

DECODING THE TURKISH HEADSCARF DEBATE

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Wearing a headscarf is certainly a choice made only by religiously observant Muslim women, but the debate provoked by this choice, especially in Turkey, is about something else. It is about the rights of women and the extent to which religious freedom is protected by the constitutional order. In Turkey two concerns are intertwined: overcoming discrimination against religiously observant Muslim women and achieving equality in the treatment of the religiously observant, whether men or women. As matters now stand, to be a religiously observant Muslim man has no formal adverse consequences, while an equally observant woman is subject to multiple forms of discrimination. This means that what is at stake is not just overcoming discrimination, but also addressing the regressive effects of patriarchy. This is a divisive issue as religiously observant Muslim men are at least as patriarchal as are the non-religious in Turkey, and do not seem to view the issue with the seriousness that it clearly deserves from the perspective of constitutional democracy.

From outside of Turkey the intensity and persistence of the headscarf debate is generally misinterpreted. It is presented, as was the case in the mainstream media reporting of the July parliamentary elections, as one facet of the wider challenge posed by the rising tide of political Islam in Turkey, and as such, a real threat to Turkish secularism. Such a misinterpretation is shared internally to some extent, but also cynically manipulated, by the 'old' secular elites in Turkey. I am not comfortable with this distinction between old and new secularists as a way to contrast the discriminatory politics directed at religiously observant Muslim women with support for equality of treatment for all persons subject to Turkish legal and political authority, especially religiously observant women. It is a peculiarity of the headscarf issue that it focuses exclusively on the appearance of religiously observant Muslim women, and ignores religiously observant Muslim men unless they have particularly dramatic beards, which are rather rare and deemed to exhibit a particularly strong religious dedication. In urban settings, especially, it is impossible to tell the difference between a religiously observant Muslim man and a man who is not at all religious. Muslim women are different. Almost all who consider themselves religious wear a headscarf, and face discriminatory consequences as a result.

The hostility to covered women on the part of old secularists is part genuine, part cynical manipulation. The anxiety of many old secularists has to do with their genuine attachment to a frozen image of modern Turkey as shaped by a number of societal forces including the resolve at the founding of the republic to render religion as invisible as possible in public spaces. The cynical manipulation of this issue is associated with increasingly desperate efforts by the old secularists under

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current conditions to find ways to overcome their loss of power, influence, and popular support in Turkey. This effort depends on a portrayal of wearing the headscarf, especially in its turban form, as expressive of a hidden agenda by the newly elected political leadership to ensure that *sharia* becomes the law of the land for all Turks, and in its more extreme forms, as the forerunner of a theocratic state resembling the governing process in Iran. A more subtle form of the argument points to Malaysia, where the government is accused of being somewhat coercive approach to *all* Muslims whether they are inclined to be religiously observant or not. That is, the Malaysian Government requires some forms of religious observance by non-religious Muslims but from non-Muslims. For instance, any Muslim in Malaysia is subject to punishment if seen eating in public during Ramadan and is required by law to respect Islamic prohibitions on gambling and alcohol. The old secularists are relying on this politics of fear when discussing the future of Turkey, and also seem eager to encourage the Turkish military to fulfill its self-designated role of protector of the Kemal Ataturk legacy, by intervening to reverse the recent electoral failures of the old secularists.

It is my view that this understanding badly distorts, and misrepresents, the real point of the struggle of headscarf women, and more generally, of the sea-change underway in Turkish politics. I believe that religiously observant Turkish women, and their supportive families, have long been victims of unequal treatment in Turkish society, and are primarily concerned with ending decades of discrimination that has limited their capacity to enjoy the full fruits of Turkish citizenship, especially when it relates to a range of activities in the public sector. In this regard, it is not a struggle to control the state, but a struggle to end an abuse of rights by the state. It is about finally granting the totality of privileges associated with citizenship in a constitutionally democracy to the religiously observant, and especially to women. In this respect, the fundamental goals of religiously observant Muslim women, and their supporters, is not different in kind than the aims of other disadvantaged groups in Turkish society. It is not surprising the governing party was strongly backed in the recent election by the poor, by minorities especially the Kurds, and by the eastern districts of the country that have lagged in development. What is at stake, according to this line of assessment, is increasing the *inclusiveness* of governance with respect to rights and benefits that should be available on the basis of equality for *all* persons in any properly functioning democratic state. If this analysis is correct, the headscarf issue is mainly about Turkish democracy. It is not really about the interplay of religion and politics or the old secularists' allegation that AKP (Justice and Development Party) is a vehicle for political Islam.

