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Turkey's Unraveling Democracy: Reversing Course from Democratic Consolidation to Democratic Backsliding

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CLAREMONT MCKENNA COLLEGE

**TURKEY'S UNRAVELING DEMOCRACY:
REVERSING COURSE FROM DEMOCRATIC CONSOLIDATION
TO DEMOCRATIC BACKSLIDING**

SUBMITTED TO

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FOR

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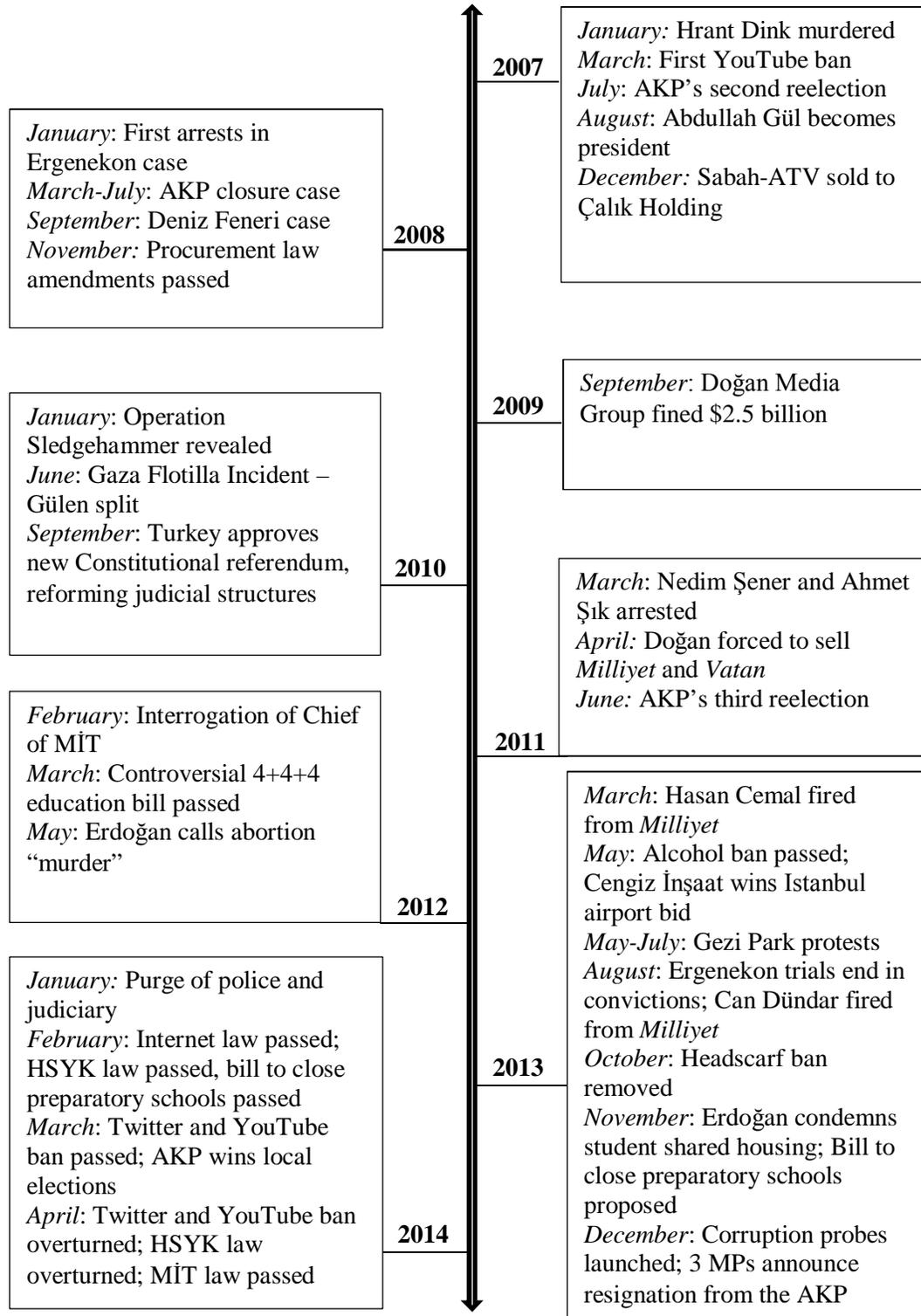
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LIST OF ABBREVIATIONS

AKP	<i>Adalet ve Kalkınma Partisi</i> (Justice and Development Party)
CHP	<i>Cumhuriyet Halk Partisi</i> (People's Republican Party)
EU	European Union
HSYK	<i>Hâkimler ve Savcılar Yüksek Kurulu</i> (Supreme Board of Judges and Prosecutors)
MHP	<i>Milliyetçi Hareket Partisi</i> (Nationalist Action Party)
MİT	<i>Milli İstihbarat Teşkilatı</i> (National Intelligence Organization)
PKK	<i>Partiya Karkerên Kurdistan</i> (Kurdistan Workers' Party)
TOKİ	<i>Toplu Konut İdaresi</i> (Housing Development Administration)
TTIP	Transatlantic Trade and Investment Partnership

TIMELINE OF MAJOR EVENTS SINCE 2007



I. INTRODUCTION

The Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) promised a new and democratic Turkey in the 2002 general elections. It promised full implementation of fundamental rights and freedoms, reforms of corrupt institutions, a booming economy, and the symbolic European Union membership. The Turkish citizens remembered the past few decades of instability, mired by political corruption and assassinations, recurrent military coups, and economic crises marked by persistently high rates of inflation. The AKP promised change and a new era. Hopes were high in Turkey, and the AKP succeeded in winning the votes of the Turkish people in the elections of 2002, 2007, and 2011.

Indeed, the past twelve years of AKP rule have improved the lives for many Turks, bringing stability and prosperity. In its first term, the AKP succeeded in establishing free and fair elections, greater freedoms for religion and media, better relations with the Kurds, and a growing economy – a commendable transformation. Everyone lauded the democratization process in Turkey under the AKP, calling it the “Turkish model” for its Muslim neighbors, as it demonstrated Islam’s compatibility with democracy. The Turkish democratic transition was to be an example for its Arab neighbors to follow, and there were hopes that Turkey would emerge as a soft power in the region, inspiring political reform in the Middle East.

Yet, with the prolonging rule of the AKP, this positive and promising image of Turkey has begun to tarnish. Cracks in the Turkish democracy gradually appeared after the AKP’s second reelection in 2007, ranging from politicized trials to media repression.

The situation in Turkey continued to worsen at an increasing pace under Prime Minister Recep Tayyip Erdoğan, leading to the major Gezi Park protests last summer. The protests shocked international observers, who completely overlooked the impact of the AKP's gradual but increasingly noticeable attempts at taking control. The erosion of the AKP's commitment to Turkish democracy was finally evident, as was Turkey's democratic backsliding. But where did Turkey's democracy disappear? When did Turkey's democracy start to deteriorate, and how did this emerging model reverse course away from the path of consolidating democracy?

The purpose of this paper is to provide a comprehensive landscape of domestic events in Turkey that demonstrate democratic backsliding by identifying major issue areas where this trend is most prominent. These key issues where democratic backsliding becomes most apparent in Turkey are divided into five categories: media freedoms, the judiciary, corruption and graft, the nature of the opposition, and civil liberties. These five categories will be examined in this paper through narratives, which provide crucial insight on the domestic political dynamics that are undermining democracy in Turkey. The same government party that inspired democratic consolidation also prompted its decline, and this paper highlights the strategies used by the AKP to undermine the consolidation of liberal democracy in Turkey. Moreover, these insights yield a broader understanding of democratic backsliding and its determinants, showing prominent areas in the domestic sphere that need special and increased attention in order to prevent executive attempts to undercut democratic gains. The democratic reversal in Turkey was unexpected by many, and many are at a loss at how to respond to this decline of a strategically crucial player in the world. Thus, the findings from the critical case study of

Turkey can be instrumental in preventing the trend of democratic backsliding in other developing countries.

In order to better make sense of the Turkish trend of democratic backsliding, the theories of democracy must be examined, including theories determining democratic transitions and democratic reversals. After examining the relevant literature, this paper will summarize the history of Turkey's unique experience in democratic transition, highlighting the role of the AKP in this transition. The bulk of this paper will focus on the five key issues areas and the AKP's role in undermining them. This will be followed by future recommendations for Turkey and other relevant international actors to deal with Turkey's domestic crisis, concluding with a discussion on the wider trends and implications of Turkey's democratic backsliding.

Definition of Democracy

The definition of democracy helps us better understand the processes of democratic transition or democratic reversal. There are many definitions of democracy, each containing certain aspects. Turkey has reached the status of an electoral democracy but still lacks the elements of a liberal democracy, which is the culmination of democratic consolidation.¹ Thus, this paper uses Diamond's definition of a liberal democracy that includes the following attributes: recurring, free, fair, and competitive elections with alternative political parties; full adult suffrage; broad protection of civil liberties,

¹ Guillermo O'Donnell, "Illusions about Consolidation," *Journal of Democracy* 7.2 (1996): 34-51.

including freedom of speech and press; and rule of law that guarantees citizens' political equality and due process.²

Literature on Democratic Transitions

At the end of the Cold War, literature on the triumph of democratic values and the global trend of transitions from non-democratic regimes toward democratic ones has dominated most Western discourse on political change. Literature has pointed to various determinants of democratization, including processes of civil society development, rule of law, electoral procedures, economic structures and policies, demographic factors, and integration across socioeconomic levels.³ Research has also emphasized the importance of external influences in addition to specific actors, including charismatic leaders, the role of civil society and elite pacts, and government structures.⁴

Most of the literature on Turkey's democratization process has identified Turkey's quest for European Union membership as the main driving force. The EU conditionality of fulfilling the Copenhagen criteria has induced Turkey to comply with democratic principles. According to research, Turkey would lag behind in terms of human rights and democracy if it was not for the goal of attaining EU membership and its conditionality on political and economic criteria.⁵ In addition to external influence, Türkmen analyzes the role of internal agents in Turkey's democratic transition through the process of elite socialization, which is composed of Turkey's business elites, the army,

² Larry, Diamond, *Developing Democracy: Toward Consolidation* (Baltimore: The Johns Hopkins University Press, 1999), 9.

³ See: Dahl (1971); Huntington (1991); Diamond (1999); and Przeworski (2000).

⁴ See: Banac (1992); Brezinski (2001); Linz and Stepan (1996); Fish (2001); Ishiyama and Velten (1998); and McFaul (1993).

⁵ See: Arabacı (2008); Basdeki (2012); Göksel and Güneş (2005); and Uskul (2002).

the judiciary, and its state bureaucracy. He argues that because the conditions imposed by the EU was adopted by the government and reflected in the state's discourse, Turkish elites accordingly internalized these democratic norms.⁶

Literature on Democratic Backsliding

However, since the mid-2000s, the democratization phenomenon has not only been stalling, but has been reversing. International studies on democracy all confirm a global trend of democratic backsliding. Freedom House found that in 2010 alone, twenty-five nations went backward in freedom, whereas only eleven moved forward.⁷ Germany's Bertelsmann Foundation reported that the percentage of "highly deficient democracies" has almost doubled between 2006 and 2010.⁸ Research by the Economist Intelligence Unit found that the average democracy score for 2010 was lower than in 2008, concluding that: "Democracy is in retreat. The dominant pattern in all regions...has been backsliding on previously attained progress."⁹ Kurlantzick, in his book on democracy reversals, identifies an important point that victims of democratic backsliding have tended to be regional powers, such as Russia, Thailand, Kenya, Venezuela, Mexico, and Nigeria.¹⁰

The reasons for democratic backsliding are complex and vary for each case – giving us few definitive conclusions for democratic backsliding globally. However,

⁶ Füsün Türkmen, "The European Union and Democratization in Turkey: The Role of the Elites," *Human Rights Quarterly* 30 (2008): 146-163.

⁷ Joshua Kurlantzick, *Democracy in Retreat: The Revolt of the Middle Class and the World Wide Decline of Representative Government*, (New York: Cambridge University Press, 2013), 7.

⁸ Ibid, 9.

⁹ Ibid, 10.

¹⁰ Ibid, 21.

literature tends to be divided into three main categories: structural, international, and domestic. The initial structural conditions of a country can facilitate backsliding, such as conditions of poverty, inequality, and ethnic fragmentation.¹¹ Houle, on the other hand, indicates that the existence of different levels of inequality rather than overall levels of development can facilitate democratic backsliding.¹² Moreover, it is important to note the sources of economic wealth and the way it is managed and distributed as this provides insight into whether the resource curse theory can be applied to democratic backsliding. Other structural factors include demographic elements as politicizing ethnic, nationalist, or religious conflicts can have detrimental implications on democracies.¹³ It is important to see how the politicization of identity of a certain population can impact various democratic functions.

Just as international actors can exert positive influence on democratic transitions, they can also have negative impacts. For example, Russia has recently demonstrated its negative influence in Ukraine, as Russia prefers to maintain control over its neighbor and has no interest in seeing a democracy established in Ukraine. However, even democracy-supporters, such as the U.S. and the EU, can indirectly encourage backsliding due to strategic and economic interests by staying passive and restraining from active criticism or imposing conditionalities.

The third category of literature on democratic backsliding focuses on domestic political dynamics. Gibler and Randazzo emphasize the importance of an independent judiciary in maintaining democracy and argue that political manipulation of the court

¹¹ See: Kapstein and Converse (2008).

¹² Christian Houle, "Inequality and Democracy," *World Politics* 61.4 (2009): 589-622.

¹³ See: Snyder (2000).

systems is positively correlated with regime collapse across all types of regimes.¹⁴

Kurlantzick illustrates the importance of maintaining healthy civil-military relations through the examples of Thailand, Hungary, and Kenya, which all experienced democratic backsliding.¹⁵ Additionally, literature has identified ineffective and divided opposition movements as a factor in backsliding, identifying the role of media freedoms, education, and political attitudes that can influence the extent of strength or weakness of pro-democratic opposition movements.

In applying the literature to Turkey, arguments for structural, international, and domestic reasons can be made for its current democratic backsliding. Structural factors contributing to Turkey's democratic backsliding may include the existing religious and secular tensions within the society and the strong nationalistic elements due to the Kurdish issue. Internationally, one may want to explore the negative effects of the stalling of the EU membership process and the reluctance of the United States to criticize its NATO ally. However, this paper will primarily focus on providing evidence for Turkey's democratic backsliding from the domestic side, allowing readers to draw their own conclusions. A common trend that appears from these domestic factors is the role of the chief executives in undermining democracy by increasing its own power through various formal and informal ways. This paper will examine five domestic issue areas, presenting narratives to lay out the means for the centralization of executive power under the governing AKP and Prime Minister Erdoğan, who have exerted control over the

¹⁴ Douglas M. Gibler and Kirk A. Randazzo, "Testing the Effects of Independent Judiciaries on the Likelihood of Democratic Backsliding," *American Journal of Political Science* 55.3 (2011): 696-709.

¹⁵ Kurlantzick, *Democracy in Retreat*.

media, weakened the role of the judiciary through legal constitutional changes, exploited economic connections for personal gain, taken advantage of its ineffective opposition, and cracked down on civil society.

