
TURKISH MODEL FOR THE ARAB WORLD?

A successful democratic transition requires not merely the change of elites at the helm of the state, but also a dismantlement of the authoritarian structures, establishment of democratic checks and balances, free media, effective political alternatives and building up of tolerance towards individual cultural and lifestyle choices of even those do not conform to the preferences of the majority. And herein lies the snag with the “Turkish model.”

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Shortly before the revolutionary upheavals engulfed the Arab world, the Turkish Economic and Social Studies Foundation (TESEV) conducted a survey on political attitudes in Egypt, Jordan, Lebanon, Palestinian territories, Saudi Arabia, Syria and Iraq. More than 65 percent of respondents in the survey said they felt Turkey could be a model for the region, because of its perceived mix of Muslim piety, democratic system of government and economic success achieved under the government of the religiously conservative Justice and Development Party (AKP).¹

There is no doubt that the AKP's overtly Muslim bent and Turkey's remarkable economic performance have played a major role in improving perceptions of Turkey in the Arab world. To what extent, however, Turkey can be a model democracy for the Arab countries is a different matter. Turkey has undergone a process of consolidating its democracy between 1999 and 2005, when a lot of bold reforms were enacted, bringing the quality of human rights and fundamental freedoms closer to the standards of the EU, which Turkey seeks to join. However, particularly in the past few years, doubts are steadily increasing as to whether the country is actually moving towards a full-blown democracy. Democrats in Arab countries and their well-wishers in the West would be wise to assess Turkey's experiences critically and to avoid repeating its mistakes.

Looking at Turkey today, one can derive the conclusion that a successful democratic transition requires not merely the change of elites at the helm of the state, but also a dismantlement of the authoritarian structures, establishment of democratic checks and balances, free media, effective political competition and building up of tolerance of individual cultural and lifestyle choices of even those who do not conform to the preferences of the majority. And herein lies the snag with the "Turkish model".

Freedom of expression is a case in point. During the last decade Turkey has made progress by cautiously opening up the debate on such traditionally sensitive issues as the cultural and linguistic rights of Kurds, the situation of Alevis and non-Muslims and the massacres of Armenians in 1915. In the past few years, however, these positive developments have been increasingly offset by the growing tide of attacks on free speech.

A particular concern is an increase in criminal proceedings and arrests involving journalists in Turkey. According to the figures provided by the Turkish Trade Union of Journalists to Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, there are currently 67 press workers in prison.² This is the

¹ Meliha Benli Altunışık, "Turkey: Arab Perspectives", *TESEV Foreign Policy Analysis*, http://www.tesev.org.tr/UD_OBJS/PDF/DPT/OD/YYN/ArabPerspectivesRapWeb.pdf

² Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe following his visit to Turkey, from 27 to 29 April 2011, <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1814085>

direct result of the failure of the Turkish authorities to amend or overhaul the laws that limit freedom of expression, such as the Anti-terror Law and certain articles of the Criminal Law. The majority of these cases are based on the accusations of propaganda in favor of a criminal or terrorist organization. The Anti-terror Law is such that it enables the imprisonment of people deemed to be making propaganda for the aims of a criminal organization. Accusation termed as such is obviously open to interpretation. Apart from the arrests of the journalists, it has led to absurd situations, such as the launching of a criminal investigation against Lalihan Akbay, a 102 year-old Kurdish woman, for attending a funeral for her son who was a member of the terrorist Kurdish Workers' Party (PKK) and who was killed in 1985.³

An additional problem stems from the fact that the law gives ample powers to prosecutors to initiate cases. This issue becomes especially problematic when ideologically motivated prosecutors, acting with little restraint, use the vagueness of the law to initiate criminal proceedings against journalists whose writings they dislike. This was what likely happened when a prosecutor believed to have ties with the shadowy Islamic Fethullah Gülen network arrested journalists Nedim Şener and Ahmet Şık under the Ergenekon investigation, an alleged terrorist organization seeking to topple the AKP government. Not only were the journalists arrested, but police raids were conducted at Şık's home, *Radikal* daily's offices and a publishing house. The aim behind these measures was to seize the manuscript of Şık's unpublished book *İmamin Ordusu* which explores the influence of the Gülen movement in the Turkish police. Contrary to what the AKP officials and pro-AKP media claim, Hammarberg notes in his report that the interrogation by the police and the prosecutor is concerned exclusively with Şık's and Şener's journalistic activity and sources.⁴ The case of Şık and Şener also highlights other grave faults of the Turkish judicial system such as excessively long pre-trial detention periods and restrictions on the access of the defendants to the contents of the prosecution materials. This violates Turkey's obligations under the European Convention on Human Rights (ECHR) to ensure free trial. The combination of restrictive laws and lack of fair trial safeguards have led to an increasing self-censorship not only among journalists, but also among private citizens discussing politics. Sadly, the stories of people switching off their cell phones at social gatherings for fear of being wiretapped have become typical these days.

