masterful job of summarizing the history of the Women's Movement in Turkey from the time of Ataturk to the present, including Turkey's accession to the U.N. Convention on the Elimination of All Forms Discrimination against Women and the ongoing battle on the issue of headscarves inside Turkey. Rebouché's article shows how dominant visions of gender equality are being challenged in Turkey, when increasingly, urban and educated young women "choose" to wear the headscarf. This new phenomenon is particularly significant given that historically women have been viewed by the Kemalists as protectors of secularism and Kemalist reforms granted women rights "as a means to strike at the foundations of religious hegemony."<sup>17</sup> Ultimately, the articles in this volume and the remarks made at the Conference generally make us ask: What do all these recent changes both inside Turkey and internationally portend for Ataturk's Turkey or for Turkey's European aspirations?

---

customary practices do not diminish women's access to societal goods or perpetuate discrimination." Rachel Rebouche, *The Substance of Substance Equality: Gender Equality and Turkey's Headscarf Debate*, 24 AM. U. INT'L L. REV. 714 (2009).

17. *Id.* at 729 (quoting Pinar Ilkcaracan, Women for Women's Human Rights, *A Brief Overview of Women's Movement(s) in Turkey (and the Influence of Political Discourses)*, at 5, Sept. 1997).