On a last note, it is important to recognize that each of these issue areas are not exclusive and are inherently interlinked and intertwined. Events such as the Ergenekon trials have far-reaching effects that not only affect one area such as the independence of the judiciary, but also affect other key areas such as media freedom, demonstrated by the detention of journalists, such as Ahmet Şık.

II. HISTORY OF TURKEY'S DEMOCRATIC TRANSITION

Turkey's transition to democracy was not a smooth process. Even after its first competitive elections in 1950, Turkey experienced a long period of democratic breakdowns and military tutelage. This chapter describes the evolution of the Turkish democratic system, concluding with the democratic achievements of the AKP.

The establishment of the Republic of Turkey in 1923 created a single party regime that radically transformed Turkish society. The founders of the Republic abolished the Caliphate, banned religious orders, established secular systems of law and education that replaced the *shari'a* and Islamic schools, and imposed western-style clothing. These reforms were imposed by a strong central government, despite resistance from some of its citizens.¹⁶ Under this cultural transformation, the Republic's founders aimed to eliminate evidence of its past imperial system and in its place establish and consolidate its own regime and power based on secularism and a legal-rational basis.

In 1946 as a result of many domestic and international factors, the single-party government made a transition to competitive politics, allowing for multiple parties and thus, free and fair elections. In the elections of 1950, the Democratic Party won against the Republican People's Party (*Cumhuriyet Halk Partisi*, CHP), marking a historic transition to Turkish democracy.¹⁷

¹⁶ Binnaz Toprak, "Islam and Democracy in Turkey," *Turkish Studies* 6.2 (2005): 169.

¹⁷ Carmen Rodriguez et al., *Turkey's Democratization Process* (New York: Routledge, 2014), 46.

For the next three decades, Turkey experienced cycles of democracy. Each cycle began with an election to mark a transition to a new rule. When the government's performance did not meet expectations, a period of turmoil followed and was preempted by a military coup. Military intervention occurred in 1960, 1971, and in 1980, and it was not until the elections of 1983 when there was a return to civilian politics. The Motherland Party won an overwhelming majority under the charismatic Turgut Özal, whose primary goal was to reform and liberalize Turkey's economy, leading to the privatization of many state assets and an increase in foreign investment.¹⁸

However, the election of Özal to the presidency led to polarization and fragmentation within the party system. By 1995, the political party system was in shambles: parties disappeared, banned parties were revived in different forms, and the fragmented party system meant the return of coalitions. Furthermore, religiously oriented parties began to gain strength in the political system. A series of Islamist parties inspired by Necmettin Erbakan under his "Milli Görüş" ideology formed, one succeeding the other as each was banned by the Constitutional Court for violating Turkey's secularist principle. The religious impetus finally broke through the Turkish political system when the Welfare Party won elections in 1996, causing uneasiness among the highly secular military. The next year, Prime Minister Erbakan was forced to resign by the military in what has been referred to as a "post-modern coup." In 1998, the Welfare Party was also closed down by the Constitutional Court.¹⁹

Its successor, the Virtue Party, was also closed in 2001, but this split the party into two parties. While those loyal to Erbakan founded the Felicity Party, another group of

¹⁸ Rodriguez et al., *Turkey's Democratization Process*, 46-59.

¹⁹ Ibid, 60.

mainly younger politicians renounced an Islamist agenda and established the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP). The AKP was led by Recep Tayyip Erdoğan, a former mayor of Istanbul who was convicted for making religious references in a public speech. Having drawn lessons from the history of Islamist parties such as the National Salvation Party and the Welfare Party, the AKP managed to present itself as being pragmatic but socially conservative. By seeking this balance and focusing on meeting the immediate needs of the Turkish people, the AKP quickly gained political traction and won the elections of 2002 with 34.3 percent of the vote. The national party threshold of 10 percent prevented representation of smaller parties, yielding the AKP a comfortable majority to dominate the government by itself.²⁰ The election of the AKP into power led to a new phase in Turkish politics, marking the opportunity for democratic consolidation.

Democratization under the AKP

During the AKP's first term, the government concentrated on fulfilling its promises made in the 2002 elections. The party prioritized economic growth to deliver Turkey from its major financial crisis in 2001. Incorporating the economic policies outlined by Kemal Derviş and sanctioned by the IMF, the government carried out large privatization schemes, kept inflation and the budget deficit low, and successfully attracted foreign direct investment. The economic success was exceptional: the Turkish

²⁰ Rodriguez et al., *Turkey's Democratization Process*, 60-61.

economy grew an average 6.8 percent per year with exports increasing from \$45 billion to \$107 billion during the AKP's first term.²¹

The AKP's main goal, however, was to obtain EU membership, and thus the government took major steps to consolidate democracy. In order to harmonize Turkish law with EU norms, the AKP made constitutional amendments for a total of 42 articles in the Constitution,²² improving the protection of fundamental rights, bolstering the rule of law, and limiting the military's role in government by reforming the National Security Council.²³ The constitutional amendments made in 2004 were one of the most significant steps in Turkey's liberalization and democratization process. The amendments completely abolished the death penalty, strengthened gender equality, recognized international human rights norms, and abolished the controversial state security courts.²⁴ Moreover, these constitutional amendments were accompanied by a series of reform packages, known as "harmonization laws." These were passed between 2002 and 2004 and amended 218 articles of 53 laws, addressing issues of freedom of speech, assembly, religion, minority rights, and prevention of torture and mistreatment.²⁵

Impressed by Turkey's accomplishments, the European Council voted to invite Turkey in December 2004 to begin negotiations for EU membership. Accession negotiations officially commenced in October 2005.²⁶ The AKP hailed these reforms and advancements with the EU as proof of their commitment to restore and strengthen

²¹ Sebnem Gumuscu and Deniz Sert, "The March 2009 Local Elections and the Inconsistent Democratic Transformation of the AKP Party in Turkey," *Middle East Critique* 19 (2010): 58.

²² Özge Zihnioğlu, *European Union Civil Society Policy and Turkey* (New York: Palgrave Macmillan, 2013), 114.

²³ Ergun Özbudun and Ömer Gençkaya, *Democratization and the Politics of Constitution-Making in Turkey* (Budapest: Central European University Press, 2009), 73.

²⁴ *Ibid.*, 66.

²⁵ Zihnioğlu, *European Union Civil Society Policy and Turkey*, 114.

²⁶ *Ibid.*, 84-85.

Turkey's democracy. Its achievements led to the AKP's reelection in July 2007, when it increased its votes to nearly 47 percent.²⁷

But the AKP started its second term with a narrow agenda, focusing its democratization efforts on religious freedoms of its mainly conservative supporters, such as the removal of the headscarf ban. The AKP also failed to adequately address the rights of minority groups, especially the Kurds and the Alevis. As a result, increasing numbers from Turkish civil society began to criticize the AKP for pursuing an Islamist agenda and backing their own version of democracy.²⁸

Moreover, after the opening of EU accession negotiations in 2005, progress decelerated, leading to a loss of reform momentum. The failure to settle the Cyprus issue in addition to the reluctance of EU members, such as Germany and France, to enlarge to Turkey resulted in the suspension of talks on most accession chapters. This seriously blocked progress and resulted in Turkish perceptions that the EU was treating them unfairly because of the EU's desires to remain a "Christian club." This undermined the credibility of the EU's conditions, causing the AKP to turn inwards to consolidate its own power base. As a result, Turkey's domestic reform impetus has stalled, declining enough to start showing signs of democratic backsliding.²⁹

²⁷ Gumuscu and Sert, "The March 2009 Local Elections," 59.

²⁸ Ibid, 62.

²⁹ Paul Kubicek, "Democratization and Relations with the EU in the AK Party Period: Is Turkey Really Making Progress?" *Insight Turkey* 15.4 (2012): 43.

III. ESTABLISHING A MEDIA AUTOCRACY

Since the beginning of its second term in 2007, the AKP has been putting increasing pressure on the media in order to control and suppress independent journalism in Turkey. This clampdown on media freedom in the last seven years indicates democratic backsliding in Turkey. A free press is crucial to a democracy, allowing for constructive public debate while also providing accountability to the government. Yet, rather than creating a safe and autonomous space for journalists, the government has formed an environment that is hostile and even dangerous for journalists to report opposing views. Moreover, the negative government practices toward news media has primarily been led by Prime Minister Erdoğan, establishing an intimidating, powerful media autocracy.

This chapter explores Turkey's current state of diminishing freedoms of the press as the government has employed different tactics to suppress the media's role in Turkey, including tactics of controlling media conglomerates, imprisonment, intimidation, and firing of journalists. This chapter provides supporting evidence of the government's media clampdown through various narratives and events, demonstrating not only its intolerance of government criticism, but also its fear of the media's ability to stir anti-AKP sentiments.

Controlling Media Conglomerates

During the AKP's second term, the media landscape has seen many changes in the ownership of media groups, specifically, into the hands of pro-AKP companies.

Despite these shifts, most companies have generally endeavored to remain in good terms with the government. This is due to the fact that most of the major media holdings in Turkey are large conglomerates with major economic interests in other sectors, such as construction or energy, and only a small percentage of their profits actually come from the media sector. Companies are often dependent on the privatization of government resources and government contracts for their business due to Turkey's state-planned economy. In order to maintain good relations with the government to protect potential governmental contracts, companies are under pressure to limit political criticism, contributing to self-censorship.³⁰ As the AKP focused on economic growth during its first term and carried out large privatization schemes, these conglomerates were eager to partake in this opportunity, resulting in a growing dependency on government favor.

The government has maintained influence over the media by forcing out media groups critical of the government through heavy fines and reselling them to companies who are sympathetic to the AKP and Prime Minister Erdoğan. The government in turn rewards these companies by offering government contracts. This was the case for Turkey's two dominant media groups, Sabah-ATV and Doğan Media Group, as the AKP realized after its 2007 reelection that it needed its own propaganda system to promote itself and a way to silence critical voices from the opposition.

The *Sabah* newspaper traditionally supported secularism in Turkey, backing a democratic and westernized Turkey. Yet, in 2007, the Savings Deposit Insurance Fund, a

³⁰ Max Hoffman and Michael Werz, *Freedom of the Press and Expression in Turkey* (Washington, D.C.: Center for American Progress, 2013), 10.

government agency, seized Sabah-ATV for “mishandling its initial public offering.”³¹

Sabah-ATV was later sold to Çalık Holding, which was owned by Prime Minister Erdoğan’s son-in-law Berat Albayrak, with Albayrak’s brother responsible for the media unit. Moreover, two state banks, Halkbank and Vakıfbank, helped finance its \$1.1 billion purchase, granting \$750 million in loans. Since the transfer of ownership, Sabah’s editorial stance has also moved from being center-left to pro-government.³²

The next year, Prime Minister Erdoğan used the case of Deniz Feneri (“The Lighthouse”) as a cover to target Turkey’s largest media company, Doğan Media Group, which was also associated with secularism since its support of the 1997 “post-modern coup.” Deniz Feneri was a charity for the Muslim poor, founded by a group with close ties to the AKP. However, the Doğan papers, *Hürriyet* and *Milliyet*, gave extensive coverage of a German court case that found the charity guilty of using its donations to buy property in Turkey. Moreover, the papers accused three Turkish citizens with close connections to the AKP of swindling tens of millions of dollars from the charity. In response, Prime Minister Erdoğan called for a public boycott of the Doğan papers that reported the scandal and labeled their reporting as lies.³³ The next strike came in February 2009: the Ministry of Finance charged the Doğan Media Group with a \$500 million tax fine, which was raised that September to \$2.5 billion, four-fifths of the entire company’s market value. The fine eventually forced Doğan to sell its papers *Milliyet* and *Vatan* to another pro-government company, reducing Doğan’s power in the Turkish

³¹ Oray Ergin, “The Silence of Surrender: Erdogan’s War on Independent Media,” *World Affairs* (2013), <http://www.worldaffairsjournal.org/issue/novemberdecember-2013>.

³² Susan Corke et al., *Democracy in Crisis: Corruption, Media, and Power in Turkey* (New York: Freedom House, 2014), 7.

³³ Oray Ergin, “The Silence of Surrender.”

press.³⁴

The seizure of the largest media groups in Turkey under AKP control marked the beginning of the end of media freedom, revealing Prime Minister Erdoğan's determination to assert more control over the media sector.

Imprisonment

Turkey has the highest number of jailed journalists in the world with the Committee to Protect Journalists reporting 40 imprisoned journalists at the end of last year.³⁵ The government has used this tactic in order to silence commentary on sensitive issues. According to a study conducted by the Organization for Security and Cooperation in Europe in August 2012, Turkish journalists were primarily imprisoned on charges related to the Kurdish question and the role of the military in Turkish politics: 68 percent were jailed due to the Kurdish issue, 13 percent due to the Ergenekon trials of alleged coup-conspirators, and 19 percent due to various other charges.³⁶

The high number of imprisoned journalists in Turkey is a direct consequence of overly broad anti-terrorism laws, including Article 314 of the Turkish Criminal Code and the Turkish Anti-Terror Law. For example, the Turkish Anti-Terror Law makes it a crime to “print or publish declarations or announcements of terrorist organizations.”³⁷ The nature of these poorly-defined laws leave them open to abuse by prosecutors and judges, who have aggressively applied them through their own interpretation. Even after several rounds of reform, the anti-terrorism laws continue to target terrorist “propaganda” and are

³⁴ Susan Corke et al., *Democracy in Crisis*, 7.

³⁵ *Ibid*, 14.

³⁶ Hoffman and Werz, *Freedom of the Press*, 8.

³⁷ *Ibid*.

enforced to prosecute any journalist trying to cover the activities of the PKK or other terrorist groups.³⁸

Moreover, the prosecution of journalists in Turkey demonstrates the flaws of the Turkish legal system as well as the government's ease in using the courts to imprison opposing voices in Turkish society. In 2011, Freedom House reported that there are more than 4,000 lawsuits pending against journalists in Turkey.³⁹

Intimidation

Another way the AKP has been clamping down on the media is through intimidation. Prime Minister Erdoğan has manipulated the media and prevented critical commentary for his party's own political benefit, exploiting the fears of journalists and media owners of losing their job and reputation. He has frequently attacked journalists individually, including prominent journalists Hasan Cemal and Nuray Mert, who lost their jobs after these public defamations. Other journalists have been told by their own bosses to resist publishing government criticisms or had columns removed by the owners.⁴⁰ This pressure manifests itself in direct pressure on media owners from government officials and more subtle forms of self-censorship from editors and journalists who are afraid of dismissal. Many conclude that it is not worth the risk to examine sensitive issues such as the PKK or the Ergenekon trial.

Though many of these instances of intimidation have been undisclosed, the

³⁸ Hoffman and Werz, *Freedom of the Press*, 8.

³⁹ Fulya Özerkan, "Dueling narratives of news media freedom in Turkey," *Hürriyet Daily News*, March 15, 2011, <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=war-against-media-damage-turkeys-model-muslim-democracy-image-2011-03-15>.

