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### Representation, Paternalism, and Exclusion

#### *The Divergent Impacts of the AKP's Populism on Human Rights in Turkey*

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Turkey provides an unusual opportunity to observe how populists affect human rights when they govern a large electoral democracy for a prolonged period. In the first years after it took office in 2002, the ruling Justice and Development Party ("AKP" in Turkish), led by now-President Recep Tayyip Erdoğan, initially appeared to be enhancing democracy. In the mid-2000s, however, Erdoğan and his colleagues increasingly employed populist rhetoric as they took on power centers that had traditionally constrained democratic politics, such as the military. Since then, the AKP politicians' rhetoric and actions have suggested a conviction that they alone are entitled to rule, unchecked by others inside or outside government – a characteristically populist belief. That view may have contributed to the AKP government's systematic and successful assault on democratic institutions and norms, which has involved large-scale violations of civil and political rights and brought the country to the brink of dictatorship. Although the AKP's populism may have increased its motivation to deliver economic and social benefits to much of the population and reduce discrimination against religious Turks, especially women, those positive effects on human rights pale next to its devastating impact on democracy and civil and political freedoms.

This chapter uses the Turkish case to analyze the influence of specific aspects of populism on human rights, organizing the effects into three categories.<sup>2</sup> *Representation* involves expanding the role of previously marginalized groups in politics and

<sup>1</sup> I thank Eva Anduiza Perea, Anne Joseph O'Connell, Murat Somer, and the participants in the Harvard Law School Human Rights Program conference "Human Rights in a Time of Populism" for invaluable comments on this chapter. They bear no responsibility for its interpretations or factual accuracy.

<sup>2</sup> Conceptualizing the AKP's politics as "polarizing" rather than "populist" also yields valuable insights on the party's impact on Turkish democracy. See Murat Somer, "Turkey: The Slippery Slope from Reformist to Revolutionary Polarization and Democratic Breakdown," *Annals of the American Academy of Political and Social Science* no. 681 (January 2019): 42–61.

their influence on public policy. *Paternalism* describes populists' arrogation of the right to identify the interests of "the people" for whom they claim to speak, rather than listen to the views of real citizens about their preferences. *Exclusion* refers to populists' marginalization from politics, and often broader repression, of groups they define as enemies of the people.

The AKP's record casts some doubt on Rovira's characterization of populism's relationship to democracy as "ambivalent," potentially benefitting and threatening democracy.<sup>3</sup> In Turkey, the AKP rebalanced the political system, recognized traditionally marginalized groups, and changed public policy according to those groups' preferences, exemplifying representation. Those changes could have strengthened democracy – but they have been overwhelmed by the two dynamics that undermine democracy, paternalism and especially exclusion. The paternalist tendencies of the AKP, and especially of Erdoğan himself, limited popular empowerment. Over time, exclusionary tendencies in the populist worldview seem to have contributed to the AKP's drive to destroy all checks on its power, leaving Turkey's democratic system in shambles.

This case study generates causal hypotheses about populism's impact on human rights that could be tested elsewhere. I argue that in Turkey representation, paternalism, and exclusion are driven significantly by core aspects of populism that the AKP shares with populists in many other countries. Systematic comparative research could establish whether populism generally has some or all of these effects.

Populist politics may appear viable only outside government: once populists take power, how can they portray themselves as struggling against an oppressive ruling elite on behalf of a virtuous people? The AKP has maintained a populist posture while leading the executive and legislative branches of government, neutering the once-dominant military and judiciary in the late 2000s, and achieving supremacy over all branches and agencies of government by about 2014. This case adds another layer to this paradox: the AKP used populist rhetoric only sparingly before it took power and has shifted to a strongly populist stance only in the mid-2000s, several years after taking office.

Turkey's history of military coups and judicial intervention in democratic politics, as well as top-down management of state and society, may partly explain why the AKP's constituents seem to have taken seriously its claim to be fighting a domineering elite even while it was leading the government. By 2002, many scholars of Turkish politics and ordinary citizens believed that since the founding of the Turkish Republic in 1923, the military, bureaucracy, and judiciary, sometimes supported by business and intellectual elites, had constrained popularly elected leaders and enforced socially and culturally liberal policies, including secularism, against the wishes of much of the population. (Those policies are often described as

<sup>3</sup> Cristóbal Rovira Kaltwasser, "The Ambivalence of Populism: Threat and Corrective for Democracy," *Democratization* 19, no. 2 (April 2012): 196–199.