It is with respect to the deepening of democracy that the sea-change in Turkish politics is underway, generating both excitement among its supporters and embittered resistance by opponents. The outcome of the July 2007 elections was a major defeat for the old secularists. Turkish voters were not swayed by the April 2007 mass anti-AKP demonstrations staged by the old secularists, nor by the dire warnings from military commanders, nor by some hysterical right-wing commentary overseas to the effect that Turkey was on the brink of becoming a

second Iran. This political victory suggests the strength of grassroots support for the extension of the democratic mandate. It is also undoubtedly reflects the great economic success associated with the policies of the governing party. This success was probably decisive in discouraging recourse to more forceful initiatives by the Turkish 'deep state.' Managing to win over the business leadership of the country, including expressions of confidence being registered in the stock market and by currency traders, without displeasing the poor was and remains an extraordinary political achievement. This record can be built upon in coming years to rectify societal injustices, among which the headscarf issue is justifiably prominent as it affects the daily life experience of millions of Turkish citizens.

But there is another element of the new secularists' leadership style that needs to be considered: It is their sensitivity to and show of respect for the red lines inscribed on the political terrain over the years by the managers of the Turkish deep state. The exact location of these limits on governmental policy has recently been placed in doubt, and is the subject of controversy. These issues have been recently crystallized in the debate over the presidential candidacy of Abdullah Gul. It was this candidacy, of course, that was appeared responsible for the scary April backlash, followed by judicial machinations, which prompted the call for elections. The electoral mandate given to the new secularists in July was a major rebuff of the agitation engineered by the old secularists. It has temporarily, at least, stalled their anti-democratic campaign, and most relevantly, it may have pushed back the red lines to some extent. In this new political atmosphere Mr. Gul was impressively elected by parliament despite the manifest objections of the Turkish Armed Forces, which had focused their opposition on the fact that Hayrinusa Gul wore a headscarf. At the same time it would a grave mistake to act as if the red lines no longer existed, and hence no longer punish the religiously observant. The military insulted the elected leaders by not extending invitations to the wives of the prime minister and president elect to the National Victory Day Ball on August 30. It was most surprising to outsiders that these leaders were willing to attend this highly publicized national event in the face of such an insult. One has to wonder whether this acquiescence also reflects a certain patriarchal set of priorities, which is willing to live with restrictions on religiously observant women while contesting other red lines, such as securing the presidency for a religiously observant Muslim man.

If concern with the red lines was not involved, it seems safe to assume that the Mr. Erdogan and Mr. Gul would have happily boycotted the military party rather than sit on the sidelines watching the generals dancing with their wives. We need to remember that the declared will of the military had been recently defied in a very frontal way by selecting Gul as the presidential candidate for a second time. This might easily have been interpreted by the military as a serious encroachment on a red line, or at minimum, a daring test to assess its new location. Having scored this symbolic victory, it was then consistent with the pragmatic style of the new secularists to retreat tactically, and to restore their balance on the tightrope that exists between implementing their democratizing goals while not provoking an anti-democratic intervention by the deep state. It needs to be understood in Turkey and

elsewhere that these red lines, at least as currently situated, impede the development of Turkish democracy, and contrary to the claim of the old secularists, are not needed to protect Turkey from becoming 'a second Iran.'

It should not be overlooked that even covered women of great prominence in Turkish society remain unacceptably denied equality of treatment in a variety of social, educational, workplace, and political settings. Mr. Gul's election, significant as it is as a step in the right direction, only overcame the extreme, almost absurd, position of the old secularists that a Turkish president was incapable of representing Turkish society if his wife wore a headscarf. Again it is notable that there is no indication that Mr. Gul is any less religious than his wife, and yet it was her headscarf that was relied upon by those who opposed his attempt to become president. It is important to realize that the more restrictive of the substantive inhibitions on Muslim women continue remain in force. These restrictions are severe and humiliating. They continue to disallow covered women from even attending many public functions inside of Turkey. Ironically, Islamophobic as are parts of American society, there has never been any objection voiced in the United States to the presence of a covered woman at formal dinner at the White House.

Part of the controversy in Turkey, and elsewhere, relates to the true nature of secularism. As far as Turkey is concerned, I am drawing a distinction between old secularists of pure Kemalist persuasion and new secularists that favor a democracy of inclusive rights. The old secularists are adherents of the approach associated with French *laïcité* emphasizing freedom *from* religion, whereas the new secularists, whether consciously or not, are adherents of the American preoccupation with freedom *of* religion. Both attitudes toward the proper relation of religion, politics, and the state were grounded in the distinctive national experience of the two countries. A main goal of the French Revolution was to free the French state from the Catholic Church, whereas the founders of the United States were devoted to the achievement of a governing process that would tolerate a plurality of religions without either persecuting worshippers or showing favor to one over other religious identities. Many of the most influential American settlers in the colonial period were escaping from religious persecution in Europe arising from their adherence to a particular form of Christian worship. The American ideal was to keep the state neutral, but to be active in protecting a diversity of religious practices, and ensuring an equality of rights for the religiously observant as well as for the non-observant. Drawing this distinction in public education, and elsewhere, has often been difficult and remains controversial in the United States, but at least it has never regarded religious observance, as such, whether in public or private places to be objectionable.