⁴⁰ Hoffman and Werz, *Freedom of the Press*, 10.

climate has drastically changed in the past few months when a series of wiretappings were leaked to the public – including the undeniable evidence of media manipulation. Listened to by millions of Turks online, the leaks revealed a phone conversation between Prime Minister Erdoğan and Fatih Saraç during the time of the Gezi Park protests, a conservative businessman with close connections to Erdoğan and the AKP. In 2012, Saraç had suddenly become the executive director of *Habertürk* newspaper and Habertürk TV, both top mainstream news sources. In the leaked phone conversation, Erdoğan furiously tells Saraç to immediately remove a news ticker on Habertürk TV broadcasting Nationalist Movement Party leader Devlet Bahçeli’s speech on the incompetence of the government to intervene in the Gezi protests. Saraç replies, “Yes sir, I apologize,” and makes subsequent calls to editors at the station to pull off the ticker.⁴¹ In the latest events, local newspapers announced that Saraç’s name was removed from the masthead of the *Habertürk* daily as the Deputy Chairman of the Board of Directors.⁴²

Tensions heightened a few days later on February 10, when Fatih Altyalı, editor-in-chief of *Habertürk*, appeared on a television interview on CNN Türk. Altyalı announced in the interview that all of Turkish media is under government pressure, including *Habertürk*, creating a climate of intimidation in which media editors are unable to publish freely. “The honor of journalism is being trampled on. Instructions rain down every day from various places. Can you write what you want? Everybody is afraid,” Altyalı said on CNN Türk.⁴³

⁴¹ Mustafa Akyol, “Turkey’s media manipulation: from denial to ‘so what?’” *Al Monitor*, February 13, 2014, <http://www.al-monitor.com/pulse/originals/2014/02/turkey-media-manipulation.html#>.

⁴² “‘Alo Fatih’ Habertürk gazetesinin künyesinden çıktı,” *Radikal*, March 4, 2014, http://www.radikal.com.tr/turkiye/alo_fatih_haberturk_gazetesinin_kunyesinden_cikti-1179441.

⁴³ Nick Tattersall and Ece Toksabay. “Turkish editor hits out at media coercion under Erdogan,” *Reuters*, February 11, 2014, <http://www.reuters.com/article/2014/02/11/us-turkey-idUSBREA1A11120140211>.

In response to these recent accusations, Prime Minister Erdoğan has acknowledged some intervention in the media, but has defended himself by saying that he was slandered first.⁴⁴

Firings

If warnings are not enough to prevent journalists and editors from criticizing the government, they are fired, demonstrating the complete intolerance of the government. Hasan Cemal, one of Turkey's most respected journalists for the *Milliyet* column, was fired in March 2013. After *Milliyet* published leak information on PKK leader Abdullah Öcalan and the occurring peace talks, Cemal had defended *Milliyet's* actions, arguing that the paper had the right to disclose the information to the public. In response, Prime Minister Erdoğan publicly criticized Cemal, saying, "If this is journalism, then down with your journalism!" This public condemnation from the prime minister created immense pressure on the owner of *Milliyet*, who fired Cemal later that month.⁴⁵

The Gezi Park protests last summer also led to unprecedented mass firings, exemplifying the AKP's increasing suppression of the media. The total number of fired journalists due to coverage of the protests varies as the Gezi firings have continued throughout the fall. The Turkish Journalists' Union reported 59 fired journalists on July 26, but other media employees cite much higher numbers.⁴⁶ When *NTV Tarih*, a history magazine owned by NTV, published a special "Gezi edition," the entire staff was dismissed and the magazine closed down. Even after the protests in November, TRT

⁴⁴ Akyol, "Turkey's media manipulation."

⁴⁵ Susan Corke et al., *Democracy in Crisis*, 9.

⁴⁶ *Ibid*, 8.

news owner fired two employees who had supported the protests via social media.

However, the AKP and its supporters claim that the firings are not related to coverage of the Gezi protests.⁴⁷

Another of Turkey's most prominent columnists, Can Dündar from *Milliyet*, was also fired as a result of the Gezi protests. After his columns were not published for weeks, *Milliyet* owner informed him of his dismissal in a phone call. Dündar wrote on his personal blog, "I was waiting it for a long time, it wasn't a surprise...I'm not the first, and I won't be the last."⁴⁸

⁴⁷ Susan Corke et al., *Democracy in Crisis*, 8.

⁴⁸ "Can Dündar dismissed from daily Milliyet for critical Gezi stance," *Hürriyet Daily News*, August 1, 2013, <http://www.hurriyetdailynews.com/can-dundar-dismissed-from-daily-milliyet-for-critical-gezi-stance.aspx?pageID=238&nID=51871&NewsCatID=339>.

IV. REDEFINING JUDICIAL INDEPENDENCE

The Turkish judiciary has become a political tool of the AKP over recent years, highlighting the judiciary's undemocratic role in the Turkish political system. As the functions of the judiciary have become increasingly monitored under tight executive control, the independence of prosecutors and judges has eroded, undermining two precepts of a functioning democracy: the rule of law and the separation of powers. However, the Turkish judicial system has always been involved in Turkish politics. The judiciary has been a central component of shaping Turkey's new modern state after the 1961 Constitution established separation of powers between the legislature and the judicial system. The judiciary has traditionally strictly adhered to the Kemalist ideology of secularism. Using its own discernment, the judiciary has acted as an independent institution to target enemies of the state, repeatedly invoking Articles 68 and 69 of the Turkish Constitution to intervene in Turkish politics and close a total of 27 political parties for violating the principles of a secular Turkish state.⁴⁹

Yet, signs of a less independent judiciary began to appear since the second term of the AKP. As Prime Minister Erdoğan gradually gained control of the judiciary by installing judges and prosecutors sympathetic to his party, the judiciary has not only lost its independence, but has become a tool to target and weaken the enemies of Erdoğan rather than the state. However, Asli Bali, Assistant Professor of Law at the UCLA School of Law, argues that the notion of judicial independence must be "redefined" in cases of democratic transitions. By using examples of controversial constitutional cases in Turkey,

⁴⁹ Michael Koplow, "Politics as Usual: The Battle for the Turkish Judiciary," *World Politics Review* (2014), <http://www.worldpoliticsreview.com/articles/13494/politics-as-usual-the-battle-for-the-turkish-judiciary>.

she claims that because the judiciary has been separated from accountability to elected branches of government, it has become too independent and has aimed to protect the interests of the elite, thus hindering Turkey's democratic transition.⁵⁰ Yet, this chapter will present evidence that shows the negative effects of both sides – a Turkish judiciary that is too independent and a Turkish judiciary that is given more accountability to the elected branch of the government, which has resulted in the AKP's exploitation of the judiciary for its own political purpose. The evidence provided in this chapter, however, will focus on creating a cohesive narrative to map out the gradual erosion of the independence of the judiciary.

The Break

The ruling AKP was not exempt from the judiciary's target list. On March 14, 2008, Turkey's Chief Prosecutor filed a case to the Constitutional Court to ban the AKP and 71 of its members from politics for violating the founding principle of secularism.⁵¹ The AKP barely survived: only six of the eleven court justices voted for closure, one vote short to shut down a party and bar politicians according to Turkish law. On July 30, 2008, the Constitutional Court announced its verdict but also fined the AKP \$20 million, ruling that the party had shown signs of "anti-secular activities."⁵²

Bali notes that this decision was a new development in the Turkish legal and political system as this was the first time the Constitutional Court had attempted to close an elected party in power, marking an assertion of independent authority to "close

⁵⁰ Asli Bali, "The Perils of Judicial Independence: Constitutional Transition and the Turkish Example," *Virginia Journal of International Law* 52 (2012): 235-320.

⁵¹ Koplow, "Politics as Usual."

⁵² Gareth Jenkins, "Turkey's Latest Crisis," *Survival* 50 (2008): 9.

democratic channels for constitutional reform in Turkey.”⁵³ However, this narrow escape of the closure case was the breaking point for the AKP – Erdoğan had made a mental note to find a way to check the independence of the judiciary and bring it under his control.

Reforming the Judiciary

When the AKP first came into power, the higher judiciary structures were dominated by hardline secularists. However, since the AKP’s landslide reelection in 2007, there has been evidence that AKP-supporters have been integrating themselves into the judiciary system. First, the AKP passed a law in 2007 requiring all judicial candidates to take an oral exam carried out by the Ministry of Justice, which is dominated by the AKP. This has helped pro-AKP appointees get into the lower levels of the courts.⁵⁴

In April 2010, the Turkish parliament began to debate constitutional changes proposed by the government. The constitutional amendments passed when voters approved them in a constitutional referendum in September 2010. Bali lauds the constitutional changes that were supposed to make Turkey more democratic, as the reforms regarding Turkey’s judiciary system represent an improvement in judicial accountability in her view.⁵⁵ However, others, including Gareth Jenkins, a Nonresident Senior Fellow with the Silk Road Studies Program and a regular contributor to its biweekly *Turkey Analyst*, have questioned the motivations for the judiciary reforms,

⁵³ Bali, “The Perils of Judicial Independence,” 255.

⁵⁴ Michael Rubin, “Erdogan, Ergenekon, and the Struggle for Turkey,” *Mideast Monitor* (2008), <http://www.meforum.org/1968/erdogan-ergenekon-and-the-struggle-for-turkey>.

⁵⁵ Bali, “The Perils of Judicial Independence,” 309.

concerned that “judicial accountability” means increasing AKP control over a diminishing independent judiciary.⁵⁶

The first amendment concerning the judiciary was the composition of the Turkish Constitutional Court, which increased the number of permanent justices from 11 to 17. 14 are to be appointed by the President from a selected pool, and the rest are to be appointed by the Turkish Grand National Assembly. The second amendment changed the composition of the Supreme Board of Judges and Prosecutors (HSYK), also increasing its size and putting it under increased control of the executive through the minister of justice and the undersecretary of the Ministry of Justice, who retain their seats on the board. Furthermore, the HSYK is the sole body to appoint and promote judges and prosecutors, giving the government more expansive scope within the judiciary.⁵⁷

As a result, when the election was held in October 2010, 16 of the HSYK seats were filled by the ministry’s 16 chosen candidates.⁵⁸ Despite the democratic appearance of these reforms, the gradual replacement of secularist judges to AKP-supporters has ultimately allowed the AKP to exploit the judiciary for its own purposes – as seen in the Ergenekon investigation.

Ergenekon and Sledgehammer Coup Cases

The AKP and the military have historically had tense relations. Traditionally regarded as the protector of the Kemalist ideology, the military threatened to stage a coup

⁵⁶ Gareth Jenkins, “Changing of the Guard: Judicial Reforms Reinforce Concerns about the AKP’s Increasing Authoritarianism,” *Turkey Analyst* 3 (2010), <http://www.silkroadstudies.org/new/inside/turkey/2010/101108A.html>.

⁵⁷ Sinan Ciddi, “Turkey’s September 12, 2010 Referendum,” *MERIA Journal* 15 (2011), <http://www.gloria-center.org/2011/12/turkey%E2%80%99s-september-12-2010-referendum/>.

⁵⁸ Jenkins, “Changing of the Guard.”

if the ruling AKP carried out its plan to appoint Abdullah Gül as president. The AKP defied the military and called for an early election for July 2007. When the AKP won, Gül was sworn in as president in August, leaving the General Staff powerless to oppose the votes of the people.⁵⁹

The Ergenekon case was first launched in June 2007 following the discovery of grenades in a house in Istanbul. However, it was not until after the AKP's reelection in 2007 when the case gathered pace. Ergenekon prosecutors claimed to have discovered a widespread, clandestine ultranationalist organization that had been responsible for illegal acts of political violence in Turkey over past decades. The organization was alleged to have plans to overthrow the current government by anti-democratic means and had a vast network of plotters, consisting of elements of the military and police, terrorist groups, nongovernmental organizations, gangs, journalists, politicians, and judges.⁶⁰

The first high profile arrests were made in January 2008, and the resulting trial in July of 86 individuals, including retired senior military officers, was initially commended as a success for democracy and normalized civilian-military relations. The Ergenekon case expanded over the years, and new evidence regarding coup plots and planned assassinations of top officials led to further police raids and arrests. In June 2009, the police charged active military officers, including Chief of the General Staff İlker Başbuğ,

⁵⁹ Gareth Jenkins, "The Ergenekon Releases and Prospects for the Rule of Law in Turkey," *Turkey Analyst* 7 (2014), <http://www.turkeyanalyst.org/publications/turkey-analyst-articles/item/96-the-ergenekon-releases-and-prospects-for-the-rule-of-law-in-turkey.html>.

⁶⁰ Jenkins, "The Ergenekon Releases and Prospects for the Rule of Law in Turkey."

after finding a 300-page document revealing a plan to subvert the AKP's authority and abate the influence of Fethullah Gülen's religious social movement.⁶¹

In the midst of these trials, another military coup plot from 2003 was uncovered in January 2010. Labeled Operation Sledgehammer, the scheme aimed to undermine the AKP's governance by bombing public buildings and creating border tensions with Greece, thereby justifying military intervention.⁶² 326 active and retired military officers, including the former air force and navy chiefs, were convicted in connection with the plot, including former Army Commander General, Çetin Doğan.⁶³

The Ergenekon case was supported and propagated by an aggressive media campaign by pro-Gülen newspapers, television channels and internet websites. Yet, there was still no evidence that the organization existed. The only common factor between those charged was that they were all critics or perceived opponents of the AKP and the Gülen Movement. In March 2011, the arrest of two renowned journalists, Nedim Şener and Ahmet Şık, confirmed that the AKP was targeting its own critics. Şener wrote a book in 2009 about the possible involvement of the government in the murder of Armenian journalist Hrant Dink; Şık was writing a book on the Gülen Movement's infiltration of the bureaucracy since AKP's first electoral victory in 2002. Both journalists denied any involvement in Ergenekon and testified that their arrest was the government's way of retaliation for their writings.⁶⁴

⁶¹ E.P. Licursi, "The Ergenekon Case and Turkey's Democratic Aspirations," *Freedom House* (2012), <http://www.freedomhouse.org/blog/ergenekon-case-and-turkey%E2%80%99s-democratic-aspirations#.U1dSEfldUud>.

⁶² Jenkins, "The Ergenekon Releases and Prospects for the Rule of Law in Turkey."

⁶³ Suzan Fraser, "326 Convicted in Turkey Military Coup Plot," *Associated Press*, September 21, 2012, <http://bigstory.ap.org/article/verdict-expected-turkish-coup-plot-trial>.

⁶⁴ Licursi, "The Ergenekon Case and Turkey's Democratic Aspirations."

The Ergenekon case finally reached an end on August 5, 2013. In this final trial, the court announced verdicts for 275 suspects, including high-ranking army members, journalists, politicians, and academics.⁶⁵ As a result of the five-year court case, over 1,200 people have been charged and more than 500 defendants have been convicted, including over 350 serving and retired military staff.⁶⁶ However, this past March, former Chief of the General Staff İlker Başbuğ, who had been given a life sentence last August, was released from prison. Critics have speculated on his release, saying that it was a move by the government to form a common alliance with the military against the Gülenists. Others said the timing is not coincidental and that Erdoğan is using his release as a distraction from his own problems with the recent corruption probe and the wiretapping leaks.⁶⁷

In summary, the AKP has used the judiciary as an effective tool in weakening the opposition, using the Ergenekon trials to weaken the military which had initially presented itself as a potential challenge to the party. Concerns about the fairness of the trials led to conspiracy theories against the government, ranging from questions about the weak nature of the evidence, the clampdown on journalists, concerns about the over-usage of terrorism laws for prosecution, and the prolonged pretrial detainment of some defendants. The Ergenekon case has demonstrated that the court trials are not determined by the principles of due process and the rule of law, but by executive political power and control of the judiciary.