“Kemalist,” because they reflect principles set out by the Republic’s founder, Mustafa Kemal Atatürk.) Many felt that repeated military coups, judicial dissolution of popular political parties, and imprisonment of politicians and activists for violating vague restrictions on speech, such as a ban on “insulting Turkishness,” constituted important flaws in Turkish democracy.

Beginning in the mid-2000s, Erdoğan and his AKP colleagues shifted away from the moderate, inclusive rhetoric that had won them office in 2002, in favor of a populist version of history that described a nefarious, unified elite consistently marginalizing a virtuous, homogeneous mass, in political, economic, and cultural terms. This fable abstracted out numerous important patterns that complicated the populist narrative. For example, it omitted the military’s support for Islamist politics in the 1980s and the Kemalist state’s repression of Kurds and leftists, which was more consistent and brutal than its actions against Islamists. Yet the AKP’s populist narrative appealed to many Turks, who seem to have seen the missing nuances as irrelevant. Erdoğan and his colleagues interpreted new developments through the populist lens, taking advantage of instances in which a broader portion of the elite or citizenry agreed with some part of it. For example, in 2007, the secularist elite blocked the AKP’s preferred presidential candidate, even though he commanded sufficient votes in the parliament. They also tried to persuade the courts to dissolve the AKP itself. The AKP eventually prevailed in both contests. Leading constitutionalists and other scholars agreed that the AKP’s opponents had pushed democratic limits, and the AKP used the conflict to bolster its claim to represent the people against an elite bent on thwarting them.<sup>4</sup>

I begin, in Section I, by clarifying the key concepts used in my analysis: human rights, democracy, and populism. Section II summarizes the key developments in Turkish politics from 1923 to the 2000s that the AKP fashioned into a compelling populist narrative. Section III describes the populist approach to politics that the party adopted starting in the mid-2000s, and that can be glimpsed in its earlier rhetoric. It summarizes the AKP’s populist version of history and elaborates on its omissions. Section IV, the chapter’s heart, analyzes the relationship between the AKP’s populism and its human rights record, using the rubric of representation, paternalism, and exclusion.

## I CONCEPTS: POPULISM, HUMAN RIGHTS, AND DEMOCRACY

Tracing populism’s impact on human rights, including democracy, in Turkey requires clarity about what I mean by those terms. “Human rights” is the most straightforward, having been operationalized in a discrete set of international

<sup>4</sup> See Ergun Özbudun, “Democracy, Tutelarism, and the Search for a New Constitution,” in *Turkey’s Democratization Process*, ed. Carmen Rodríguez, Antonio Ávalos, Hakan Yılmaz, and Ana I. Planet (New York: Routledge, 2014), 299–306.

treaties. This chapter does not comprehensively assess the AKP's complex, varied, and disputed human rights record over its seventeen years in power. Instead, it concentrates on the areas of human rights that have been most clearly affected by populism as practiced by the AKP: democracy, related civil and political rights, certain economic and social rights, and non-discrimination based on religion and gender.<sup>5</sup>

“Democracy” takes on a wide range of meanings in the work of political theorists, political scientists, legal scholars, and human rights practitioners. The analysis below does not depend on a specific definition of democracy, but is informed by a functionalist conception: a more democratic system is one in which institutional structures, cultural norms, and patterns of elite and popular behavior combine to disperse, among individual citizens, influence over the decisions that their society makes collectively.<sup>6</sup> A perfect democracy – which of course is unattainable – thus would be one in which all citizens had equal influence over these decisions.

International human rights treaties contain provisions that effectively create a human right to democracy, even though they do not use that word.<sup>7</sup> Turkey is a party to the International Covenant on Civil and Political Rights (ICCPR), Article 25 of which provides that all citizens have the right to “take part in the conduct of public affairs, directly or through freely chosen representatives.”<sup>8</sup> As I have argued elsewhere, based on the compelling analysis by the UN Human Rights Committee, which oversees compliance with the ICCPR, Article 25 “amounts to a right to democracy.”<sup>9</sup> The ICCPR and the European Convention for the Protection of Human Rights and Fundamental Freedoms also guarantee rights that support democracy, including freedoms of thought, expression, association, and assembly.<sup>10</sup>

I employ an ideational conception of populism, articulated particularly cogently by Mudde and Rovira.<sup>11</sup> They define populism as “a thin-centered ideology that

<sup>5</sup> I consider here only the AKP's impact within Turkey, because I do not see its populism as having clearly shaped its extraterritorial influence on human rights.