Contrary to its pro-democracy rhetoric, the AKP has not sought to remedy these restrictive laws and practices. Tellingly, no provisions explicitly strengthening the freedom of expression were included in the constitutional reform package adopted in the referendum in September 2010. Indeed, particularly in the last years,

³ Ekin Karaca, "Charged with Armed Group Propaganda at 102 years of age", Bianet, 7 July 2011, <http://bianet.org/english/freedom-of-expression/131307-charged-with-armed-group-propaganda-at-102-years-of-age>

⁴ Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe following his visit to Turkey, from 27 to 29 April 2011, <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1814085>

the government has shown an alarming lack of tolerance of of dissent. It imposed punitive fines on the Doğan Group media holding for an alleged tax evasion. But it is widely believed that the real reason behind the fine was an effort by the government to punish Doğan Group for its critical coverage of the government policies and exposure of corruption cases involving senior AKP politicians.⁵ The Prime Minister Recep Tayyip Erdoğan called for a boycott of Doğan Group's newspapers. As a result, in what many observers suspect is a deal between the government and Doğan, the fines were reduced, but the Doğan group also ended up firing some of its outspokenly anti-AKP writers and is selling some of its newspapers. It is worth mentioning that the Doğan Group, as well as many other Turkish media holdings, has major commercial interests in other sectors. This is another challenge to freedom of expression, since it compromises the independence of the newspapers and their ability to stand against the government.

Another example of the AKP inheriting laws harmful for the freedom of expression and maintaining them for its own benefit is the excessive use of civil defamation cases against journalists. Erdoğan has sued scores of journalists and cartoonists for "offensive language and emotional damages" – a provision found in many an autocrat's toolbox of legal tricks for fighting dissent, but alien to the spirit of a modern open society.

Freedom of expression is closely related to respect for individual cultural and lifestyle choices. The Turkish society is becoming more diverse and liberated thanks to its growing exposure to global intellectual, cultural and artistic trends, as well as its own creativity. The persistence of anachronistic laws and attitudes is stifling the freedom of expression in many ways, particularly through the use of such vaguely defined concepts as obscenity, public morality and family values. The recent examples include the closure of the humor magazine *Harakiri* for being a "harmful influence on the morality of minors, directing Turkish people to laziness and encouraging adultery."⁶ The sin was to publish cartoons depicting sex scenes. As an American expert on Turkey, Jenny White remarked in her blog, under this interpretation, adventure movies, comic books of all kinds and romance novels may well qualify for a ban too.⁷ She was right to the point: the Turkish publisher and translator of William S. Burroughs' *The Soft Machine*, one of the classical works of the "beat generation", are facing prison terms for allegedly promoting pornography.⁸

⁵ "Germany convicts charity fraud suspects, passes ball to Turkey", *Hürriyet*, 17 September 2008, <http://arama.hurriyet.com.tr/arsivnews.aspx?id=9916248>

⁶ "Turkey's humor magazine Harakiri ceases publication after huge fine", *Hürriyet Daily News*, 30 June 2011, <http://www.hurriyetdailynews.com/n.php?n=turkeys-humour-magazine-harakiri-was-forced-to-harakiri-2011-06-30>,

⁷ Jenny White, "Country of No: No Laziness or Adventurism", 30 June 2011, <http://kamilpasha.com/?p=4925>

⁸ Maria Eliades, "Turkey: William Burroughs' Publisher, Translator on Trial for Pornography", *Eurasia.net*, 7 July 2011, <http://www.eurasianet.org/node/>

The AKP is not only maintaining old restrictive laws, but also introducing new ones. The Internet regulations adopted in 2007 not only provide a list of crimes (prostitution, pornography, gambling, insult of Mustafa Kemal Atatürk), but also allow anyone who thinks that a web site is “suspicious” to call the police. The web site owner may be taken into custody by the police and his/her computer may be confiscated until the case is resolved. These regulations were put to use when 50 users of *Ekşi Sözlük* [Sour Dictionary], Turkey’s largest and often-irreverent on-line discussion forum, were taken to the police for allegedly insulting religion.⁹ This case points to another problem: in a social climate increasingly defined by the religious conservatism of the AKP and its allies in Islamic networks, public criticism of religion, or even certain irreverence towards it, has become risky. Renowned novelist Nedim Gürsel was charged with “denigrating religious values” in his book *The Daughters of Allah* in 2008. He was acquitted, but the article of the criminal law which allowed for his prosecution is still in the books.¹⁰ Freedom to take critical look at religions, or certain aspects of them, is a vital part of the freedom of expression. But there is little chance for any progress in this area under the rule of the AKP.

Freedom of expression is a cornerstone of any healthy democracy. The situation in Turkey under the AKP presents a mixed picture at best. Some progress has been made in areas previously considered taboos, yet serious legal and political curbs on the full exercise of the freedom of expression remain. There is even backsliding in some areas, notably those concerning the performance of the government and religious sensitivities.

For all its shortcomings, Turkey’s experience with reforms can serve as an example of ongoing democratic transformation in a Muslim society. However, as the situation with the freedom of expression shows, democratic transformation is far from complete and its outcome is still open. It remains to be seen whether Turkey will indeed become a model democracy others, notably Arab countries, will want to emulate. The pro-democracy activists in the Arab countries may soon discover that the actual state of the “Turkish model” today is rather different from what they aspired for.

⁹ Işıl Eğriçavruk, “‘Ekşi-users’ raid sour web freedom”, *Hürriyet Daily News*, 26 June 2011, <http://www.hurriyetdailynews.com/n.php?n=8216eksi-users8217-raids-sour-web-freedom-2011-06-26>

¹⁰ “Turkey: Author Nedim Gürsel Acquitted”, *PEN International*, 9 July 2009, <http://www.internationalpen.org.uk/index.cfm?objectid=5F39CA12-3048-676E-262F31CEABC7140A>