⁶⁵ “19 sentenced to life in Turkey’s Ergenekon coup plot trial, including ex-military chief,” *Hürriyet Daily News*, August 5, 2013, <http://www.hurriyetdailynews.com/Default.aspx?PageID=238&NID=52034>.

⁶⁶ Jenkins, “The Ergenekon Releases and Prospects for the Rule of Law in Turkey.”

⁶⁷ Daniel Dombey, “Turkey sees political shift with release of imprisoned general,” *Financial Times*, March 7, 2014, <http://www.ft.com/intl/cms/s/0/3ea49568-a61b-11e3-8a2a-00144feab7de.html?siteedition=intl#axzz2zZyaWWGv>.

The Final Clinch on the Judiciary

The events after December 17 led to another clampdown on the judiciary. Not only have hundreds of prosecutors and judges been reassigned in a purge of the judiciary, but the AKP also proposed a new law regarding the Supreme Board of Judges and Prosecutors (HSYK), which was passed on February 26, 2014. The HSYK law increases government control over appointing judges and prosecutors by granting the minister of justice sole supervisory power over the HSYK. The law authorizes the minister of justice to manage the composition of all three chambers of the board and to initiate disciplinary procedures for HSYK members. According to the new law, the minister of justice needs to appoint new individuals to the HSYK within 10 days.⁶⁸ After the law was approved by President Gül, the Justice Minister has dismissed judges, prosecutors, and the administrative staff of the HSYK, replacing them with AKP-supporters.⁶⁹ The latest wave of purges in the judiciary was on March 23, where 271 judges and prosecutors were reshuffled, including those who were assigned to major cases such as Ergenekon and Sledgehammer.⁷⁰

The new appointments were an attempt of the government to bring the judiciary under its full control in an effort to cover up its allegations of graft. However, in the aftermath of the Constitutional Court's repeal of the Twitter and YouTube ban, the Constitutional Court also overturned parts of the HSYK law on April 11. Erdoğan has

⁶⁸ "President Gül approves bill emboldening gov't control over judiciary," *Cihan*, February 26, 2014, http://en.cihan.com.tr/news/President-Gul-approves-bill-emboldening-gov-t-control-over-judiciary_1705-CHMTM1MTcwNS80.

⁶⁹ Blaise Misztal and Jessica Michek, "The Separation of Powers in Turkey: Erdoğan vs. The Judiciary," *Bipartisan Policy*, April 21, 2014, <http://bipartisanpolicy.org/blog/foreignpolicy/2014/04/21/separation-powers-turkey>.

⁷⁰ Serpil Kirkeser, "HSYK 271 hakim ve savcının görev yerlerini değiştirdi," *Radikal*, March 23, 2014, http://www.radikal.com.tr/turkiye/yeni_hsyk_kararnamesi_kabul_edildi-1182739.

criticized the judiciary saying that judges should take off their robes and “start doing politics,” while also claiming that the court had been infiltrated by the “parallel structure.”⁷¹

The decisions of the Constitutional Court to repeal the AKP’s authoritarian-like rulings provide some hope for Turkey’s democracy and the future of rule of law in Turkey. However, a healthy checks and balances must exist in order to create accountability. Bali says that judicial independence should be redefined to convey interdependence between the branches in order to create forms of judicial accountability. As seen in this chapter, this is true because total independence of the judiciary has resulted in a polarizing battle between the executive branch and the judiciary, leading to fierce clashes as both sides try to undermine each other. However, this chapter also demonstrates the importance of an independent judiciary to check an increasingly authoritarian government. Moreover, there is a danger of too much interdependence, as the AKP has used the judiciary as a tool for its own interests. Turkey must agree on the definition of “judicial independence” in order to develop a system of accountability for both the judiciary and the other government branches to promote Turkish democracy.

⁷¹ Misztal and Michek, “The Separation of Powers in Turkey: Erdoğan vs. The Judiciary.”

V. BUILDING UP GRAFT THROUGH CONSTRUCTION

Ever since the AKP came into power, Turkey's economy has nearly quadrupled. Indeed, the boom in consumption and the construction of countless shopping malls, residential buildings, and ambitious infrastructure projects seem to symbolize the rise of the Turkish economy. The construction industry has been crucial to this economic growth, accounting for over 6 percent of Turkey's GDP and employing more than 1.5 million people.⁷² When taking the direct and indirect impacts on other sectors into account, Forbes estimates that construction accounts for \$170 billion or approximately 20 percent of Turkey's GDP of \$789.3 billion.⁷³ This unprecedented growth of the Turkish economy, supported through the construction sector, has led some to conclude that Turkey is set on the path towards democracy through its economic liberalization.

However, this growth in the construction sector has been intertwined with politics during Erdoğan's years of power. As a result, transparency has dramatically declined and corruption has characterized the growth of the construction sector. This chapter focuses on Turkey's increasing problem of graft, which has recently been publicly exposed in a major scandal in December of last year. This chapter will describe the relationship between the government and construction sector by providing examples of different holdings which have benefited from AKP rule. It will then delve into detail of the major December 17, 2013 graft probe and the resulting chaos it has created in the government,

⁷² "Turkey's international building boom," *CNN*, November 1, 2012, <http://business.blogs.cnn.com/2012/11/01/turkeys-international-building-boom/>.

⁷³ Jesse Colombo, "Why the Worst is still ahead for Turkey's Bubble Economy," *Forbes*, March 5, 2014, <http://www.forbes.com/sites/jessecolombo/2014/03/05/why-the-worst-is-still-ahead-for-turkeys-bubble-economy/>.

bringing into question whether Turkey has been backsliding all along as corruption has been infiltrating politics.

The Growing Relationship between the AKP and the Construction Sector

Public construction projects have increased Turkey's government spending by nearly two-thirds during AKP rule, and loans related to construction have grown by 42.9 percent. Recently, Turkey's government has launched an ambitious infrastructure project. Envisioned to be completed in the next decade, this \$200 billion construction plan includes projects such as Istanbul's third airport that is expected to be one of the world's largest airports when it opens in 2019, costing \$29 billion; a 26-mile shipping canal linking Marmara to the Black Sea, costing an estimated \$15 billion; a \$5 billion rail tunnel under the Bosphorus; and a third bridge over the Bosphorus that will cost \$4.4 billion.⁷⁴

The construction sector has been managed under the oversight of Prime Minister Erdoğan. The AKP led a massive privatization campaign, with sales of government assets totaling over \$54 billion. Additionally, a new housing administration called TOKİ was established to manage land sales and was placed under the control of the prime minister shortly after the AKP assumed power, with the stated goal of "selling land for the creation of quality public housing."⁷⁵

However, along with this massive campaign, transparency of public contracts has fallen dramatically in recent years. Laws regarding public contracts and the sale of

⁷⁴ Colombo, "Why the Worst is still ahead for Turkey's Bubble Economy."

⁷⁵ Luke Rodeheffer, "A Vast Network of Corruption is Upending Turkey's Government as Three More Officials Resign," *Business Insider*, December 25, 2013, <http://www.businessinsider.com/corruption-networks-in-turkey-2013-12>.

private lands passed by the AKP at the beginning of their rule were highly progressive and transparent in order to satisfy the EU's demands. Since 2007, however, they have been amended dozens of times including the Public Procurement Law, making sales more opaque.⁷⁶ According to Global Source Partners, the government had already revised the Public Tender Act 17 times. Additionally, more than 100 minor adjustments were made, giving ministries more oversight in choosing contract winners and reducing transparency.⁷⁷ For example, a set of alterations to the Procurement Law in 2008 allowed the government to avoid the bidding process in situations where a certain company displayed "unique competence."⁷⁸ Global Integrity, a corruption tracker, ranked Turkey "weak" for transparency in 2010, down from "moderate" in 2007, noting the inability of media and state prosecutors to follow corruption cases.⁷⁹

Transferring state resources to the private sector under opaque laws has offered politicians ample opportunities to enrich their business allies. There have been increasing numbers of allegations of obscure privatization bids, land sales, and government tenders – mostly against businessmen with close ties to the government. Other times pro-AKP companies have obtained no-bid contracts, while state banks have been pressured to grant them generous loans. This was the case in Çalık Holding's purchase of *Sabah* newspaper

⁷⁶ "Gov't set to tighten grip on public tenders amid graft woes," *Today's Zaman*, January 9, 2014, <http://www.todayszaman.com/news-336198-govt-set-to-tighten-grip-on-public-tenders-amid-graft-woes.html>.

⁷⁷ Mehul Srivastava and Benjamin Harvey, "Erdogan Eyes on 'Crazy Projects' Links Turkey Scandals to Builder," *Bloomberg*, January 5, 2014, <http://www.bloomberg.com/news/2014-01-05/erdogan-eye-on-crazy-projects-links-turkey-scandal-to-builders.html>.

⁷⁸ Reuben Silverman, "Justice and Development in the Marketplace: Business and Politics in the AKP-Era Turkey" (Masters Thesis, University of Washington, 2012) 24.

⁷⁹ "AK Party's biggest corruption case shows stakes of press censorship, transparency woes," *Today's Zaman*, August 4, 2013, <http://www.todayszaman.com/news-322660-biggest-corruption-case-shows-costs-of-press-censorship.html>.

and the ATV television channel, which was bought with the aid of loans from two state-run banks.⁸⁰

The relationship between the construction industry and the AKP is clear: Pro-AKP companies win the big government contracts. Favored companies of Erdoğan include Çalık Holding, which used to be run by Erdoğan's son-in-law Berat Albayrak, and Cengiz İnşaat, which is run by Mehmet Cengiz, a founding member of a charity foundation at Recep Tayyip Erdoğan University along with Erdoğan's son. Cengiz recently won the bid to build and operate Istanbul's third airport for 25 years then transfer it to the government. According to Aykut Erdoğan, the bidding process for this airport was switched from an open-bid model, where bidders and the public can see the entire tender, to a closed envelope model in the week before the winner of the bid was to be announced in May 2013.⁸¹

Corruption Scandal of December 17, 2013

The obscure dealings involving allies of Prime Minister Erdoğan have recently been brought under the Turkish society's light. On December 17, 2013, over 100 people were arrested or questioned as a result of a 15-month secret investigation on graft, ranging from bribes to bid rigging. Among the arrested were sons of three of Erdoğan's cabinet ministers; Süleyman Aslan, the CEO of Halkbank a state bank; and Ali Ağaoğlu, one of the wealthiest men in Turkey due to his construction business. Millions of dollars in cash were found in some of the homes of the accused, most notably Aslan, who had

⁸⁰ Rodeheffer, "A Vast Network of Corruption is Upending Turkey's Government as Three More Officials Resign."

⁸¹ Srivastava and Harvey, "Erdogan Eyes on 'Crazy Projects' Links Turkey Scandals to Builder."

stashed \$4.5 million in three shoeboxes. However, Erdoğan dismissed these investigations as a plot by foreign sources to hinder Turkey's economic progress.⁸²

The December 17 corruption probe was made up of three separate investigations. The first raid detained 32 people related to an investigation against Azeri businessman Reza Zarrab. Zarrab was accused of paying bribes to the sons of Erdoğan's cabinet members and Halkbank CEO Aslan to enable and conceal illegal transactions of money and gold between Turkey, Iran, and Russia, in addition to obtaining Turkish citizenship for his relatives and his members of his alleged crime ring. Zarrab allegedly exchanged gold for cash in Iran in 2012 with the support of top politicians and Halkbank, which helped transfer a total of nearly \$10 million of smuggled money. Halkbank was an ideal choice because it had no existing divisions in the United States, preventing traces of money transfers with Iran.⁸³

The second probe was related to several companies which took bribes for illegal construction permits, causing tender rigging in the construction sector. Construction tycoon Ali Ağaoğlu, several heads of TOKİ, and members of the Ministry of Environment were detained as part of this second probe.⁸⁴

The third probe was regarding Istanbul's Fatih Municipality, which allegedly granted construction permits despite safety issues for the newly built Marmaray tunnel that would have arisen as a result of further construction. Additionally, Fatih Municipality was also accused of giving permission to a gang to construct buildings on

⁸² Colombo, "Why the Worst is still ahead for Turkey's Bubble Economy."

⁸³ "New details revealed about Turkey's ongoing graft probe," *Hürriyet Daily News*, December 18, 2013, <http://www.hurriyetdailynews.com/new-details-revealed-about-turkeys-ongoing-graft-probe-.aspx?pageID=238&nID=59792&NewsCatID=341>.

⁸⁴ *Ibid.*

protected natural sites within the municipality's borders. Fatih Mayor Mustafa Demir was among the 32 people detained as part of the probe.⁸⁵

However, since these arrests in December, all suspects have been released according to court decisions, including the sons of the former ministers and Reza Zarrab.⁸⁶

Implications of the Second Probe and TOKİ

The second probe has highlighted the linkages between corruption and construction, symbolized by the “black box” of TOKİ. During the AKP's rule, public housing has rapidly expanded under TOKİ, the sole administration responsible for the housing sector in Turkey. Erdoğan Bayraktar and Prime Minister Erdoğan had worked together on construction since 1994, when Erdoğan was the mayor of Istanbul. When Erdoğan's AKP won its first parliamentary elections in 2002, Bayraktar was appointed to direct TOKİ, allowing Erdoğan to turn the administration into a more powerful and less accountable body, answering only to the prime minister himself.⁸⁷ TOKİ works with private contractors to develop housing on public land, to which it has complete access, and it also decides land prices. Its activities are also audited by the High Audit Board (*Yüksek Denetleme Kurulu*), which is controlled by the office of the prime minister, allowing for less transparency in its financial transactions. Moreover, Atiyas found in his research that “TOKİ is exempt from the procurement rules which usually apply to public

⁸⁵ “New details revealed about Turkey's ongoing graft probe,” *Hürriyet Daily News*.

⁸⁶ “No suspects left in jail in Turkey's corruption probe,” *Hürriyet Daily News*, February 28, 2014, <http://www.hurriyetdailynews.com/no-suspects-left-in-jail-in-turkeys-corruption-probe.aspx?PageID=238&NID=63045&NewsCatID=338>.