<sup>6</sup> Brad R. Roth, “Evaluating Democratic Progress,” in *Democratic Governance and International Law*, ed. Gregory H. Fox and Brad R. Roth (Cambridge: Cambridge University Press, 2000), 497.

<sup>7</sup> Jamie O'Connell, “Common Interests, Closer Allies: How Democracy in Arab States Can Benefit the West,” *Stanford Journal of International Law* 48, no. 2 (2012): 352–354. Some scholars have also argued that customary international law provides a right to democracy. O'Connell, 352 n.46.

<sup>8</sup> International Covenant on Civil and Political Rights (ICCPR), December 16, 1966, 999 U.N.T.S. 171, art. 25(a).

<sup>9</sup> O'Connell, “Common Interests, Closer Allies,” 353.

<sup>10</sup> ICCPR, arts. 18, 19, 21, 22; Convention for the Protection of Human Rights and Fundamental Freedoms, November 4, 1950, 213 U.N.T.S. 221, arts. 9–11.

<sup>11</sup> See Cas Mudde and Cristóbal Rovira Kaltwasser, “Populism,” in *The Oxford Handbook of Political Ideologies*, ed. Michael Freeden and Marc Stears (New York: Oxford University Press, 2013); Cas Mudde, “Populism: An Ideational Approach,” in *The Oxford Handbook of Populism*, ed. Cristóbal Rovira Kaltwasser, Paul Taggart, Paulina Ochoa Espejo, and Pierre Ostiguy (New York: Oxford University Press, 2017).

considers society to be ultimately separated into two homogeneous and antagonistic camps, 'the pure people' versus 'the corrupt elite,' and which argues that politics should be an expression of the *volonté générale* (general will) of the people."<sup>12</sup> Rather than a fully fledged political ideology, this view sees populism as "a mental map through which individuals analyze and comprehend political reality."<sup>13</sup> This thin definition encompasses politicians and movements with a range of programs, for example economic policies from socialistic to market-oriented.<sup>14</sup>

Populists understand "the people" to possess homogeneous interests and preferences, which constitute a Rousseauvian "general will," or as Erdoğan prefers, "national will." (I use those terms, as well as "popular will," interchangeably.) Populist leaders believe they infallibly perceive the content of this general will. If some of the people disagree, populists dismiss them as confused or perverse – or decide they are no longer, or never were, members of "the people," but instead belong to the hated elite and its allies. Populists abhor any limitation on the people's will as illegitimate. In power, they chafe at constitutional and other constraints on their power, such as protections of individual rights and countervailing power centers, and often work to limit or eliminate them.

Fervent anger and grievance distinguish populist politicians and their followers from many of their non-populist counterparts. Viewing politics as defined by conflict between an oppressive elite and virtuous people seems almost inevitably to produce passionate hatred toward those citizens labeled as part of the elite or its supporters. In Turkey, this aspect of populism may have fed vicious repression.

## II ELITISM AND EXCLUSION IN TURKISH POLITICS, 1923–2002

Understanding the elitist, exclusionary strain in Turkish politics and governance is necessary to appreciate both the appeal and potential human rights impact of the AKP's populism.<sup>15</sup> The Republic was founded in 1923 on top-down governance. A central theme in the country's politics since then has been struggle between democratically elected politicians and unelected, Kemalist-dominated institutions – the military, judiciary, and bureaucracy, often supported by big business and intellectuals. Atatürk was an authoritarian by temperament and dominated policy and politics from before 1923 to his death in 1938. He attempted to "modernize" Turkey's politics, economy, and society by mandating sweeping changes and using expansive state power to implement them. These reforms included subordinating

<sup>12</sup> Mudde and Rovira, "Populism," 498.

<sup>13</sup> Mudde and Rovira, "Populism," 498–499.

<sup>14</sup> My understanding of populism is also consistent with the approaches of many other scholars of the phenomenon, including Jan-Werner Müller. See Jan-Werner Müller, *What Is Populism?* (Philadelphia, PA: University of Pennsylvania Press, 2016).

<sup>15</sup> For greater depth on Turkish political history since 1923, see Alpaslan Özerdem and Matthew Whiting, eds., *The Routledge Handbook of Turkish Politics* (New York: Routledge, 2019).

religion to secular authorities, banning religious appeals in politics, industrializing the economy, and increasing women's involvement in public life, along with more superficial changes, such as promoting Western music and clothing.