It seems significant to realize that it is the American understanding of secularism that found its way into the development of international human rights law after World War II. The norms in the most relevant, authoritative international texts, The Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights both incorporate

freedom of religion as the only legal basis upon which religious freedom can be based. In this sense, whether it is Chinese suppression of the Fulan Gong or Turkish discrimination against covered women that should be regarded as ongoing violations of human rights that need to be protected. Invoking international standards in this manner lifts the debate about the nature of secularism out of its Turkish context, and offers authoritative guidelines for the reform of Turkish governmental and societal practice that remove the issue from partisan and acrimonious domestic politics. The overall situation is not clear. It is possible to mount an argument, that sovereign states have a wide discretion to interpret human rights associated with freedom of religion in divergent ways with respect to particular religious practices. In the Turkish setting, given the blatant forms of discrimination faced by religiously observant Muslim women in Turkey, such international respect for sovereign discretion cannot reasonably be interpreted to overlook the violation of rights.

My main claim is that the new secularism is not primarily about religion. It is principally about achieving a more legitimate state as measured by the depth and breadth of democratic entitlements. In this respect the governing party can be assumed to be comfortably responsive to EU pressures for the protection of human rights and the civilianization of governmental authority: curtailing the anti-democratic *political* roles of the military and intelligence community. As with the headscarf issue, the AKP must here walk a tightrope that here requires a delicate balancing of freedoms with respect for the imperatives of Turkish nationalism. How far can even a popular government go in compromising on Cyprus, or in acknowledging Armenian contentions about 1915, or in refusing pressures from military commanders to engage in cross-border raids against PKK base areas in northern Iraq? Such delicate concerns are currently being raised by arguments for and against the repeal or revision Article 301 of the Turkish Penal Code. As with the headscarf issue, the elected leadership has proceeded surprisingly cautiously, apparently wary of stirring another backlash, this time given strength by ultra-nationalist tendencies in the country.

What I am suggesting is that despite the electoral results in July and the encouraging election of President Gul, there is much work to be done by the new secularists, and that this will not be easy work as the old secularists seem determined to hold their ground and retain the capabilities and the will to react strongly if the old red lines are breached. The situation at present is one of a renewed testing the limits, pushing back the red lines here and there, but the elected government seems not yet in a position to relocate the red lines in accord with the values and principles associated with the realization of democracy for all persons living in Turkish society. Just as the battle over the Gul presidency was one site of struggle, the upcoming debate on a new constitution will be another. How this balance is struck in a variety of settings will determine whether to be optimistic or not about the future quality of Turkish democracy. No setting is more important than the emancipation of religiously observant women in Turkey, which will require not just the relocation of restrictive red lines, but their removal. Does the new secularists have the will and capacity to reach this goal? Only the future will tell.

Let me conclude with some comments about the societal reverberations of these issues. There is much discussion among the old secularists about the alleged danger of political Islam in Turkey, but far less about their concerns with what might be described as *social* Islam. I have been struck by the extent to which apolitical uncovered Turkish women acknowledge their private concerns about feeling uncomfortable in social situations where most of the women are wearing headscarves. They claim to feel a certain pressure to conform, and I think these feelings are genuine. But they are also insensitive to the reverse feelings of discomfort on the part of covered women in many settings where most women are uncovered, where alcohol is served, and men and women dress and mingle in ways that are at odds with the values and beliefs of the religiously observant. In my view, aside from the struggle for inclusive democracy in Turkey, this set of issues associated with the interplay of the religious and non-religious within Turkish society will be crucial in shaping the near future of the country. Each side must make a great effort to show respect and exhibit sensitivity to the concerns of the other. Dialogue and interaction will be important in enhancing mutual understanding. We hear much about dialogues and alliances *among* civilizations, but we need to hear much more about dialogues and alliances *within* civilization. The quality of Turkish democracy depends not just upon what the government and army do, but also on the social behavior of the citizenry, and here both religiously observant and non-religiously observant women are challenged to create a broad pattern of societal harmony based on mutual respect. In addressing the social effects of religious observance or the concerns of the old secularists, international standards are of little help, nor is it desirable to expect the state to intervene by setting the ground rules for social interactions. It is rather the fundamental challenge we face in our country and in the world to live together well with people of diverse beliefs, traditions, and identities. Turkey can usefully draw on its long Ottoman experience of celebrating diversity.

The current drift of developments underscores the work that remains to be done if the new secularists are to fulfill their goals of an inclusive democracy. How far is the elected government able to go in conferring the full entitlements of citizenship on religiously observant women? What do the red lines of the deep state currently preclude and what do they permit? To ask such questions is to admit lingering problems and much uncertainty about next steps. The adoption of a new constitution seems a suitable vehicle for promoting those goals of the new secularists relating to extending the writ of full citizenship, but to what extent? It is a matter of policy priorities, risk-taking, and the relation of forces within Turkish society. Only the future can overcome this uncertainty as to whether the status of religiously observant Muslim women in Turkey is likely to be upgraded in the years ahead.