⁸⁷ Yasemin Çongar, “Erdoğan's ex-confidant Bayraktar: Will he speak?” *Al Monitor*, January 5, 2014, <http://www.al-monitor.com/pulse/originals/2014/01/erdogan-bayraktar-corruption-resignation-gulen-chp.html>.

entities (specified in the Public Procurement Act). While this exemption was originally limited to procurement for public housing projects, in 2011 it was extended to all construction undertaken by TOKİ.”⁸⁸

As a result of TOKİ’s extensive power to manage and redistribute land, TOKİ has constructed over half a million buildings in the last decade. Figures reported by TOKİ show that its land portfolio by the end of 2012 covered more than 118 million square meters and that its real estate holdings were worth more than \$7 billion. Bayraktar managed TOKİ for more than nine years until his resignation, when he became the Minister of Environment and Urban Planning during AKP’s third term.⁸⁹ Aykut Erdoğan, an opposition member in parliament, has compiled a report on the TOKİ institution under Bayraktar. He cites lack of transparency over revenue-sharing deals and rigged bidding processes between TOKİ’s commercial branch, Emlak Konut, and private contractors, such as KC Group.⁹⁰ Erdoğan also accuses TOKİ of corruption in seven separate projects amounting to a total of \$429.8 million. During the first investigation of the corruption probe, Murat Kurum, chief executive of Emlak Konut, and construction tycoon Ağaoğlu were detained for questioning, although both have now been released.⁹¹

During the December 17 corruption probe, Bayraktar resigned from his position along with the Interior Minister and the Economy Minister on December 25 after their sons were implicated and taken into custody. In a shocking move, Bayraktar publicly

⁸⁸ İzak Atiyas, “Economic Institutions and Institutional Change in Turkey during the Neoliberal Era,” *New Perspectives on Turkey* 14 (2012): 23-24.

⁸⁹ Yasemin Çongar, “Erdoğan’s ex-confidant Bayraktar: Will he speak?”

⁹⁰ Daniel Dombey and Piotr Zalewski, “Turkey probe underlines links between construction and politics,” *Financial Times*, January 1, 2014, <http://www.ft.com/intl/cms/s/0/ef8b4e0e-72d5-11e3-b05b-00144feabdc0.html?siteedition=intl#axzz2x27fWwaB>.

⁹¹ “Minister confesses to TOKİ fraud in gov’t’s biggest corruption scandal yet,” *Today’s Zaman*, November 23, 2012, <http://www.todayszaman.com/news-299126-minister-confesses-to-toki-fraud-in-govts-biggest-corruption-case-yet.html>.

invited the prime minister to resign with him, claiming that Erdoğan was behind most of the construction plans mentioned in the corruption probe and had pressurized ministers to execute his decisions.⁹² The fact that corruption has been pervasive within TOKİ, an administrative so closely linked to the government, demonstrates a failure of the government to uphold the rule of law.

Prime Minister and Rule of Law

Since the corruption probes, a series of wiretapping recordings have constantly been released on YouTube, revealing corruption within the office of the Prime Minister himself. One recording leaked on February 24 is a series of phone calls between Erdoğan and his son, Bilal, on the day the corruption graft began. In the recording, Erdoğan asks his son to immediately transfer large amounts of money kept in the houses of various family members. Later that day, Bilal calls his father reporting that most of the money had been relocated, but 30 million euros still remained. In five days, this recording has been listened to over 5 million times on YouTube. However, Erdoğan has denied all allegations and says that it is clearly a montage.⁹³

Corruption has pervaded Turkish politics and has severely undermined the rule of law. Government officials have abused their power for private gain. If the government cannot be accountable under the law, there can be no guarantee of democracy.

⁹² Yavuz Baydar, “Erdoğan’s dream turns into a nightmare,” *Al Monitor*, December 26, 2013, <http://www.al-monitor.com/pulse/ar/originals/2013/12/turkey-erdogan-resignation-ministers-akp-power-corruption.html>.

⁹³ “Başbakan: Evinde ne var ne yok çıkar; Oğlu: 30 milyon daha var, eritemedik,” *T24*, February 24, 2014, <http://t24.com.tr/haber/iste-basbakan-ile-oglu-arasinda-gectigi-iddia-edilen-gorasmelerin-icerigi/251917>.

VI. EXPLOITING A WEAK OPPOSITION

Despite its democratic structure, Turkey's government has been dominated for over a decade by a single party, the Justice and Development Party (AKP), and its leader, Prime Minister Recep Tayyip Erdoğan. The recent local elections that took place on the 30th of March demonstrate the domination of the AKP yet again, who won with 45 percent of the vote.⁹⁴ Moreover, the clear victory of the AKP despite the recent corruption charges, mass protests, and accusations of authoritarianism, indicates a malaise within Turkey's political system: the weakness of the opposition against the AKP.

Turkey's democracy suffers from a lack of an effective opposition. Political parties are essential to democracy as they are a means of representing and expressing the needs of the citizens and provide policy choices that serve the best interest of the people. A true democracy has multiple parties with real competition. Yet, Turkey's absence of effective political parties has resulted in a lack of incentive for reforms, hindering its democratization process. Even more problematic is the fact that the Turkish civil society movement has grown stronger over the years but does not view the alternate political parties as representing their needs. Özler and Sarkissian argue that the weak interaction between civil society organizations and political parties in Turkey due to increasing polarization has undermined Turkey's democratization process.⁹⁵ This is one of the main reasons why hundreds of thousands of Turks protested against the government last

⁹⁴ Kerem Oktem, "Turkey elections: Democratic chance or authoritarian restoration?" *Al Jazeera*, April 5, 2014, <http://www.aljazeera.com/indepth/opinion/2014/04/turkey-elections-democratic-20144582813567179.html>.

⁹⁵ Ş. İlgü Özler and Ani Sarkissian, "Stalemate and Stagnation in Turkish Democratization: The Role of Civil Society and Political Parties," *Journal of Civil Society* 7.4 (2011): 368-384.

summer – with no alternative party to convey their grievances against the government, people took to the streets in Taksim.

This chapter first explores the characteristics of the AKP-dominant party era, and then it examines the reasons for the failure of the Nationalist Action Party (MHP) and the Republican People's Party (CHP) to gather votes. The third part of this chapter looks at the movement of Fethullah Gülen, which has become a major political force and source of opposition to the AKP in the past decade.

Characteristics of the Turkish Party System

The party system since the 2002 elections demonstrates a number of important characteristics. The most evident is the dominance of the AKP in Turkish electoral politics, winning the parliamentary elections in 2002, 2007, and 2011 by 34.3, 46.7 and 49.8 percent of the votes respectively.⁹⁶ Other parties have not even been close to winning a majority in government over the past decade, excluding them from sharing power.

The AKP's control of the government has marginalized the parliamentary political opposition. Moreover, there appears to be a shift in the ideological preferences of Turkish voters from center-left to center-right. This has negatively impacted the ability for Turkey's main opposition party, the center-left CHP, to expand its electoral strength to challenge the AKP in elections. Indeed, the CHP has continued to gain only about a quarter of the voter share in the past three general elections.⁹⁷ This sense of

⁹⁶ Meltem Müftüleri-Baç and E. Fuat Keyman, "The Era of Dominant-Party Politics," *Journal of Democracy* 23 (2012): 87.

⁹⁷ Rodriguez et al., *Turkey's Democratization Process*, 94.

marginalization felt by its opponents has led to polarization not only in Turkey's political system but also among opposition-party voters, especially the educated, secular, middle-class who form the CHP's electoral base. The prolonging AKP dominance has caused certain social groups to feel increasingly alienated from the government, creating a sense of hopelessness.

Third, Turkey has a 10 percent threshold for parties to gain seats in parliament, which has notably diminished the number of parties represented in parliament. In 2002, only the AKP and the CHP won seats in parliament. In 2007 and 2011, the MHP crossed the threshold in addition to members of the pro-Kurdish Peace and Democracy Party (BDP) who ran as nominal independents.⁹⁸ The high threshold used in elections adversely affects smaller parties, especially the pro-Kurdish parties, from participating in politics.

The Failure of the Opposition

The 2014 local elections showed that the main opposition parties, the CHP and MHP, remain to be parties of certain regions. The MHP could only win a few provinces in the inner Anatolia region while the CHP continued to win the provinces that line Turkey's west coast, including its token province of Izmir.⁹⁹ This regional divide has existed for the past decade, showing their inability to find a way to reach out beyond their traditional base.

The reoccurring geographical divisions in Turkish elections emphasize the reason why the two parties have been so unsuccessful: both parties have clear-cut identities that

⁹⁸ Rodriguez et al., *Turkey's Democratization Process*, 96.

⁹⁹ Sevgi Açıkgöz, "The deficits of the opposition parties in Turkey," *Today's Zaman*, April 4, 2014, http://www.todayszaman.com/blog/sevgi-kuru-acikgoz_343827_the-deficits-of-the-opposition-parties-in-turkey.html.

exclude parts of the Turkish population. The MHP is unable to go beyond its nationalistic discourse to its audience, and it gives no hope for normalization since it adheres to its ultranationalist policies. In addition to opposing EU accession, it adamantly excludes parts of Turkey's population based on ethnic issues – specifically, the Kurds. Because of its national appeals, the party cannot be a credible alternative in the southeast of Turkey which is predominantly Kurdish.¹⁰⁰

The CHP, on the other hand, is Turkey's first and the oldest party. It is a center-left party that has largely represented Turkey's urban, westernized, secular communities, known for its enforcement of the Kemalist ideology. However, the Kemalist ideology is becoming old-fashioned, losing appeal to the majority of Turkish society. During the republican era, the CHP was associated with the modern coups and military tutelage regime, known for its notorious regulations to impose Kemalism. In the past, the party has also discriminated against the rights of different religious and ethnic sectors of society, especially devout Muslims, who were accused of being a threat to the secular state. As a result, it has traditionally been unable to attract more than about a quarter of the votes. Their positioning has caused a void between the party and the predominantly conservative population, reinforcing the polarization within society.¹⁰¹ Ziya Öniş, Professor of International Political Economy at Koç University, argues that one of the central differences between the AKP and the CHP is that the AKP is able to appeal to a broader range of Turkish society, whereas the CHP's ideology makes it “inherently

¹⁰⁰ Müftüler-Baç and Keyman, “The Era of Dominant-Party Politics,” 95.

¹⁰¹ Açıkgöz, “The deficits of the opposition parties in Turkey.”

incompatible.”¹⁰² Moreover, the CHP’s reputation has been tarnished due to incessant infighting and factionalism between the hardline Kemalists, who disapprove of the AKP’s conservative agenda, and the reformers, who still hold secular values but are more accommodating to ethnic and religious minorities. Trying to balance the two interpretations of secularism has caused fragmentation within the CHP.¹⁰³ Its internal power struggles were worsened due to rivalries among leaders of the party, and its former leader Deniz Baykal was forced to resign amid a scandal in 2010.¹⁰⁴

After the change in party leadership for the 2011 election, the CHP under Kemal Kılıçdaroğlu has tried to pull away from Kemalism and has sought to reestablish the party’s legacy of social democracy. Yet, the CHP has continued to perform poorly in meeting the growing demand of Turkish society for reforms. Its proposals and projects have been unrealistic in terms of resources, and the CHP has resorted to populist rhetoric similar to that of the AKP to win the votes of the electorate. Moreover, the CHP has tended to focus on discrediting the AKP by emphasizing and criticizing its failures rather than propagating its own party agenda.¹⁰⁵

Both the MHP and CHP’s failures to formulate new strategies and policies to broaden their popular appeal continue to undermine their chances to present themselves as a credible alternative to the AKP. The opposition needs to reformulate its discourse in order to be more inclusive of other segments of Turkish society on the lines of ethnicity and religion.

¹⁰² Ziya Öniş, “Sharing Power: Turkey’s Democratization Challenge in the Age of the AKP Hegemony,” *Insight Turkey* 15 (2012): 117.

¹⁰³ Ibid.

¹⁰⁴ Müftüler-Baç and Keyman, “The Era of Dominant-Party Politics,” 94.

¹⁰⁵ *Turkey’s Local Elections: Actors, Factors, and Implications* (Washington D.C.: Bipartisan Policy Center, 2014), 14.

The Gülen Movement

The Gülen movement is Turkey's largest Islamic movement, following the teachings of the retired cleric, Fethullah Gülen. The Gülen movement is an active force with interests in the field of education, business, and media in Turkey as well as in over one hundred countries around the world. Starting in Turkey as a network focused on education, the Gülen movement expanded to other sectors and gained the support of socially conservative entrepreneurs. In the early 1990s, Gülenists expanded their education, media, and business initiatives abroad, consolidating a mass source of income.¹⁰⁶ Joshua Hendrick describes in his recently published book that Gülen affiliates have been “strategically ambiguous” in order to make mobilization around the world more successful. As part of this strategy, Gülen-affiliated institutions have insisted that each institution is independent from each other and that “there is no organic connection between these institutions.”¹⁰⁷ Indeed, the Fethullah Gülen movement has risen to be one of the most important forces in Turkish politics, and their lack of transparency has led to the development of conspiracy theories involving a hidden agenda.

Although it is not a formally-formed party opposition and actually denies any political connections, the Gülen movement has in reality been an extremely significant factor behind the AKP's political success. Having both been formerly persecuted by the military and the secular elite, the AKP and the Gülen movement created a tactical alliance to curb the military's role in politics. Moreover, the Gülen movement and the AKP shared a similar long-term vision of rebuilding the Turkish state and society by

¹⁰⁶ Joshua, D. Hendrick, *Gülen: The Ambiguous Politics of Market Islam in Turkey and the World* (New York: New York University Press, 2013), 2-4.

¹⁰⁷ *Ibid*, 228.

“increasing the Muslim share in political, economic, and cultural power.”¹⁰⁸ Thus, the Gülen movement has endorsed and promoted the AKP through the Gülen-affiliated Feza Media Group and its widely-read newspaper, *Zaman*, which has consistently sold more than any other Turkish newspaper since 2007.¹⁰⁹ More importantly, the AKP benefited from the Gülenists who had infiltrated the Turkish bureaucracy, primarily the police force and the judiciary, in order to protect itself from the military. The AKP’s access to the bureaucracy greatly increased its power and control, facilitating its efforts to weaken the opposition as demonstrated by the Ergenekon trials.¹¹⁰

However, this alliance with the AKP has progressively weakened and soured over recent years, and the Gülen movement has increasingly been challenging AKP’s authority. The first signs of tension appeared in June 2010, when Gülen and the AKP disagreed over sending a flotilla to aid the Gaza Strip, which was blocked by the Israeli navy. Ankara approved the initiative led by the İHH, a Turkish aid agency with close ties to the AKP, resulting in the deaths of nine Turks by Israeli soldiers. While the Turkish government glorified the Turkish “martyrs” and withdrew its ambassadors from Israel, Gülen criticized the campaign in the *Wall Street Journal* for unlawfully challenging Israel’s state leadership.¹¹¹

The movement’s dissension with the government continued, and it took the opportunity to use its affiliates within media, security, and judicial institutions to pressurize the government. Through its own media channels, it attacked Erdoğan for his

¹⁰⁸ Joshua D. Hendrick, “Media Wars and the Gülen Factor in the New Turkey,” *Middle East Report* (2011): 46.

¹⁰⁹ Hendrick, *Gülen: The Ambiguous Politics of Market Islam in Turkey and the World*, 182.

¹¹⁰ Gönül Tol, “The Clash of Former Allies: The AKP versus the Gülen Movement,” *Middle East Institute* (2014), <http://www.mei.edu/content/clash-former-allies-akp-versus-gulen-movement>.