Atatürk viewed the largely conservative, religious, and modestly educated Turkish masses as backward, uncivilized, and unqualified to rule. (Most of the population then lived in rural areas and small towns, reflecting the economy's agricultural orientation.) He understood modernization to require a democratic political system, so the 1924 constitution created one – vesting all “legislative and executive powers” in an elected parliament – but only in a nominal sense.<sup>16</sup> In practice, Atatürk and his successor İsmet İnönü dominated the parliament until 1950. Atatürk “seemed to have reasoned that unless a modern, secular, and national culture [was] solidly established, a modern political system, potentially hosting some form of democracy, could not have any chance of survival.”<sup>17</sup> Political parties were effectively banned until 1946, with the exception of the Republican People's Party (CHP), founded by Atatürk and led after his death by İnönü. Any religious expression connected to politics was harshly repressed. The urban elite – bureaucrats, intellectuals, judges, and soldiers – implemented Atatürk's modernization program without regard for popular preferences.

The advent of multiparty politics in the late 1940s somewhat democratized governance and public life. Competition for mass support led İnönü to restore optional religious instruction in public schools. In 1950, the CHP lost the country's first free elections to the Democrat Party (DP) led by Adnan Menderes. As prime minister, Menderes directed development resources toward rural areas, which Atatürk and İnönü had neglected, including by extending the national electricity grid. Menderes maintained the secular state, but was less hostile to religion: mosque construction boomed, and the DP used religious symbols to appeal to conservative voters.

From the 1960s through the 1980s, Turkish politics turned on struggles between civilians and the military for control of the state, between left- and right-wing ideologies, and between a rising Kurdish ethnic consciousness and an assimilationist Turkish identity. The military used violence and coercion to constrain civilian politicians' conduct of politics and choice of public policies. Coups in 1960, 1971, and 1980 followed breakdowns in elite civilian politics and public order, including widespread violence between left and right on university campuses. The 1960 coup-makers executed Prime Minister Menderes and two other ministers. After the 1980 coup, imprisonment and torture of trade union and other leftist activists dramatically reduced political mobilization for the rest of the decade. Meanwhile, Kurds who attempted to assert an ethnic identity, rather than identify entirely as Turks, faced

<sup>16</sup> Turkey Const. (1924), arts. 5, 10.

<sup>17</sup> Ersin Kalaycıoğlu, *Turkish Dynamics: Bridge Across Troubled Lands* (New York: Palgrave Macmillan, 2005), 46.

repression from the civilian state, which barred using Kurdish in public institutions and giving children Kurdish names. When the separatist Kurdistan Workers Party (PKK) launched an insurgency in southeastern Turkey, the Turkish military responded with a brutal counterinsurgency campaign, imprisoning, torturing, and killing thousands of civilians as well as PKK fighters.<sup>18</sup>

The military and judiciary continued to enforce Kemalist orthodoxies in the 1990s and early 2000s. After the reestablishment of constitutional rule in 1983, the military initially promoted Islamist politics.<sup>19</sup> It hoped that religion-based political mobilization would be more orderly than the often-violent ideological conflict between left and right in the 1960s and 1970s. In the 1991 parliamentary elections, the Welfare Party, led by pioneering Islamist politician Necmettin Erbakan, garnered 17 percent of a fragmented popular vote. This established the party as a force in national politics, and it came in first in the 1995 election with 21 percent.<sup>20</sup> Erbakan had aggressively pushed the boundaries of the establishment's tolerance for years, presiding over a rally just before the 1980 coup at which supporters called for the imposition of *sharia* law, an idea as shocking to the Kemalist establishment as it would be to the U.S. Republican Party today.<sup>21</sup> His parties' electoral success in the 1990s secured him the leadership of a coalition government from 1995 to 1997.

By the late 1990s, military leaders and their allies were alarmed by Islamists' popularity and reined them in through intimidation and legal action. In 1997, the army forced Erbakan to resign as prime minister. The following year, the Constitutional Court dissolved his Welfare Party for violating the constitutional principle of secularism. Erbakan formed the Virtue Party, which came in second in the 1999 election before the Constitutional Court shut it down in 2001. The campaign against Islamist politics employed criminal sanctions, too, most notoriously against future President Recep Tayyip Erdoğan. In 1999, Erdoğan, at that time the Welfare Party mayor of Istanbul, was forced from office and jailed for religious incitement for reciting a poem at a political rally. These were only the most dramatic examples of repression of popular Islamist politicians, which many secular Turks supported.

