Turkey:

Constitutional Clash Rocks Regime

by Alan Makovsky **(/experts/alan-makovsky)**

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Brief Analysis

Last week, a seemingly arcane argument produced a political crisis in Turkey that set back, at least temporarily, the government's longstanding anti-Islamist campaign. What began as a dispute over constitutional interpretation of presidential powers embittered relations between the nation's two top officials-President Ahmet Necdet Sezer and Prime Minister Bulent Ecevit-to an unprecedented and potentially destabilizing degree. For the moment, the quarrel has resulted in an Ecevit stand-down and a popular if tentative victory for a novice president. In blocking the Ecevit government's anti-Islamist decree, Sezer probably was motivated more by "rule of law" considerations than by misgivings about the state's assault on Islamism.

Background. The dispute began late last month when the Ecevit-led three-party ruling coalition approved a draft decree intended to facilitate the firing of civil servants deemed to have Islamist or separatist leanings. With parliament in recess, cabinet-approved decrees generally have legal force. They require presidential signature, however, and Sezer wouldn't go along. Chief justice of Turkey's constitutional court before being elevated to the presidency in a parliamentary vote in May, Sezer insisted that such thoroughgoing change in civil service law required legislation passed by parliament rather than a mere decree issued by the government. Twice he returned the draft decree to the government unsigned. Ecevit had claimed Sezer was constitutionally required to sign and angrily warned of a serious, if unspecified, "crisis" if the president did not do so.

The leaders of Ecevit's coalition ultimately waved the white flag, announcing on August 22 that they would submit the substance of the draft decree to parliamentary approval-as Sezer insisted-when parliament reconvenes in October. In their statement, the leaders accused the president of undermining the state's struggle against fundamentalism and separatist terrorism.

The matter didn't completely end there. The following day, the powerful National Security Council (NSC) recharged the atmosphere. It convened under Sezer's chairmanship and announced "complete agreement" among its members (the five top military commanders, Sezer, Ecevit, and three cabinet officers) on the "urgency" of a "swift" removal of public officials involved in fundamentalist and separatist movements. Military views normally dominate the decisions of the NSC, whose recommendations almost always become national policy. After the meeting, Ecevit

reiterated his newfound commitment to handling the matter through parliament without issuing further decrees or calling parliament into emergency session before October.

Internal Dissension. Ironies abounded in this intra-regime confrontation. Sezer was nominated for the presidency and shepherded to election by Ecevit, who, at the time, was impressed by the judge's commitment to "rule of law." For his part, Sezer focused his opposition to the decree on Ecevit's effort to by-pass parliament, not on the substance of the decree itself. By signing the NSC statement, the president indeed seemed to back the substance of the decree, or at least its spirit (although some speculated the military had forced his hand). Sezer's anti-fundamentalist bona fides are first-rate, even by the tough standards of Turkey's hard-nosed secular establishment. He presided over and voted with the majority in the constitutional court's 1998 decision to ban the pro-Islamist Refah (Welfare) Party of former Prime Minister Necmettin Erbakan. Yet, today's Islamists are hailing Sezer as a hero for deflecting Ecevit's draft decree. Of course, Islamists are prominent but not alone in the pro-Sezer parade, which also includes civil service unions and many others in Turkey who feared the decree would lead to widespread and capricious firings, with little recourse. Polls suggest that roughly three-quarters of Turks back Sezer over Ecevit in the dispute.

Sezer's action might ultimately dash Ecevit's plan to remove subversives from government service. It is at best questionable whether the conservative parliament would approve legislation based on the draft decree. Parliamentary speaker Yildirim Akbulut, among others, has expressed doubts that it could. Of the five parties in parliament, four (all but Ecevit's) rely at least partly on religiously conservative constituents, who often feel Turkey's anti-fundamentalist efforts go too far, unfairly punishing the pious but apolitical. Uncertainty about popular and parliamentary opinion was probably the main reason Ecevit chose the "decree" option in the first place.

Many will see Sezer's action also as a rebuff to military influence in Turkish governance. It is widely believed that the military backed the Ecevit government's draft decree-a view reinforced by the NSC statement-even though the generals made no public comment. Traditionally, the Turkish establishment stresses the importance of harmony among key state institutions, but that goal may now be difficult to achieve. Ecevit's resentment of Sezer is likely to persist, and their difficulties-rooted in a philosophical disagreement over whether, if ever, "rule of law" can be compromised in the state's fight against internal enemies-are likely to flare up again. Meanwhile, the president, government, and military reportedly also have differences about other human-rights-related issues.

Implications. The Ecevit-Sezer clash highlighted at least two important themes of contemporary Turkish governance: the regime's effort to implement a draconian anti-Islamist program while lacking clear public support, and continued security-related restrictions on Turkish democracy, even as Ankara pursues its bid for EU membership. On the former point, there is societal consensus against Islamist terrorism and application of Islamic law, but deep disagreement about regulations restricting use of headscarves and judicial action against non-violent religious leaders.

Most of Turkey's ruling establishment continues to give precedence to traditional notions of uncompromising secularism and a "unitary state" (with restrictions on ethnic expression) when those principles rub up against the demands of Western-style democracy. The Ecevit government seemed most infuriated not by Sezer's insistence on a constitutional right to withhold his signature from the decree, but by his refusal to bend "rule of law" considerations to the exigencies of the fight against fundamentalism and separatism.

The establishment's concerns should not be dismissed as mere cynicism. More than 30,000 lives were lost in a 15-year war with the Kurdish separatist PKK, now effectively defeated. An Islamist party won a plurality in 1995 elections and governed for a year from 1996 to 1997. Probably most Turks share the establishment's concerns and welcome the military's role as regime "firewall," even when they disagree with some of its actions.

As the Ecevit-Sezer dispute illustrates, the military and, more generally, the establishment do not always get their

way. Nevertheless, recent experience suggests Turkey is not ready to cede its Kurdish and Islamist problems to the unpredictability of democratic solutions, nor to forgo the prominent policy role played by the military-at least not in the near future and probably not as much as EU membership criteria require. Turkey is concerned about EU and US perceptions of its democratic development and, to a great extent, about democracy itself. But for now, Turkey will attend to these matters mainly within well-established parameters. Where the Turkish regime perceives existential threats, it is unlikely to heed outsiders' pleas for reform.

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