¹¹¹ Günter Seufert, “Is the Fethullah Gülen Movement Overstretching Itself?” (Research Paper, Stiftung Wissenschaft und Politik, 2014), 19.

foreign policy positions – including its stance on Egypt, Iran, and Israel. However, their disagreement over the Kurdish issue led to a breaking point, as Gülen is in favor of granting the Kurds larger cultural freedoms. On February 2012, the state prosecutor decided to interrogate Hakan Fidan, the head of the Turkish National Intelligence Organization (MİT), for illegally negotiating with Kurdish parties. This was a direct challenge to Erdoğan as Fidan directly reports to Erdoğan, who now saw himself as the potential target for a charge of high treason. The AKP retaliated by introducing a bill that amended the MİT personnel law, offering comprehensive legal immunity for intelligence officials.¹¹²

Erdoğan took this opportunity to publicly define the Gülen movement as a “state within a state” carrying out anti-government schemes.¹¹³ This perception was also fueled by the Ergenekon trials. The AKP had closely cooperated with Gülenists within the security forces and the judiciary to investigate the Ergenekon conspiracies, but the AKP also began to fear the Gülenists’ spreading influence in the bureaucratic system. A strong sense of distrust and fear of the movement began to develop.

In November 2013, the government made its biggest move against the Gülen yet: a bill to close private preparatory schools in Turkey. The Gülen movement owns about a quarter of these schools, which provides a significant source of income.¹¹⁴ The bill passed in late February of this year, ordering the closure of nearly 4,000 preparatory schools by September 1, 2015.¹¹⁵ Adding to this outbreak, daily *Taraf* leaked a document from a

¹¹² Günter Seufert, “Is the Fethullah Gülen Movement Overstretching Itself?,” 19.

¹¹³ Ibid.

¹¹⁴ Tol, “The Clash of Former Allies.”

¹¹⁵ “Turkey passes law to shut down cram schools,” *Hürriyet Daily News*, March 2, 2014, <http://www.hurriyetdailynews.com/turkey-passes-law-to-shut-down-cram-schools.aspx?pageID=238&nID=63082&NewsCatID=338>.

2004 National Security Council (MGK) meeting, revealing that the government had made future plans to clampdown on the Gülen movement and its activities.¹¹⁶

The Gülen movement retaliated swiftly: On December 17, Zekeriya Öz, an Istanbul prosecutor who was in charge of the Ergenekon trials and is widely believed to be affiliated to the Gülen movement, initiated the corruption raid on dozens of individuals. The timing of the announcement of this 15-month investigation suspiciously points to the Gülen movement's involvement. Since the beginning of this corruption probe, the AKP blames the "parallel state," in reference to the Gülen movement, of trying to undermine the AKP government through the corruption probe, despite their denial of any involvement.¹¹⁷ The government responded by purging and transferring thousands of police officers from posts in big cities including Istanbul, Ankara, and Izmir, in addition to reassigning nearly 200 prosecutors and judges.¹¹⁸

In the latest news, the Turkish Parliament approved a law increasing the powers and immunities of the MİT, allowing it to monitor and investigate foreign operations.¹¹⁹ The MİT bill can be viewed as a defensive mechanism against the other security organs and the judiciary, signifying Erdoğan's suspicions and lack of trust in these institutions. The prime minister has accused the Gülen movement of orchestrating the December 17 investigations and the wiretapping leaks to undermine the AKP. With the new bill, the MİT will be able to profile members of the bureaucracy to find these perpetrators and

¹¹⁶ "Gülen'i bitirme kararı 2004'te MGK'da alındı," *Taraf*, November 28, 2013, <http://www.taraf.com.tr/haber-gulen-i-bitirme-karari-2004-te-mgk-da-alindi-140671/>.

¹¹⁷ Mustafa Akyol, "What you should know about Turkey's AKP-Gülen conflict," *Al Monitor*, January 3, 2014, <http://www.al-monitor.com/pulse/originals/2014/01/akp-gulen-conflict-guide.html#>.

¹¹⁸ Daren Butler, "Turkey purges hundreds more police over graft probe, media reports," *Reuters*, January 31, 2014, <http://www.reuters.com/article/2014/01/31/us-turkey-corruption-idUSBREA0U00L20140131>.

¹¹⁹ "Turkish Parliament approves controversial intel bill," *The Journal of Turkish Weekly* (2014), <http://www.turkishweekly.net/news/165801/turkish-parliament-approves-controversial-intel-bill.html>.

spies allegedly part of the Gülen movement. Erdoğan has directly hit the heart of the Gülen movement.

With the absence of an effective opposition, there is also an absence of checks and balances. The AKP's extraordinary electoral success appears to have resulted in over-confidence, which is reflected by its increasing control over Turkish institutions and civil society. The AKP has progressively been less willing to tolerate opposition from different segments of the population, and this has serious implications for Turkey's democratic backsliding.

VII. CURBING CIVIL LIBERTIES

In October 2013, Prime Minister Erdoğan lifted the controversial, decades-old headscarf ban as part of a reform package by the government meant to improve democracy. It was a rare moment of advocating for personal freedom. In reality, Erdoğan has been adopting a more authoritarian stance and has been interfering more and more in the daily lives of Turkish citizens. Having already reformed Turkey's institutions at a macro-level, Erdoğan has continued to press on into the micro-level by imposing his choice of morality and lifestyle on Turkish society, to the extent that it is infringing on Turkish citizens' rights. Many have framed this micromanaging in terms of secular and religious tensions, as they accuse the AKP of attempting to reshape Turkish society along more Islamic lines. However, the tension is much broader than religious conservatism. Rather, the core of the issue is the authoritarian way in which the elected government is exercising its authority, despite its duty to guarantee fundamental rights and freedoms for all Turkish citizens.

This chapter is organized by the different areas which have been micromanaged by the government since 2011, when AKP won its third term. These developments affecting the lifestyles of Turkish citizens have been frequent but have usually been scattered and disconnected from one another. However, as a whole, they have great political significance, as demonstrated by the Gezi Protests during the summer of 2013.

Sale of Alcohol

During the past four years, the AKP has gradually pushed towards banning the sale and consumption of alcoholic beverages. In 2010, there was a sudden 45 percent tax increase on alcoholic beverages.¹²⁰ The next year, the Turkish Tobacco and Alcohol Market Regulatory Authority issued a regulation forbidding liquor companies from sponsoring advertising campaigns or sport events. Additionally, the same regulation banned the sale of tobacco and alcoholic products from vending machines.¹²¹ Finally, in May 2013, an alcohol ban was passed: shops are prohibited from selling or displaying alcohol in windows between 10:00 p.m. and 6:00 a.m., restaurants within 100 meters of schools or mosques are forbidden to sell alcohol, and liquor companies are further restricted in advertising and sponsoring events.¹²² In April of this year, *Hürriyet Daily News* published that Anadolu Efes, Turkey's biggest brewer, is to shut down a production facility due to declining sales, which has declined about 15 to 20 percent since the new alcohol ban.¹²³ Despite the fact that statistics show that only six percent of Turkish households consume alcohol,¹²⁴ Erdoğan has cited health and safety of youth as

¹²⁰Soner Çağaptay, "AKP, alcohol, and government-engineered social change in Turkey," *Hürriyet Daily News*, October 5, 2010, <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=0510150916466-2010-05-10>.

¹²¹ "Efes Pilsen to change name to Anadolu Efes," *Hürriyet Daily News*, October 5, 2011, <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=efes-pilsen-to-change-name-to-anadolu-efes-2011-05-10>.

¹²² Marc Pierini, "Individual Freedoms in Turkey," *Carnegie Endowment for International Peace* (2013), <http://carnegieeurope.eu/2013/09/09/individual-freedoms-in-turkey/gml8#>.

¹²³ Demet Cengiz, "Turkey's liquor sector concerned over decline in consumption," *Hürriyet Daily News*, April 5, 2014, <http://www.hurriyetdailynews.com/turkeys-liquor-sector-concerned-over-decline-in-consumption.aspx?PageID=238&NID=64563&NewsCatID=345>.

¹²⁴ Marc Pierini, "Individual Freedoms in Turkey."

justification for the alcohol ban, insisting the aim is to stop young Turks from “wandering about in a state of inebriation.”¹²⁵

Conduct of Women’s Private Lives

Recently, the government has reiterated statements from 2008, recommending that women have at least three children. At a summit in Ankara, Erdoğan said, “One or two children mean bankruptcy. Three children mean we are not improving but not receding either. So, I repeat, at least three children are necessary in each family.”¹²⁶

Thousands of women and activists protested throughout the country when Erdoğan brought the issue of abortion to public debate in May 2012. Calling abortion “murder,” Erdoğan tried to pass a bill that would slash the time limit for abortions. Since 1983, abortion was legal up to the tenth week of pregnancy. Turkey has a 14.8 percent abortion rate compared to 18.9 percent in the United States, according to a 2011 United Nations Population Division study. In addition to abortion, Erdoğan sought to restrict the number of births by caesarean section, a practice which has increased to more than 45 percent in 2011, according to the Turkish Health Ministry.¹²⁷ However, the Turkish government has temporarily dropped plans for the controversial bill.¹²⁸

¹²⁵ “Alcohol in Turkey: Not so good for you,” *The Economist*, June 1, 2013, <http://www.economist.com/news/europe/21578657-mildly-islamist-government-brings-tough-alcohol-restrictions-not-so-good-you>.

¹²⁶ “Erdoğan neden 3 çocuk istediğini açıkladı?” *Milliyet*, January 2, 2013, <http://siyaset.milliyet.com.tr/erdogan-neden-3-cocuk-istedigini-acikladi-/siyaset/siyasetdetay/02.01.2013/1650260/default.htm>.

¹²⁷ Gul Tuysuz and Anna Ozbek, “Turkish women rally against plans to restrict access to abortion,” *CNN*, June 17, 2012, <http://www.cnn.com/2012/06/17/world/europe/turkey-abortion-rally/index.html>.

¹²⁸ “Turkey drops anti-abortion legislation,” *Al Jazeera*, June 22, 2012, <http://www.aljazeera.com/news/europe/2012/06/2012622811474159.html>.

Education and Dorms

In March 2012, the AKP passed a controversial school bill that changed the structure of compulsory education. The bill increases compulsory education from eight to twelve years, dividing the twelve years into three tiers, hence the term, “4+4+4.” By adding an additional four years, students in the middle tier are now allowed to attend the religious “imam-hatip” schools rather than have to wait till after high school. Moreover, the bill added two new elective subjects to the general curriculum after the first tier of four years called “The Qur’an” and “The Life of the Prophet Muhammad,” introducing a more Islamic component to education.¹²⁹ Though this bill has highlighted Turkey’s long-established tensions between religion and secularism, it can also be viewed as the government’s way of imposing its own views onto Turkish society; in this case, a reflection of Erdoğan’s deep religiosity.

In November 2013, Erdoğan sparked another public debate and received a lot of criticism when he condemned shared housing between male and female students in university dorms operated by state or private group houses. He defended potential government intervention by stating that mixed-student housing encourages depravity, drug trafficking, prostitution, and terrorism.¹³⁰ The next day, *Radikal* published a story that a student’s house was raided by the police.¹³¹ However, government officials, particularly Deputy Prime Minister Bülent Arınç, have taken an opposite stance against

¹²⁹ M. Kemal Kaya and Halil M. Karaveli, “Remolding Compulsory Education, the AKP Erases a Secularist Legacy – and Seeks to Check the Gülen Brotherhood,” *Turkey Analysis* 5 (2012), <http://www.silkroadstudies.org/new/inside/turkey/2012/120402a.html>.

¹³⁰ James Dettmer, “Turkey’s Erdogan Condemns Coed Dormitories,” *The Daily Beast*, November 12, 2013, <http://www.thedailybeast.com/witw/articles/2013/11/12/turkey-s-erdogan-condemns-coed-dormitories.html>.

¹³¹ Pinar Öğünç, “Tophane’de evi ‘basılan’ bir kadın anlatıyor” *Radikal*, November 8, 2013, http://www.radikal.com.tr/turkiye/tophanede_evi_basilan_bir_kadin_anlatiyor-1159754.

Erdogan over the issue of mixed-gender student housing, almost leading to Arinç's own resignation. This also led to student demonstrations, denouncing the interference of the government in private life.¹³²

Internet Control

The internet has rapidly expanded to become a central mode of communication and accessibility of information. However, the AKP has put a lot of effort in keeping opposing opinions under control by limiting access to certain websites, starting with a YouTube ban in March 2007 when the Turkish courts banned the site due to video clips insulting Atatürk. YouTube was blocked sporadically until it was permanently lifted in 2010.¹³³

During the AKP's rule, thousands of websites have been blocked, including gay dating sites and news portals considered to be propaganda tools of Kurdish militants. Google reported last December that during the first six months of 2012, Turkish authorities have requested Google to delete nearly ten times more content from its sites than before. Subsequently in the next year, Google was asked to remove more than 12,000 items, making Turkey the top country to remove Google's content.¹³⁴

After the corruption probe in December 2013, the AKP stepped up its efforts to control internet sites in order to prevent social media from reporting on the scandal. On February 18, President Abdullah Gül signed a new Internet law, claiming it was a

¹³² Dettmer, "Turkey's Erdogan Condemns Coed Dormitories."

¹³³ "Turkish court bans YouTube access," *BBC News*, March 7, 2007, <http://news.bbc.co.uk/2/hi/europe/6427355.stm>.

¹³⁴ "Turkey's Internet Crackdown," *The New York Times*, February 21, 2014, http://www.nytimes.com/2014/02/22/opinion/turkeys-internet-crackdown.html?_r=1.

necessary measure to protect personal privacy. The Internet law enables authorities to block access to web pages without a prior court order, in addition to collecting users' browsing histories.¹³⁵

In the latest blow to Turkey's democracy, the Turkish government blocked both Twitter and YouTube in March days before the Turkish 2014 local elections. In recent weeks, audio recordings have been released via Twitter and YouTube on an almost daily basis, alleged to be telephone conversations between senior government officials and businessmen that reveal corruption. The YouTube ban came as an immediate response to another leak exposing a discussion on the possibility of going to war with Syria.¹³⁶ The prime minister's office announced, "Twitter has been used as a means to carry out systematic character assassinations by circulating illegally acquired recordings, fake and fabricated records of wiretapping."¹³⁷

After the AKP won the local elections in a landslide victory, the Turkish Constitutional Court lifted the Twitter ban, ruling it as contrary to fundamental rights and freedom of expression. A court in Ankara also lifted a ban on YouTube, though as of April 10, access to YouTube remains blocked.¹³⁸

¹³⁵ "Turkey's Internet Crackdown," *The New York Times*.

¹³⁶ Joe Parkinson and Emre Peker, "Turkey Muzzles YouTube, Media Ahead of Elections," *The Wall Street Journal*, March 27, 2014, <http://online.wsj.com/news/articles/SB10001424052702304418404579465283912697784?mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001424052702304418404579465283912697784.html>.

¹³⁷ Daren Butler, "Turkey says Twitter 'biased,' did nothing to stop 'character assassinations'," *Reuters*, March 22, 2014, <http://www.reuters.com/article/2014/03/22/us-turkey-election-idUSBREA2K0NK20140322>.