### III THE AKP'S POPULISM

The AKP was formed in 2001 by Erdoğan and other Erbakan protégés who advocated pragmatic politics that avoided confrontation, especially with the military and

<sup>18</sup> See Doğu Ergil, "The Kurdish Question in Turkey," *Journal of Democracy* 11, no. 3 (July 2000): 123–128.

<sup>19</sup> See Özlem Denli, "Freedom of Religion: Secularist Policies and Islamic Challenges," in *Human Rights in Turkey*, ed. Zehra F. Kabasakal Arat (Philadelphia, PA: University of Pennsylvania Press, 2007), 93–94.

<sup>20</sup> Kalaycıoğlu, *Turkish Dynamics*, 126.

<sup>21</sup> Nicole Pope and Hugh Pope, *Turkey Unveiled: A History of Modern Turkey* (New York: Overlook Duckworth, 2011), 137.

judiciary. Populist tropes have been part of their political arsenal from the beginning, but they preferred more inclusive rhetoric and policies during the 2002 election campaign and early years in power. Their use of populist rhetoric has grown dramatically since the mid-to-late 2000s.<sup>22</sup>

Erdoğan and the AKP have fashioned the events described in the previous section into a compelling populist story of a unified elite that for decades excluded the “real” Turkish people from power and marginalized their religion, while pretending that Turkey was a democracy. They point to the Kemalists’ top-down political, economic, and social engineering during the early years of the Republic, the military’s “tutelage” of elected civilian politicians from 1960 through the 1980s, and the repression of popular Islamist politicians in the 1990s and early 2000s.

This version of history leaves out important patterns that weaken the populist interpretation, however. While governments from 1923 to 2002 aimed to reduce the influence of religion in society and politics, they also used Islam as a key tool for constructing the Turkish nation, legitimating the state, and securing their rule.<sup>23</sup> Since 1923, Turkey’s elites have looked more divided than unified, fracturing along numerous axes, including social values (progressive secular versus religious conservative), political ideology (left versus right), and ethnic identity (Turkish nationalist versus multiculturalist or Kurdish nationalist). The military has clashed repeatedly with the secular left, and repressed it brutally after the 1980 coup. Kurdish activists, peaceful as well as militant, have been marginalized and repressed more consistently and thoroughly than religious conservatives. The military favored Islamist politicians in the 1980s before suppressing them in the 1990s. The AKP has had ambivalent relations with leftists and Kurds since 2002, so those groups’ conflicts with the Kemalist state fit awkwardly with the party’s picture of a single oppressed population fighting a monolithic oppressor. The success of politicians representing rural conservatives, such as Menderes and Süleyman Demirel, complicates the AKP’s claim

<sup>22</sup> A recent academic study of political leaders’ speeches, sponsored by and reported in *The Guardian*, found that Erdoğan’s deployment of populist ideas rose sharply from the 2003–2007 period to 2007–2014, and again in 2014–2018. See Paul Lewis, Caelainn Barr, Seán Clarke, Antonio Voce, Cath Levett, and Pablo Gutiérrez, “Revealed: The Rise and Rise of Populist Rhetoric,” *The Guardian*, March 6, 2019, [www.theguardian.com/world/ng-interactive/2019/mar/06/revealed-the-rise-and-rise-of-populist-rhetoric](http://www.theguardian.com/world/ng-interactive/2019/mar/06/revealed-the-rise-and-rise-of-populist-rhetoric). Erdoğan’s level of populism in 2003–2007 matched UK Prime Minister Tony Blair’s very low level throughout his administration. In 2007–2014 Erdoğan was similar to Hungary’s Viktor Orbán since 2010. Since 2014 he has used populist rhetoric as much or more than Bolivia’s Evo Morales and Ecuador’s Raphael Correa during their most populist phases. See Bethan McKernan, “From Reformer to ‘New Sultan’: Erdoğan’s Populist Evolution,” *The Guardian*, March 11, 2019, [www.theguardian.com/world/2019/mar/11/from-reformer-to-new-sultan-erdogans-populist-evolution](http://www.theguardian.com/world/2019/mar/11/from-reformer-to-new-sultan-erdogans-populist-evolution); Kirk A Hawkins, Rosario Aguilar, Erin Jenne, Bojana Kocijan, Cristóbal Rovira Kaltwasser, and Bruno Castanho Silva, Global Populism Database: Populism Dataset for Leaders 1.0, 2019, <https://populism.byu.edu/Pages/Data>.

