

Analysis

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Summary: Recent raids, the taking into custody of important personalities, and the subsequent arrests sent shock waves through Turkish society. Prime Minister Recep Tayyip Erdoğan has made it no secret that he views the entire situation as a conspiracy against him and his government. The depiction of the challenge he faces as a conspiracy has allowed Erdoğan to “securitize” the problem. Rather than focusing on corruption, he has tried to move the discussion to the domain of security, arguing that Turkey is under the threat of a combination of domestic and outside powers that aim to remove the government that represents the popular will and to subvert its policies directed at benefiting the Turkish people. It is difficult to predict how this struggle will play out. The only casualty so far has been the rule of law.

The Rule of Law is the Casualty

by İlter Turan

Not the Usual Suspects

The Turkish public is used to waves of before-dawn raids by public prosecutors and the police on the homes and offices of bureaucratic and political elites suspected of having committed crimes. This was the method employed within the last three years to take into custody some of the top retired officers of the Turkish Armed Forces suspected of having plotted a coup against the elected government as well as local government officials suspected of collaborating with the PKK, the Kurdish terrorist organization. What made the December 17, 2013, wave unusual was not how it was conducted but who was involved. High ranking bureaucrats, the mayor of an Istanbul borough, prominent businessmen and the sons of three ministers in Prime Minister Recep Tayyip Erdoğan’s cabinet were brought in for questioning. The sons of Erdoğan Bayraktar (environment and urban affairs), Muammer Güler (interior), and Zafer Çağlayan (external trade) were questioned by judges; the latter two were then arrested.

Those taken into custody were accused of one or more of the following crimes: changing zoning decisions and securing rents to developers in return

for bribes, issuing building permits in zones that endangered the safety of the newly built subway system, engaging in illegal trading of gold, money-laundering by bribing bureaucrats, and giving Turkish citizenship to foreigners in return for money. In addition, Egemen Bağış, the minister for European affairs was allegedly involved in helping an Azeri citizen get Italian citizenship in return for pecuniary gain. He could not be questioned because he enjoyed parliamentary immunity.

The raids, the taking into custody of important personalities, and the subsequent arrests sent shock waves through Turkish society. In normally functioning democracies, one would have predicted that the ministers whose sons allegedly used influence that they possessed only because of their fathers’ position would have resigned while government officials would have been temporarily removed from their jobs in order to allow for investigations to proceed smoothly. Prime Minister Erdoğan, however, upon having heard what had transpired, set out to defend all those who had been taken into custody, accusing the prosecutors of having deliberately failed to inform him and acting with political motivations to undermine the success of



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the government. Apparently, he asked the ministers whose sons were accused to hand in their resignations a few days later, linking their departure not to the allegations but to a broader cabinet change that had been in the making for some time.

The Grand Conspiratorial Nexus

Ever since the wave of arrests, the prime minister has made it no secret that he views the entire situation as a conspiracy against him and his government. He has talked about array of forces that are plotting to undermine him. Leading the list is the Gülenist Movement, led by a cleric currently residing in Pennsylvania, whose flock is alleged to have penetrated the judiciary and the police. Although the governing AKP has incorporated it into its ruling coalition, the movement and its supporters have maintained their distinct identity. Many analysts have attributed the success of the government in bringing the retired top military commanders and some active duty officers to trial for conspiring to organize a military takeover to the determined efforts of public prosecutors and police who were Gülenists. As such, they were dedicated to ending the military tutelage over Turkish politics and the hardline secularism of the Turkish state.

The symbiotic relationship between the AKP and the Gülenists were not without disagreement on matters of both domestic and foreign policy. But these appear to have been contained until early in 2012, when a public prosecutor decided to invite Hakan Fidan, the head of the Turkish Intelligence Agency, for questioning with regard to his meeting the representatives of the PKK in Oslo to discuss peace negotiations. The prime minister refused to allow his trusted intelligence chief to go to court and rapidly pushed through legislation that would prevent the occurrence of similar contingencies in the future. He judged the affair to be a show of force by the Gülenists and an affront to his policies.

Shortly afterwards, Erdoğan began making references to closing down the college preparatory centers that high school students attend to prepare for the highly competitive university entrance exams. Gülenists operate a huge network of these centers, which constitute both a major source of income and new recruits. A recent government

ruling that these centers be closed or converted into regular schools was therefore perceived as an existential attack by the Gülenists, culminating in a no-holds-barred fight. The prime minister has alleged that an apparatus parallel to that of the state has been set up. He intends to cleanse the government of these extra-legal gangs.

According to Erdoğan and his advisors, the Gülenists are the major partner in a “motley” coalition that aims to weaken his party and get Turkey off the course to becoming a global economic and political actor. Other members of the coalition include the elusive “interest lobby,” İstanbul-İzmir based industrialists, Israel, the United States, some European countries, and Turkey’s opposition parties, but the list may be expanded as occasions warrant.

Securitizing and Polarizing Politics

Why is Erdoğan so inclined to conspiratorial explanations for everyday politics? To begin with, he operates in a cultural *milieu* that is satisfied by conspiratorial explanations without submitting them to the difficult task of being supported by evidence. Second, there may be elements in the prime minister’s psychology that avails him to sinister interpretations of events. Such proclivities as may exist are exacerbated by a circle of advisors whose limited expertise about the world predispose them to being content with conspiracy-based analyses, reinforcing those of the prime minister. Third, Erdoğan perceives any challenges to his power or his policy preferences as being subversive. This may reflect an authoritarian streak in his personality. But, fourth, the idea that the Gülenist networks pose an organized challenge to the policies of the ruling party and to Erdoğan himself is probably not a wholly inaccurate appraisal.

The depiction of the challenge he faces as a conspiracy has allowed Erdoğan to “securitize” the problem. Rather than focusing on corruption, he has tried to move the discussion to the domain of security, arguing that Turkey is under the threat of a combination of domestic and outside powers that aim to remove the government that represents the popular will and to subvert its policies directed at benefiting the Turkish people. This is a strategy of polarization that the prime minister has employed in the past. The intention is to increase the political distance between government and



opposition, rally supporters around his person, and make it psychologically costly for them to shift their preferences.

From Corruption to Democratic Erosion

The initiation and implementation of a corruption investigation without informing the prime minister may be standard in an operating democratic system characterized by checks and balances. However, it has run counter to Erdoğan's majoritarian understandings of democracy, in which those elected by majority vote are expected to be unrestrained in their exercise of political power. Accordingly, the government quickly brought about a change in regulations now requiring public attorneys to clear their investigations with the chief provincial public prosecutor; and the police to report to their superiors that a public attorney has asked them to conduct an operation. In this way, the government would be alerted to the initiation of investigations and possibly be able to stop them. Several organizations took the change, which was in fact in violation of the letter of the law, to the Supreme Court of Administrative Appeals. The court issued a stay order, preventing the change from going into effect. The High Council of Judges and Public Prosecutors also issued a statement that the change was against the law, rousing Erdoğan's ire.

The prime minister has said that he will proceed to change the law in order to get his way. Whether he will actually do it, whether the president will sign changes into law even if the legislature enacts a change, and whether such a change would stand up in the Constitutional Court are all matters of conjecture. In the meantime, the Istanbul's Chief Prosecutor prevented a public prosecutor in Istanbul from pursuing an investigation, and the police failed to extend its cooperation. Such behavior, rather than soothing the public that some discipline is coming to the upper echelons of the judiciary, has fanned speculation about further cases of corruption involving other politicians, government officials, and developers.

At the moment, it is difficult to predict how this struggle between the government and Gülenists will play out. The only casualty so far has been the rule of law. The citizens are no longer sure that their government is committed to it and that the current system of courts and public prosecutors can deliver justice. This is not an enviable position for a country

that aspires to be a democracy, respectful of human rights with an operating market economy.

About the Author

İlter Turan is a professor of political science at Istanbul's Bilgi University, where he also served as president between 1998-2001. His previous employment included professorships at Koç University (1993-1998) and Istanbul University (1964-1993), where he also served as the chair of the International Relations Department (1987-1993), and the director of the Center for the Study of the Balkans and the Middle East (1985-1993). Dr. Turan is the past president of the Turkish Political Science Association and has been a member of the Executive Committee and a vice president of the International Political Science Association (2000-2006). He is a frequent commentator on Turkish politics on TV and newspapers.

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