¹³⁸ "Turkey keeps YouTube block despite court rulings," *Reuters*, April 10, 2014, <http://www.reuters.com/article/2014/04/10/us-turkey-youtube-idUSBREA390J320140410>.

Implications of the Gezi Park Protests

This chapter concludes with the events of the Gezi Park protests, which best capture the resistance to the growing authoritarian AKP and the violation of fundamental rights, including the right to freedom of expression and freedom of assembly. It began in late May when a group of environmentalists initiated a peaceful sit-in in response to the government's proposed development project in Gezi Park, one of the last green spaces in Istanbul. The project included the construction of a replica nineteenth century Ottoman barracks, a shopping mall, and a mosque. On May 28, 2013, the police arrived and broke up the group using excessive force. In a few days, the police launched a raid against the growing number of protesters using tear gas, pepper spray, excessive violence, and water cannons. As news spread across the country, protests grew into a mass anti-government mobilization, spanning to the cities of Ankara and Izmir. By mid-June, hundreds of thousands had participated in the "Gezi Park protests."¹³⁹

The tactics employed by security forces across Turkey during the Gezi protests demonstrate the government's violation of fundamental rights and freedoms. First, the government violated the freedom of assembly as it allowed the police to disperse peaceful protests through indiscriminate and excessive use of tear gas and force. Police also used water cannons and plastic bullets against protesters. In addition to use of force, the police have detained a number of individuals, including doctors treating the injured and lawyers defending protesters' rights, who were subjected to arbitrary and abusive use of force. The police repeatedly showed intolerance for any form of protest, including passive forms, such as what became known as the "standing man" protests where

¹³⁹ *Gezi Park Protests* (London: Amnesty International, 2013), 5.

protesters stood alone in silence in Taksim Square. However, rather than stopping the police abuse, the government sided against the protesters, condemning social media sites such as Twitter and Facebook that were being used to provide live coverage and spread the news by protesters and their supporters.¹⁴⁰ According to a Turkish human rights organization, there were eight deaths as a result of the protests, 8,163 injured, 5,300 individuals arrested, 160 kept in long-term detention, and many arbitrarily detained without charge for hours.¹⁴¹

Secondly, the government violated freedom of expression. The protests sparked an intense period of pressure for media workers in Turkey as the government and media bosses clamped down on journalists attempting to report on the protests. As a result of their coverage of the Gezi Park protests, 22 journalists have been fired and 37 forced to quit, according to the Journalists Union of Turkey.¹⁴² The mainstream national media broadcasted little of the protest. CNN Türk's decision to screen a documentary on penguins during the initial stages of the protests became a symbol of self-censorship in the national media.¹⁴³

The Gezi protests was a new phenomenon in Turkey and vividly illustrates the tensions within Turkish society and its dissatisfaction with the Turkish government. In a commentary in *Insight Turkey*, Ete says that protesters take to the street when they feel helpless and defeated – a response when they see no alternative. Ete argues that this was the case in the Gezi protests, where protesters' motivation was purely reactionary, as

¹⁴⁰ *Gezi Park Protests*, 6.

¹⁴¹ Evren Özer and S. Erdem Türközü, "Gezi Parkı Eylemleri Bilgi Notu-02 Ağustos 2013," *Türkiye İnsan Hakları Vakfı* (2013), <http://arsiv1.tihv.org/index.php?gezi-park-eylemleri-bilgi-notu-02-austos-2013>.

¹⁴² "Turkish journalists fired over coverage of Gezi Park protests," *The Independent*, July 23, 2013. <http://www.independent.co.uk/news/world/europe/turkish-journalists-fired-over-coverage-of-gezi-park-protests-8727133.html>.

¹⁴³ Susan Corke et al., *Democracy in Crisis*, 8.

evident in slogans such as “Enough.” The protesters were demonstrating to defend their lifestyles and prevent future policies that could further restrict their freedoms.¹⁴⁴

Similarly, Tayfun Atay, a professor at Middle East Technical University in Ankara, says that the demonstrations must be analyzed in the context of the AKP’s recent actions in Turkey, describing it as a “period of construction” when the AKP intensified its own morality in daily life and the secular public space.¹⁴⁵ A survey conducted during the protests confirms these points. Ninety percent of responders answered that they were protesting on the streets because they were “disturbed by and unhappy with the authoritarian discourse and attitude of Prime Minister Erdoğan.” Eighty-five percent also agreed that the AKP had been increasingly interfering in people’s lives.¹⁴⁶

The nationwide protests were aggravated by the authorities’ aggressive crackdown on the initial peaceful protests in Gezi Park, denying them the right to peaceful protest altogether. Yet, the underlying force behind the demonstrations was rooted in the fears and despair of the secular people about the increasing government pressure and interference in their personal lifestyles. The AKP failed to pass this major test for its commitment to Turkey’s democracy and its commitment to upholding fundamental human rights.

¹⁴⁴ Hatem Ete, “The Political Reverberations of the Gezi Protests,” *Insight Turkey* 15.3 (2013): 15-25.

¹⁴⁵ Tayfun Atay, “The Clash of the ‘Nations’ in Turkey: Reflections on the Gezi Park Incident,” *Insight Turkey* 15.3 (2013): 39-44.

¹⁴⁶ *Ibid.*, 43.

VIII. RECOMMENDATIONS

Turkey is a crucial ally for the west and for democracy, making Turkey's democratic backslide a critical case study. Its internal affairs will affect its ability to engage with other international actors, many of which have a vital interest in seeing a democratic Turkey that can cooperate on strategic issues. Democratic backsliding in Turkey can also have major implications for nondemocratic countries, as the situation in Turkey may halt the democratizing processes in its neighboring countries in the Middle East and North Africa, which have looked to Turkey as a source of democratic inspiration. Most importantly however, democratic backsliding may lead to increasing oppression of the Turkish people, denying them universal human rights and freedoms.

The Turkish case helps identify areas which need to be carefully observed and monitored to prevent backsliding in other countries experiencing decline. Signs of erosion of the highlighted five key areas should serve as a warning that requires an immediate response. Yet, each case of democratic backsliding will differ according to the country, and both preventative and corrective measures will also be country specific.

Turkey has already passed initial signs of backsliding and is gradually picking up speed in its decline. This chapter provides policy recommendations specific to the Turkish case in order to prevent further democratic backsliding. Turkey's democratic allies, specifically the United States and the European Union, can play an important role in encouraging and facilitating the process towards reversing Turkey's course back to the right one. Both the U.S. and the EU have a genuine interest in seeing a democratic

Turkey, and thus, they should keep Turkey close and continue to directly and actively engage Turkish leaders.

The United States

Turkey has been an important American partner, especially in the Middle East. As NATO allies, the U.S.-Turkey alliance has long centered on cooperation over issues related to security and defense. However, these relations have deteriorated over the past several years as Turkey embraced an independent outlook which has tended to clash with Washington's policy, including Turkey's stance on Israel and its support for extremist groups in Syria. As democratic elements begin to deteriorate in Turkey, the United States needs to adopt a policy that addresses the reality of current events in Turkey rather than ignoring and denying Turkey's increasing authoritarianism. In the past, Washington has only released statements of concern over Turkey's situation – but this is not enough. The U.S. needs to directly address Prime Minister Erdoğan and President Abdullah Gül and explain how Turkey's democratic decline has been damaging relations and undermining joint efforts to achieve common goals. In addition to vocalizing concerns, the U.S. can further support Turkey's democracy in the following ways:

- Work collaboratively in establishing a longer-term Turkish policy that focuses on the stability of Turkey's political institutions and freedom of its society. Their bilateral relationship should not only be centered on security and economic issues, but should integrate human rights and democracy as a basis for their partnership. U.S. and Turkish government officials should hold regular meetings to discuss

and implement ways to improve democratic elements in Turkey, including transparency in the government and open dialogue with media and civil society.

- Use economic incentives to push for greater government accountability and transparency. The U.S. and the EU should use the Transatlantic Trade and Investment Partnership (TTIP) as a way to expand opportunities in Turkey, including increasing free trade and allowing Turkey to participate in TTIP negotiations. Turkey's customs union with the EU means that Turkey has high interests in the outcome of the TTIP; yet, Turkey has been denied a say in its implementation. Both the U.S. and the EU should find ways to include Turkey into this economic integration project.¹⁴⁷

The worst thing the U.S. can do is to isolate Turkey as punishment for its current domestic situation and specific political decisions. Rather, as an ally, Washington should offer advice both publicly and privately. However, it must consider the high levels of anti-Americanism within Turkey. According to Pew Research, an average of 75 percent have viewed the U.S. “unfavorably” in the past eleven years.¹⁴⁸ Though anti-Americanism in Turkey has generally derived from specific U.S. foreign policies, especially from the post 9/11 era,¹⁴⁹ Erdoğan has been exploiting anti-American sentiment for domestic political reasons. He has instigated conspiracy theories by accusing external sources, including the U.S., for provoking and causing Turkey's internal problems. These conspiracy theories have been gaining traction in Turkey, as

¹⁴⁷ See: Kirişçi (2013) and Mavuş, Oduncu, and Güneş (2013).

¹⁴⁸ “Opinion of the United States,” Pew Research Global Attitudes Project, last modified July 2013, <http://www.pewglobal.org/database/indicator/1/survey/all/response/Unfavorable/>.

¹⁴⁹ See: Taşpınar (2006); Bülbül, Kalın, and Özipek (2008); and Asma (2013).

Erdoğan's rhetoric has consistently framed the increasing number of domestic turmoil as a dark international conspiracy against Turkey and AKP rule. Though the Gülen movement has been the primary target for such conspiracies, Erdoğan has also targeted international actors, blaming western media, the EU, and the U.S. for being behind the Gezi protests.¹⁵⁰ After the December 17 corruption probe, Erdoğan said in a speech in the town of Fatsa, "There are extremely dirty alliances in this set-up, dark alliances that cannot tolerate the new Turkey, the big Turkey...Turkey has never been subjected to such an immoral attack."¹⁵¹ Erdoğan hinted at the direct involvement of the U.S. in the probes by claiming that "some ambassadors have been engaging in provocative actions...we do not have to keep you in our country."¹⁵² Erdoğan's rhetoric has further inflamed anti-Americanism in Turkey through his support of conspiracy theories to divert domestic criticism from his leadership to external sources. This makes it even more crucial that the U.S. is careful not to antagonize or provoke further anti-Americanism by threatening or punishing the Turkish government for decisions that clash with Washington's interests.

The European Union

Though the European Union's leverage diminished as accession talks stalled, the EU can still be an important actor in encouraging important reforms in Turkey. In the past, the possibility of EU membership served as a huge impetus for Turkey's

¹⁵⁰ Semih Idiz, "Erdogan Blames International Conspiracy for Protests," *Al Monitor*, June 14, 2013, <http://www.al-monitor.com/pulse/originals/2013/06/erdogan-gezi-conspiracy-taksim-governance-authoritarian-akp.html#>.

¹⁵¹ Humeyra Pamuk and Ece Toksabay, "Turkey's Erdogan says 'dark alliances' behind graft inquiry," *Reuters*, December 21, 2013, <http://www.reuters.com/article/2013/12/21/us-turkey-corruption-idUSBRE9BJ1AI20131221>.

¹⁵² "Ricciardone refutes claims US 'behind Turkey graft probe'," *Hürriyet Daily News*, December 21, 2013, <http://www.hurriyetdailynews.com/ricciardone-refutes-claims-us-behind-turkey-graft-probe.aspx?PageID=238&NID=59938&NewsCatID=315>.

democratization process.¹⁵³ Yet, as the EU loses credibility in membership negotiations, Turkey's interest in the union is fading, constraining the ability of both sides to better cooperate in political and economic issues.

Despite the stalling of accession talks, the EU and Turkey should continue the process of harmonization, which can reinvigorate Turkey's push for reforms. Recently there has been a resumption of negotiations, including the "positive agenda" which commenced in May 2012, the opening of a new chapter of the *acquis* last year, and the recent agreement to pursue visa liberalization.¹⁵⁴ The EU must continue to engage with Turkey while offering economic incentives to support Turkey's democracy. Like the U.S., the EU must clearly state the negative consequences of democratic backsliding to prospective EU membership and Turkey's economy. Some of the steps the EU can undertake include:

- Complete the visa liberalization process that would allow Turkish citizens to travel visa-free to the EU in exchange for Turkey readmitting illegal migrants from the EU. Opening up travel to the EU is a huge incentive for Turkey and should be swiftly implemented.¹⁵⁵
- Correct the imbalance in the EU-Turkey customs union. Though Turkey is obligated to abide by the EU's commercial policies, it does not have a say in the

¹⁵³ See: Arabacı (2008); Basdeki (2012); Göksel and Güneş (2005); Uskul (2002).

¹⁵⁴ Susan Corke et al., *Democracy in Crisis*, 17.

¹⁵⁵ See: "Roadmap Towards a Visa-Free Regime With Turkey," European Commission, last modified December 16, 2013, http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/20131216-roadmap_towards_the_visa-free_regime_with_turkey_en.pdf.

policy negotiations. Turkey should be included in these economic negotiations, including the TTIP.¹⁵⁶

- Target the Turkish youth through EU programs such as the Erasmus student exchange program. These programs will strengthen Turkey's civil society and foster liberal democracy, raising future leaders who have visions of Turkish democracy.
- Renew impetus on accession negotiations. The EU should incentivize Turkey's accession progress by providing a clear, dual conditionality accepted by both sides, laying the conditions for future ratification under EU criteria. As a first step, the EU should release the official criteria for opening more chapters of the accession acquis, especially chapters 23 on judiciary and fundamental rights and chapter 24 on justice, freedom, and security, which has been suggested by both German Foreign Minister Steinmeier and Turkey's Foreign Minister Davutoglu.¹⁵⁷ This will lead to much-needed reforms in those critical areas.

However, the EU should not completely lose its credibility with the membership process or else it will cause further isolation from Turkey. If the EU is unwilling to offer Turkey membership in the long-run, it should offer a new partnership structure to Turkey in order to overcome this possible drift. Sinan Ülgen offers a framework where Turkey

¹⁵⁶ Kemal Kirişci, "Turkey and the Transatlantic Trade and Investment Partnership," *Brookings* (2013), <http://www.brookings.edu/~media/research/files/papers/2013/09/turkey%20transatlantic%20trade%20investment%20partnership%20kirisici/turkey%20and%20ttip.pdf>.

¹⁵⁷ Celal Özcan, "Berlin urges EU to keep doors open to Ankara," *Hürriyet Daily News*, February 4, 2014, <http://www.hurriyetdailynews.com/berlin-urges-eu-to-keep-doors-open-to-ankara.aspx?PageID=238&NID=61965&NewsCatID=351>.

can be offered “virtual EU membership.”¹⁵⁸ Though virtual membership would mean that Turkey lacks the right to vote, it would be better than no membership at all. Turkey will be allotted some decision-making power and will be consulted in various EU committees. This will deepen cooperation and integration in areas such as mobility, trade, environment, and foreign and security policy. The EU is not cohesive in that some member states are already given special status due to opt-outs that choose to apply only certain EU policies. For example, the UK has opted out of the Schengen Area and Denmark has withdrawn from the EU’s Common Security and Defense Policy.¹⁵⁹ Thus, it is a real possibility that Turkey can also be given a special status.

Turkey

As Turkey tries to gain more regional influence, it has been more independent and detached from its allies. Moreover, its pride and ambitions may prevent it from completely and candidly engaging with its allies, despite their offer to help. Nevertheless, democracy can only be truly built by internal dynamics, depending on the leaders and citizens who need to demonstrate strong support and commitment for the idea.

However, despite the local elections that were seen as a confidence vote for Erdoğan’s leadership, the results reinforce the existence of a huge obstacle within Turkish society: the extreme polarization of the Turkish people, which is divided between those who support Erdoğan and the AKP, and those who do not. This polarization, which

¹⁵⁸ Sinan Ülgen, “Avoiding a Divorce: A Virtual EU Membership for Turkey,” *Carnegie Endowment for International Peace* (2012), <http://carnegieeurope.eu/2012/12/05/avoiding-divorce-virtual-eu-membership-for-turkey/eqs#>.

¹⁵⁹ Berthold Rittberger, Dirk Leuffen, and Frank Schimmelfennig, “Differentiated Integration of Core State Powers,” in *Beyond the Regulatory Polity? The European Integration of Core State Powers*, ed. Philipp Genschel and Markus Jachtenfuchs (Oxford: Oxford University Press, 2014), 206.

is deeply rooted in Turkish political and social life, hinders Turkey's democratization process. There are many elements to this polarization, including secularism versus religion, authoritarianism versus democracy, the emergence of the powerful Anatolian business and political elite, and the weakening of the traditional Kemalist bureaucratic elite.¹⁶⁰ The animosity and hostility between these two sides has begun to reach its peak, undermining prospects of a healthy democracy. Thus, polarization is one of the main areas the government needs to address. A relatively easy starting point for the government is to refrain from using polarizing rhetoric and discourse. Erdoğan's rhetoric and actions have greatly contributed to reinforcing splits within Turkish society. Moreover, the government needs to transcend Turkey's polarized society and engage with Turkey's opposition parties and civil society groups. It should be tolerant and open to all, taking a conciliatory and inclusive stance. The government's policies should aim to improve Turkey as a nation rather than achieve its own personal agenda.

Likewise, the opposition needs to cease contributing to polarization as well, particularly the CHP which has primarily used tactics of insulting the AKP to gain supporters. The opposition is weak, and it needs to become more effective and constructive. It can do this by focusing more on the needs of the Turkish people rather than simply winning elections and defeating the AKP. In addition to political parties, other civil society groups need to stop confronting the government, primarily the Gülen movement. Their anti-democratic rivalry is undermining Turkey's democracy, and the Gülen movement needs to return its attention and resources back to its original sphere and responsibilities as a social movement rather than a political one.

¹⁶⁰ See: Baran (2008) and Zihnioğlu (2012).

In addition to addressing Turkey's polarization issues, the government can further strengthen Turkey's democracy by doing the following:

- Allow the press to operate free of government intimidation. The government must immediately stop all tactics to suppress media freedoms and should refrain from punishing critics of the government.
- Maintain separation of powers between the judiciary and the executive branch. With the executive's recent attempts at grabbing control over the judiciary, the executive has used the courts to prosecute its own opposition on many occasions. In order to properly uphold the rule of law, the judiciary needs to remain independent and separate from the Ministry of Justice.
- Abolish the Anti-Terror Law and Article 301. The vague terms of the former allows a liberal application of the law, which has already resulted in numerous prosecutions and convictions of innocent people for terrorism, including independent journalists. Article 301 of the criminal code criminalizes "insulting the Turkish nation."¹⁶¹ This too has been used too liberally, resulting in the prosecution of government critics.
- Address corruption in the public procurement and privatization processes. In light of the December 17 corruption probes, there is a widespread distrust of the government. The government needs to improve transparency of public procurement in order to restore its image and the support of Turkish citizens. It should review and improve the housing system, including TOKİ.

¹⁶¹ "Turkey Strongly Urged to Liberalize Article 301," *Freedom House*, November 7, 2007, http://www.freedomhouse.org/article/turkey-strongly-urged-liberalize-article-301#.U1vtX_ldWSo.

Another crucial issue Turkey needs to address is its economy, which is suffering immensely from the political crisis. The record-low depreciation of the Turkish lira and the decreasing value of the Turkish stock market over the past few months have led to fears of a slowdown in foreign direct investment. Turkey has heavily depended on its stable lira and international connections for areas in trade, investment, research and technology, education, and security, and downgrades by rating agencies can pose serious challenges.¹⁶² Thus, the government needs to focus on its economy while keeping its relations with partner countries by amending domestic issues to reassure international markets. Moreover, this is an extremely important issue for the AKP itself because its economic problems are causing dissatisfaction within the rising business elites, who have emerged under AKP rule. These business elites depend on alliances with foreign businesses and on Turkey's standing in international markets – if this fails, the AKP will lose a major group of supporters.

In summary, the challenges of constructing and defending a democratic state are fundamentally ones the Turkish people must resolve.

¹⁶² Morton I. Abramowitz and Eric S. Edelman, *From Rhetoric to Reality: Reframing U.S. Turkey Policy* (Washington, D.C.: Bipartisan Policy Center, 2013), 8.

IX. CONCLUSION

It is clear that Turkey has not yet completed the democratic consolidation expected by the international community. Rather, Turkey's democratic successes are quickly unraveling, and Turkey is becoming increasingly authoritarian and unstable. If Turkey's democratic backsliding is not checked, its hard-earned image that it has built over the last decades will be completely dismantled. This paper demonstrates the sequential effects of democratic backsliding in Turkey. Turkey is deteriorating quickly in a whirl of events, thus making it important to take a step back and identify wider trends. The events and steps taken by the government are not independent, exclusive events, but are inherently intertwined and connected to each other, where each authoritarian action has negative consequences leading to further backsliding. Like a domino effect, when one area falls under executive control, it affects other areas, inevitably causing them to also succumb to authoritarian control. The domino effect appears to be gaining momentum as demonstrated by the increasing number of evidence of democratic backsliding this past year. By fitting and analyzing these events in a timeline framework, the following characterizations of the democratic backsliding trend in Turkey can be made:

1) Erdogan's tendency to reduce democracy to the number of votes has given him the confidence to take authoritarian measures. A timeline of events shows that the first major signs of democratic backsliding occurred after the AKP's reelection in 2007. As the AKP was intent in its first elections to prove to the Turkish people its commitment to create a new Turkey, it made huge efforts to fulfill its democratic promises and

transform the Turkish economy. Its achievements led to its victory in the 2007 elections. However, this reelection gave the AKP and Prime Minister Erdoğan a boost in confidence, opening up an opportunity to stray away from democratic commitments and pursue other ambitions. Thus, since 2007, Erdoğan took the first steps in shaking democratic structures, seen by judicial reforms, the Ergenekon trials, and the clampdown on the Doğan Media Group. The AKP's third reelection in 2011 clinched Erdoğan's confidence by making the results clear: the opposition was weak and the AKP was strong. Erdoğan had unlimited power. Erdoğan has had a tendency to reduce democracy to elections, reflected in his speech during the Gezi Park protests, "If you gather 100,000 people, I can gather a million."¹⁶³ Thus, as Erdoğan keeps on winning the votes, he becomes more self-assured of his actions and justifies them as legitimate.

2) Media clampdowns have generally been a response by the government to deal with other domestic crises. The media chapter describes many different tactics the government has employed to suppress the media's independent role. When analyzing the sequential timing of these clampdowns, the government has generally acted against the media as an immediate response to events that threaten the interests of the government. The government realizes the media's ability to incite further opposition and attack the AKP's image, and thus, the government's natural reaction has been to lash out at the media every time. This trend has been seen time after time. The Deniz Feneri incident abroad ultimately led Doğan Media Group to sell its anti-government newspapers to a

¹⁶³ "PM Erdoğan calls on demonstrators to end Gezi Park protest, no step back from project," *Hürriyet Daily News*, June 1, 2013, <http://www.hurriyetdailynews.com/pm-erdogan-calls-on-demonstrators-to-end-gezi-park-protest-no-step-back-from-project.aspx?pageID=238&nID=48020&NewsCatID=338>.

pro-government group, the Ergenekon trials led to the arrest of journalists who spoke out against the government, and the Gezi protests led to mass firings of journalists and news editors. Media clampdown in Turkey has been facilitated by the government's attempts to deal with its other opposition conflicts.

3) The sequential events and effects are characterized by tit-for-tat exchanges within a polarized Turkish society, facilitating democratic backsliding. This “tit-for-tat” exchange with the government can mainly be seen with the judiciary and the Gülen movement. The Turkish Constitutional Court has traditionally been dominated by hardline secularists who have been trying to protect Turkish society from the authoritarian actions of the government. The Constitutional Court and the AKP have clashed numerous times, the first major incident occurring in 2007 when it tried to ban the AKP. Since then, the AKP has revamped its efforts to gain control over the judiciary. The Constitutional Court, however, has continued to play an independent role in recent months, ruling the recent Twitter ban as unconstitutional and also repealing the law restricting the independence of the HSYK. This will only prompt the AKP to devise new plans to suppress the independence of the Court.

The tension between the Gülen movement and the AKP has intensified in recent years. The movement to close the preparatory schools at the end of last year has caused the Gülen movement to take retaliatory measures, including the corruption probe against the government. The government swiftly responded by cracking down on the police and the judiciary, which are mainly composed of Gülenists. These tit-for-tat exchanges have only contributed to Turkey's democratic backsliding as each side refuses to absorb the

last blow. The AKP will continue to take undemocratic measures to suppress opposition elements.

However, one extremely important area that has not yet been covered is Turkish foreign policy and its relationship to Turkey's democratic backsliding. Turkey's domestic problems appear to be having negative reverberating effects on its foreign policy, identifying an area which requires further research: the impact of democratic backsliding on a country's foreign policy. Turkish Foreign Minister Ahmet Davutoğlu wrote in a *Foreign Policy* article, "Without a stable domestic order that meets its citizens' demands for liberties, after all, Turkey cannot pursue a proactive foreign-policy agenda abroad."¹⁶⁴ Indeed, the domestic crisis at home is reflected in Turkey's failing foreign policy, which has been inconsistent and marked by a distinct lack of coherence.

Domestic turmoil has become a distraction to Turkish foreign policy. As the government tried to find a way to respond to the Gezi Park protests and the corruption probes, it could not focus on its foreign policy. These backward steps away from democratic consolidation have impacted Turkey's bid to the EU, and Turkey will need to find a way to get back on track if it ever hopes to acquire EU membership. Yet, in the process of handling these domestic problems, the AKP has also made allegations that foreign powers are behind the recent domestic crises. Not only has Erdoğan accused the involvement of Gülen, but he has also referred to Israel and the U.S. as instigators. This has only damaged the relationship with the U.S. and worsened the already-broken relationship with Israel.

¹⁶⁴ Ahmet Davutoğlu, "Zero Problems in a New Era," *Foreign Policy*, March 21, 2013, http://www.foreignpolicy.com/articles/2013/03/21/zero_problems_in_a_new_era_turkey.

The more obvious link between Turkey's failing foreign policy to its domestic problems at home is that democratic backsliding has caused it to stray away from the support of democratic countries of the west. Turkey has taken increasingly bold, unilateral actions, which have not only come at odds with the policies of the U.S., but have backfired, leading to failed results. This is especially seen in Turkey's approach to the Arab Spring, where Erdoğan enthusiastically supported the Islamist Sunni political movements. In Libya, Turkey was hesitant to endorse a NATO operation, but it finally relented and became a passive player in the process. In Egypt, Turkey was a firm supporter of the elected President Mohammed Morsi and the Muslim Brotherhood. However, Morsi was overthrown by the military on July 3, 2013, leaving Erdoğan with the image of supporting the wrong side. The situation with Syria is worse. Relations with Turkey and Syria had improved under Davutoğlu's "zero problems with neighbors" strategy. Yet, the Arab uprisings that spread to Syria threatened this relation. Turkey tried to convince President Assad to address the protestors' concerns, but was completely ignored. In response, Turkey condemned Assad and took a very fierce stance against his regime, leading to seriously deteriorated relations. Since then, Turkey has been involved in assisting the opposition through supplying training, weapons, and even finances. Turkey has also allegedly been supporting extremist groups in Syria, including Al-Qaeda-related elements, as was revealed after a bomb attack in Reyhanli, a town in southern Turkey.¹⁶⁵ The chaotic nature of Turkey's foreign policy has been reinforced by further conspiracy theories at home, including the recent YouTube leaks that revealed

¹⁶⁵ "Erdoğan's political ambitions clash with Turkey's long-term interests," *Today's Zaman*, April 13, 2014, <http://www.todayszaman.com/news-344373-erdogans-political-ambitions-clash-with-turkeys-long-term-interests.html>.

discussions of a potential military intervention into Syria, and journalist Seymour Hersh's wild claim that Turkey was responsible for the sarin gas attacks in Syria.¹⁶⁶

There is a parallel between the government's policies at home and abroad. Democratic backsliding is marked by the executive's grabs for control. Likewise, the resulting failing foreign policy is marked by a unilateral, imperialist nature rather than a multilateral approach. Thus, Turkey and the U.S. have consistently been at odds over their policy towards the Middle East, and Turkey now risks isolation. A Turkey committed to democracy would look towards the U.S. and Europe and strengthen its democratic allies instead of extending its authoritarian nature to the international sphere. Moreover, it is important to note that Turkey's ability to influence the rest of the Arab world is dependent on its own democracy. Turkey must be able to overcome its own democratic problems; otherwise, it clearly undermines Turkey's model for democratization in other countries and its regional standing in the Arab world.

It is a paradox that the same party that has helped democratize Turkey is the same party that is facilitating its backsliding. The recent local elections in March only demonstrated that Erdoğan is unbeatable and that the process to halting democratic backsliding will be extremely long and difficult. The AKP's authoritarian tendencies are a reflection of the character of Erdoğan himself, making the future of Erdoğan crucial to the future path of Turkey. Thus, with Erdoğan's ambitions to become president, the future of Turkey is far from certain. Can Erdoğan succeed in winning this summer's presidential elections? If he does, will he centralize all power in the office of the

¹⁶⁶ Seymour M. Hersh, "The Red Line and the Rat Line," *London Review of Books* 36 (2014): 21-24.

president? What will this mean for the future of the AKP if it loses its leader and its driving force?

Turkey's democracy has matured beyond the point of passively accepting Erdoğan's version of a democracy, where election votes are enough to legitimize his rule. Erdoğan is losing legitimacy every time he challenges the rule of law, civil liberties, and transparency in policymaking, and the instability in Turkey can no longer be appeased simply by winning elections. Discontent in Turkish society will not simply disappear, even if Erdoğan's AKP wins the next general elections scheduled for 2015. Turkey can only make its full democratic transition when it understands that democratic legitimacy goes beyond the ballot box and it makes a genuine commitment to rebuild a liberal democracy. It needs to make a commitment now to prevent further democratic backsliding and needs to find a way to muddle out of the mess it has created. The success of reversing this decline primarily depends on the will and determination of the leaders and citizens of Turkey, and it is up to them to leave a legacy of consolidating democracy.

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