

COMMENTARY

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The JDP Faces the Threat of Closure: Erdogan's Toughest Test?

On March 31, 2008, the Turkish Constitutional Court voted unanimously to consider the case for the closure of the ruling Justice and Development Party (JDP). The indictment against the JDP had been submitted two weeks earlier by Chief Prosecutor Abdurrahman Yalcinkaya, who alleged that the party had “become the center of activities contrary to the principle of secularism.”

While its decision to take on the case does not give a firm indication of its eventual verdict, it is worth remembering that the Constitutional Court has been instrumental in sending into political extinction 24 political parties in four decades. In any case, parallel to its consideration of the possible closure of the JDP, the court is also considering the possibility of a five-year ban on political activity by Prime Minister Recep Tayyip Erdogan and 69 of his JDP colleagues, as well as President Abdullah Gul, who is no longer a member of the JDP. It may be significant that 8 of the 11 members of the court were appointed by the rigorously secular former president Ahmet Necdet Sezer.

The prevalent—but publicly unarticulated—view among members of the JDP is that the party is confronting a “judicial coup.” Genuinely shocked that such a move would be made against the JDP only eight months after it received close to half of the votes cast in a second successive electoral victory, they perceive it as a legal gambit by enemies who became convinced that they could not defeat them in elections. On March 15, the day after Yalcinkaya’s indictment, Erdogan charged that his action was “against the will of the people.” Two days later, Erdogan attacked “people with outdated and archaic opinions trying to find new ways to ignore the will of the people” who were “dreaming about establishing an oppressive order.” As his colleagues speculated about responding with a change in the Constitution, Erdogan declared on March 29 that he would not behave like “a meek sheep” in the face of attacks on him and his party.

In his first public comment after the Constitutional Court decision on April 1, however, Erdogan chose to strike a more prudent tone. He noted that there was “an ongoing judicial process, which would proceed to its conclusion” and expressed confidence that “democracy as well as the judicial system would emerge strengthened.” While Erdogan’s cautious line may have been a characteristic tactical feint in the early stages of a process that will take many months, it is equally likely to have been a product of his recognition that the JDP’s opponents would take advantage of direct assaults on the judiciary as well as his angry comments.

Consequently, Erdogan seems set to follow a strategy that will emphasize the dangers of undermining democracy, as well as economic stability, and endeavor to consolidate external support—the European Union, for example, has threatened to suspend accession negotiations if the JDP is closed—while considering the efficacy of legislative moves to make the closure of parties more difficult, resorting to a referendum on the issue and ultimately seeking a fresh mandate through early elections.

Prior to taking up the JDP closure case, the Constitutional Court had begun to review the easing of the ban in February on the wearing of the Islamic headscarf, an issue that figures prominently in the indictment. It is conceivable that the JDP would not be facing the threat of closure if it had not reversed the policy of inaction it had followed on this neuralgic issue with the deliberate encouragement of the National Action Party. However, while symbolically important, the headscarf issue is only part of the broader confrontation between the JDP and the defenders of Turkey’s secular order.

As the four military coups and numerous party closures vividly underline, there are “red lines” that Turkish political parties cross at their peril. When he spoke at CSIS in January 2002 as the leader of the JDP, which was established just a few months earlier, Erdogan was asked whether his new party could be closed like the National Order Party, the National Salvation Party, the Welfare Party, and the Virtue Party. Erdogan, who had been a member of three of those Islamist parties, responded by saying that this was not possible as the JDP was not Islamist. He resolutely maintained that disclaimer through election successes in November 2002 and July 2007 and five and a half years in office. Nevertheless, Erdogan and his colleagues are discovering to their chagrin that those who were always suspicious of the JDP are attempting to define it themselves as Islamist with an agenda to fundamentally change the nature of the Turkish state.

It is now clear that the JDP’s enemies, who were effectively reduced to sullen impotence by Erdogan’s prudence during his first term, are trying to take advantage of the elevation of Gul to the presidency in the face of widespread opposition and a warning by the military; the headscarf move; and the perceptibly more partisan attitude of the JDP after its second election triumph. However, the closing down of the JDP and the banning of its charismatic leader and his colleagues from politics would not solve the basic quandary confronting those who believe that they have to resort to drastic measures in an existential struggle against what they perceive to be “a counterrevolution.” Turkey would still need to find the elusive consensus to accommodate the growing religiosity of its people and their demonstrated willingness to vote for those who share their values in a secular system. Although it is unlikely that the millions of voters who backed Erdogan and the JDP would react violently to judicial action against them, they will almost certainly vote for their successors when the ballot box is eventually put in front of them.

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