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Headscarf Dilemma: Implications for Turkey and the United States

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On February 9, Turkey's ruling Justice and Development Party (AKP) passed two constitutional amendments legalizing a specific women's headscarf on college campuses. The Turkish turban -- not to be confused with the South Asian male turban -- first emerged in the country in the 1980s and has long represented an extremely divisive political issue. Turkey's European-style secularism, which keeps religion and its symbols out of government and education, considers the headwear a political symbol -- a sentiment with which AKP prime minister Recep Tayyip Erdogan seemed to agree in public remarks he made on January 15. For nearly two decades, the secular view had led Turkish courts to ban the turban in certain public contexts. Now that the headwear is permitted on campuses, what will happen next in Turkey? And what implications might this legislation hold for the United States?

The Legal Process

The two constitutional amendments are now in the hands of President Abdullah Gul, the AKP's former foreign minister. He has until February 26 to either sign them into law or send them back to parliament for a second vote. If the amendments are fully passed, the opposition Republican People's Party (CHP) has stated that it would take them to the Constitutional Court to judge whether appropriate procedures were followed in their creation. Technically, those procedures have in fact been followed, but the CHP and some jurists argue that legalizing the turban would affect the secular nature of the Turkish state as defined in article 2 of the constitution. Since the constitution defines article 2 as unalterable, they argue, the content of the amendments should be viewed as a challenge to Turkey's secular nature.

The last time the Constitutional Court reviewed the turban issue was in 1989, when it struck down a similar proposal by stating that it would violate the constitution. Yet, although the court has the power to prevent such a change again, the political environment has changed dramatically over the years. In spring 2007, for example, the court attempted to prevent the AKP from electing Gul as the country's president, but failed. The AKP successfully upstaged the court by lambasting its maneuvering as a step against popular will, then calling for early elections and winning a landslide 47 percent of parliamentary seats in July 2007 -- and subsequently electing Gul as president.

Win-Win for the AKP

Regardless of the court's decision on the amendments, the AKP will benefit. If the court annuls the proposal, the party would be able to rally more voters around its claim of representing the popular will against the secular courts. This would almost certainly lead to another victory in the next nationwide local elections -- currently scheduled for April 2009, though the AKP might call for early elections -- perhaps even stronger than in July 2007. If the courts let the amendments pass, the AKP would have made a significant accomplishment, in terms of both satisfying its core constituency's demands and successfully defending its claim to be the party that stands for a religiously more conservative Turkey. This outcome could also result in another strong electoral victory.

Decreasing Liberal and European Support

Although Turkey's liberal opinionmakers, academics, and business elite -- a small but influential electoral constituency -- have supported the AKP for its pro-business and pro-European Union policies for many years, they have criticized the party of late. Ever since Ankara began EU accession talks in 2005, they argue, the AKP's willingness to promote reforms has diminished -- an assertion that some European bureaucrats have confirmed.

The AKP claims that new reforms have become difficult because of public opposition. Yet, the passing of the turban legislation at a time when EU reforms lie fallow has led the liberals to contend that the party is willing to pursue some changes but not others. This perception might cost the AKP liberal and EU support, but the party probably feels comfortable in its current near-majority support to ignore this loss. Moreover, the opportunity to cross the 50-percent popularity threshold in the next local elections may outweigh the benefits of continued liberal support.

Is There a Way Forward?

If the turban amendments become law, there will be significant changes in Turkey. Although there would be little change in metropolitan western Turkey, daily life would be visibly altered in vast parts of the country, such as conservative central Anatolia and eastern Turkey. The turban is seen as a sign of virtuous Muslim practice, and in those areas where there is less tolerance for lack of religious practice, women would feel uncomfortable without the turban. And in the conservative southeast, most women would feel compelled to wear one. Instead of providing further freedom for Turkish women, then, lifting the turban ban would create a new problem for the many who choose to not wear it.

There is, however, a way forward for the AKP. If the party hopes to retain liberal and Western support while still passing the amendments, it should take steps to convince the Turkish population that it is ready to protect women who choose not to wear the turban, and that it is genuinely interested in women's freedom. For instance, the government could pass legislation that protects women who do not cover their heads as well as those who do (according to a recent poll, 10 percent of women who cover are forced to do so by their families and husbands). And to go one step further, the AKP could prove its claim that it is not a single-issue party by passing the turban legislation as part of a broader package of freedoms related to EU accession. Finally, since the turban amendments passed parliament after only three weeks of public discussion, the AKP should allow more room for debate.

Implications for the United States

Although Turkey would not become a fundamentalist state overnight if the amendments become law, it would become a country in which one symbol of religious practice -- the turban -- is enforced in many areas. Involuntary homogenization of religious practices would ensue, resulting in court interventions and protests by secular Turks. The United States can navigate these stormy waters by keeping the key sensitivities of Turkish secularism in mind.

Specifically, given the European nature of Turkish secularism -- that is, emphasizing freedom from religion rather than freedom of religion -- the U.S. government should be careful not to impose any American understanding of secularism on Turkey. Accordingly, Washington must remember that the turban is a controversial issue with iconic force among Turks, despite the fact that turban wearing in public institutions would not necessarily raise eyebrows in America. Given the divisive and sensitive nature of the issue, it would best be left as an internal Turkish debate. Instead of addressing it head on, Washington could instead develop a carefully worded, brief statement to describe its position on Turkish secularism. This statement could be used by all U.S. government officials as a mantra of sorts when discussing Turkey.

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