

Turkey's Constitutional Court re-imposes ban on Muslim headscarf at universities

Sinan Ikinci
9 June 2008

On June 5, Turkey's Constitutional Court took another critical step towards unseating the governing Islamist AKP (Justice and Development Party) by annulling recent constitutional amendments permitting women students to wear the Muslim headscarf at universities.

This decision is part of a project directed at toppling a democratically elected government through judicial means. It is also a move towards a long-term purge of the Islamist, pro-AKP wing within the Turkish bourgeoisie by the traditional Kemalist wing.

Such a project envisaging the suppression of one faction of the ruling class in favour of another requires a much more authoritarian regime. This process poses a great danger to the working class and other oppressed layers of the population.

Hasim Kilic, the chairman of the Constitutional Court, told reporters in Ankara that the judges deliberately decided not to give any details of the ruling and that this information would be made available only with the publication of the decision. He justified this by saying, "The speculation about our Court in recent months has saddened us, and therefore we decided to announce the ruling in this way So we are not going to give any information on the details of the ruling until the text of the decision is released."

According to the statement issued by the court, the constitutional amendment package was an attempt to change non-amendable articles of the Turkish Constitution. The statement reads, "The law of February 9 enacting constitutional amendments to lift a ban on the headscarf at universities has been cancelled based on the Constitution's articles 2, 4 and 148. The execution of the law has been stopped."

Article 2 of the Constitution is one of its non-amendable articles and specifies that Turkey is a secular republic. Article 4 stipulates the impossibility of amending the Constitution's first three articles, which define the Republic's core values, including secularism. Article 148 describes the duties of the Constitutional Court. With this decision, the court declared itself able to decide on any future constitutional amendments to ease the ban on wearing the headscarf in universities.

The headscarf amendment plays a central role in the court case filed by Turkey's chief prosecutor two-and-a-half months ago against the AKP, claiming that the ruling party had become

the "focal point of anti-secular activities" and should be banned. The prosecutor also demanded that Prime Minister Recep Tayyip Erdogan and 70 of his colleagues, including the current president, Abdullah Gul, be banned from politics for five years.

The decision by the Constitutional Court strongly indicates that the AKP will not survive this case as a legal political party.

At the time of the court case filed against the AKP, the *World Socialist Web Site* wrote: "Such a move cannot be the outcome of the individual decision of the prosecutor. It is undoubtedly the military that made the decision and made the necessary arrangements behind the scenes to ensure the ruling of the Constitutional Court. This is a one-shot bullet, and they can't afford to miss the target. Otherwise, Yalcinkaya [Turkey's chief prosecutor] would not put his personal prestige as well as the institutional prestige of his office at risk." (See "Turkey's chief prosecutor seeks to ban the ruling AKP")

Very tellingly, on the same day that the Constitutional Court convened, Turkey's Chief of General Staff Yasar Buyukanit, speaking at the opening of a seminar entitled "Uncertain Future and Security Problems in the Middle East," slammed the attempts to portray Turkey as a country of "moderate Islam."

He stressed that the country would never give up secularism and that no power would succeed in changing the fundamental pillars of the "Turkey of Ataturk." He stressed that "such approaches are imposed on Turkey."

The accusation that "foreign forces," in particular, the US, are turning Turkey into a moderate Islamic country, together with the claim that the AKP is "collaborationist" because it colludes in such policies, constitutes the backbone of the Kemalist-"secularist" camp's propaganda.

When asked his views regarding the court's decision, Buyukanit called upon everybody to respect the legal decision. He said, "Turkey is a secular, democratic, social state of law. You cannot interpret those values. This ruling is not an interpretation, but an expression of the obvious."

This was a reference to his earlier comments on the constitutional amendment package, when military leaders took a low profile against the AKP government for tactical reasons. Four months ago, Buyukanit told the reporters: "Everyone knows what we think about the issue. There is no need to once

again repeat what is obvious.”

Buyukanit also declared: “No power can make our Republic and its principal values bow down to it.” This was a clear reference to the AKP’s deputy chairman, Dengir Mir Mehmet Firat, who, two weeks ago during a fierce exchange between top judges and the government, declared that “everybody has to bow to the national will.”

Evidently, the military has waited for the Constitutional Court’s decision to end its low profile stance and its tactic of leading the campaign against the AKP from behind the scenes. The AKP’s election victory last July was a serious setback for the campaign led by the military, and the generals were obliged to lower their profile for months. Now they are prepared once again to enter the public arena and intervene more directly.

Top leaders of the AKP and the Islamist media spoke out against the ruling. According to *Today’s Zaman*, the deputy head of the AKP parliamentary group, Bekir Bozdag, “slammed the ruling, saying the top court had violated the Constitution and overstepped its legitimate authority. ‘The court overstepped the limits set out in Article 148 of the Constitution and violated the constitutional principle that no state institution can use powers not derived from the Constitution,’ Bozdag told reporters.

“He said the Constitutional Court acted as if it were Parliament and, by restricting Parliament’s authority, undermined the principles of democracy and national sovereignty. ‘This decision means any parliamentary activity concerning constitutional changes will be subject to review by the Constitutional Court,’ he said.”

The main opposition, the Republican People’s Party (CHP), explicitly welcomed the decision. Deniz Baykal, the leader of this party which has acted as the mouthpiece of the military for the last few years, said that the Constitutional Court decision was an important exercise of Turkish law. He was quoted as saying, “I believe those who govern Turkey are obliged to act with the responsibility of not violating the Constitution.”

Onur Oymen, the CHP’s deputy leader, told NTV television, “From now on, no one will be able to attempt to change the Constitution.”

According to veteran right-wing politician and former parliamentary speaker Husamettin Cindoruk, “This decision has set the boundaries and reshaped the state.”

On the other hand, the far-right National Movement Party (MHP) is sticking to its new post-election tactical line, which is based on keeping a greater distance, at least in public, from the “secularist” camp led by the military. The leader of this party, Devlet Bahçeli, said the decision was politically motivated and would increase religious divisions in Turkey.

On January 16, Prime Minister Erdogan, armed with the self-confidence derived from his party’s election victory, had made a call to opposition parties, saying, “Let us not wait for a new Constitution. This is very easy to solve. The MHP is in. Forget the CHP.”

Time has demonstrated how badly he miscalculated.

The amendment package was adopted in Parliament in February by an overwhelming majority—411 deputies, representing 80 percent of the legislature. In addition to AKP deputies, the MHP and the Kurdish nationalist Democratic Society Party (DTP) backed the constitutional change package.

On February 27, just five days after President Abdullah Gul ratified the amendments, two Kemalist parties, the main opposition party CHP and the Democratic Left Party (DSP), took the constitutional amendments to the court, which agreed to look into their constitutionality on March 6.

Two weeks ago, the exchange of fierce statements between top echelons of the judiciary and the government not only signalled an escalation of the conflict between the representatives of two factions of the Turkish bourgeoisie—i.e., the Islamist faction and the so-called “secular” wing—but the onset of a full-blown regime crisis. The internal political conflicts within the Turkish bourgeoisie, which, in the final analysis, have their roots in deep historical divisions within the Turkish ruling classes, are now assuming the form of an internecine war.

This regime crisis takes place within the overall context of an international financial crisis and rising class conflicts, as well as growing tensions in the Middle East provoked by the American aggression against Iraq and US threats against Iran.

None of the factions of the Turkish bourgeoisie can create the necessary conditions for genuine democracy in Turkey. This can be carried out only by the working class, through the establishment of a politically independent movement based on a genuinely internationalist and socialist programme.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact