



PERSPECTIVES

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## Erdoğan's Turkey Cannot Modernize Via Constitutional Reform

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**EXECUTIVE SUMMARY:** Turks have been seeking to modernize their democratic culture for a century and a half. Recently, President Recep Tayyip Erdoğan pledged to reform the constitution. Beware of an Erdoğan bearing democratic gifts.

Turks have been unsuccessfully searching for their Western soul since 1876, when, under pressure from the modern world, the Ottoman Empire introduced its first constitution—a document that would be in effect for only two years. A second Ottoman constitution was introduced in 1908, just 14 years before the empire was abolished. Over the past century and a half, the Turks have labored under the entirely erroneous belief that a modern constitution would create a modern state.

Through the addition of more than 20 amendment packages, more than half of the current constitution—which was written by the leaders of the 1982 coup—has been [reformed](#). The latest amendment, approved in a referendum in April 2017, introduced the still controversial presidential system. But on February 1 of this year, President Recep Tayyip Erdoğan, in power since 2002, [spoke](#) of the need to draft a new “civilian” constitution for Turkey. He said the current constitution contained indelible traces of “military tutelage.”

This may be bad news for Turkey. Experience has clearly shown that when Erdoğan promises democratic reforms, Turkey's democratic deficit widens.

In its 2020 assessment, Freedom House placed Turkey on its list of “[not free](#)” countries. Countries in Turkey's [grouping](#) include Afghanistan, Angola, Belarus, Brunei, Chad, Djibouti, Eritrea, Gabon, Iran, Iraq, Libya, Myanmar, North Korea, Nicaragua, Qatar, Rwanda, Somalia, Sudan, and Yemen.

According to the World Justice Project, Turkey [ranks](#) 107th out of 128 countries on rule of law. Even Justice Minister Abdülhamit Gül [admitted](#) in 2020 that only 20% of Turks trust Turkish courts. And according to Reporters Without Borders' [press freedom ranking](#), Turkey is 154<sup>th</sup> out of 180 countries, scoring worse than Pakistan, Congo, and Bangladesh.

For the sake of comparison, consider the following constitutional articles:

**Article 2:**

- b. the employment of sciences, technologies, and advanced human experience with the aim of their further development;
- c. the negation of all kinds of oppression, authoritarianism, or the acceptance of domination, which secures justice, political and economic, social, and cultural independence and national unity.

**Article 3:**

- 6. the eradication of all kinds of tyranny, autocracy, and monopolization of power;
- 7. the securing of political and social freedoms within the limits of law;
- 9. the elimination of all unjust forms of discrimination and the creation of just opportunities for everyone, in all spiritual and material areas;
- 14. the securing of all-inclusive rights for everyone, man and woman, and the creation of judicial security for everyone, equality for all before the law;

**Article 9:**

And no authority is allowed to take away the legitimate freedoms, even through the establishment of laws and regulations, under the pretext of safeguarding the independence and sovereignty of the nation.

**Article 19:**

The people ... enjoy equal rights, regardless of the tribe or ethnic group to which they belong. Color, race, language, and other such considerations shall not be grounds for special privileges.

**Article 23:**

Investigation into one's ideas is forbidden. No one can be subjected to questioning and aggression for merely holding an opinion.

Nice? Modern? Liberal? Indeed, and absolutely democratic. Except these articles are from the Iranian [constitution](#), not the Turkish. The Iranian constitution does not state that the aim of every Iranian government should be to annihilate all Jews, does it? It does not dictate that a morality police should ruin the lives of Iranians who are believed to have sinned, does it?

Similarly, a quick glance at the [Turkish constitution](#) would make one think it is the guiding document of an advanced democracy. Consider:

**Article 2:**

The Republic of Turkey is a democratic, secular and social state governed by rule of law, within the notions of public peace, national solidarity and justice, respecting human rights ...

**Article 10:**

Everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds. Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice.

**Article 17:**

No one shall be subjected to torture or maltreatment; no one shall be subjected to penalties or treatment incompatible with human dignity.

**Article 24:**

Everyone has the freedom of conscience, religious belief and conviction ... No one shall be compelled to worship, or to participate in religious rites and ceremonies, or to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions ... No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political interest or influence, or for even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets.

**Article 25:**

Everyone has the freedom of thought and opinion. No one shall be compelled to reveal his/her thoughts and opinions for any reason or purpose; nor shall anyone be blamed or accused because of his/her thoughts and opinions.

### **Article 26:**

Everyone has the right to express and disseminate his/her thoughts and opinions by speech, in writing or in pictures or through other media, individually or collectively. This freedom includes the liberty of receiving or imparting information or ideas without interference by official authorities.

### **Article 28:**

The press is free, and shall not be censored.

### **Article 34:**

Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission.

The Turkish constitution, like the Iranian, certainly looks as though it was written in a paradise of democracy. Why, then, is Turkey a “not free” country despite scores of constitutional guarantees ensuring liberal democracy and equality before the law?

Constitutions, laws, regulations, and directives only matter in democracies where law enforcement, an independent judiciary, and equality before the law matter—unlike vote-count-only democracies like Turkey.

Despite words of democratic grandeur in the constitution, Turkish courts do not [comply](#) with the rulings of either the European Court of Human Rights (ECHR) or the Turkish Constitutional Court. The Turkish constitution clearly states that lower courts must comply with rulings from these top courts.

A December 29, 2020 [report](#) from Expression Interrupted noted: “Of all 47 members of the Council of Europe, Turkey has the most violations of freedom of expression under Article 10 of the Convention. Of the 845 judgments ECHR delivered between 1959 and 2019, 356 were against Turkey—almost five times as many as against the distant runner-up, Russia.”

On February 2, 2021, Twitter limited access to a tweet by Turkey’s interior minister, Süleyman Soylu, who referred to students protesting the appointment of a government loyalist to head their university as “LGBT perverts.” Gender equality as a constitutional dictate? Equality before the law? Sure—on the pages of a work of fiction entitled the Turkish Constitution.

Beware of an Erdoğan bearing democratic gifts. He would only “reform” in order to further consolidate his rule, perhaps even for life, and further weaken what remains a badly crippled democracy.

Just a few days after Erdoğan pledged a new constitution, conservative Muslims launched a campaign to “let the Qur’an be our constitution.” More than 70,000 signed a public petition in the span of a couple of days. That should not come as a surprise after 18 years of uninterrupted Islamist rule.

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