<sup>23</sup> See, for example, Pinar Kemerli, “Religious Militarism and Islamist Conscientious Objection in Turkey,” *International Journal of Middle East Studies* 47 (2015): 282–283; Denli, “Freedom of Religion,” 89–94.

that its core constituency has always been marginalized in politics. While the two were overthrown by the military three times (in 1960, 1971, and 1980), Menderes dominated Turkish politics in the 1950s and Demirel served as prime minister five times from 1965 to 1993 and as president from 1993 to 2000.

Erdoğan and other AKP politicians have ignored those complexities as they have gradually shifted the theme of struggle between the virtuous people and an exclusionary elite to the center of their political messaging. Since his campaign for the mayoralty of Istanbul, Erdoğan has highlighted his “Black Turk” origins: his large, religious family moved from a small Anatolian town to a working-class neighborhood of Istanbul when he was a child. By using a label for the conservative, rural masses that draws a sharp metaphoric contrast with urban, secular “White Turks,” Erdoğan suggests that Turkish society is fundamentally divided. Occasionally in the early years, but now constantly, he has identified his supporters as “the people” and their opponents as a small elite. For example, he told an October 2002 rally: “My story is the story of this people. Either the people will win and come to power, or the pretentious and oppressive minority estranged from the reality of Anatolia and looking over it with disdain will remain in power. The authority to decide on this belongs to the people.”<sup>24</sup>

Erdoğan and other AKP politicians now frequently contrast their respect for the people with the dismissive attitude of the Kemalist elite, often invoking their history of imposing secularism. For example, in 2012 Erdoğan told another rally: “These people look down their noses at the people, at the sweat and blood of the people, the culture and choices of the people. . . . For years they have belittled the true servants of this nation – its clergymen.”<sup>25</sup>

AKP leaders also refer to a unified, homogeneous “national will,” another pillar of populist thought. In May 2007, Erdoğan argued that Kemalist opposition to the election of Gül as president showed that “they could not put up with the national will.”<sup>26</sup> In June 2013, mass protests against AKP policies began in Istanbul’s Gezi Park, then spread to many other cities, drawing hundreds of thousands. Erdoğan responded by mustering supporters in a series of “Respect the National Will” rallies. The slogan of his 2014 presidential campaign was “National Will, National Power.” At a 2017 rally, he was introduced as “the guardian of our democracy, the strong voice of the national will.”<sup>27</sup>

<sup>24</sup> Quoted in Bilge Yabancı, “Populism as the Problem Child of Democracy: The AKP’s Enduring Appeal and the Use of Meso-Level Actors,” *Southeast European and Black Sea Studies* 16, no. 4 (2016): 599.

<sup>25</sup> Quoted in William Eichler, “The Making of a Demagogue: How Erdoğan Became Turkey’s Strongman,” *Open Democracy*, April 18, 2017, [www.opendemocracy.net/william-eichler/making-of-demagogue-how-erdo](http://www.opendemocracy.net/william-eichler/making-of-demagogue-how-erdo).

<sup>26</sup> Quoted in Şakir Dinçşahin, “A Symptomatic Analysis of the Justice and Development Party’s Populism in Turkey, 2007–2010,” *Government and Opposition* 47, no. 4 (2012): 634.

<sup>27</sup> Quoted in Orçun Selçuk, “Strong Presidents and Weak Institutions: Populism in Turkey, Venezuela, and Ecuador,” *Southeast European and Black Sea Studies* 16, no. 4 (2016): 577.

As they have consolidated power, Erdoğan and other AKP spokespeople have increasingly argued that their electoral victories anoint them as the sole authoritative exponents of the national will. As elaborated in Subsection IVB, below, the AKP decides the content of this will, allowing ordinary citizens little voice in the party's and government's policymaking and other decisions. The AKP's conception of the national will has authoritarian aspects, as Mustafa Akyol explains: "The winners of the ballots represent the 'national will' in this discourse, which is a kind of metaphysical truth that cannot be limited by any law, tradition, international norm, or universal value. Moreover, those who oppose the 'national will' are illegitimate."<sup>28</sup>

Even as the AKP has consolidated power and marginalized actual and potential adversaries in the judiciary, military, bureaucracy, news media, and other political parties, it has lost the support it initially received from liberals. As Subsection IVC, below, discusses, the party has defined each wave of its opponents as foes of "the people," denied the legitimacy of their disagreement, and harshly repressed many of them.

A 2019 study of public opinion confirmed that the AKP's constituents have significantly more populist views than supporters of other Turkish political parties. (The study does not make clear whether this was true when the party took power, using little populist rhetoric, or has increased over time.) AKP partisans are more likely to hold a Manichean view of politics, seeing it as "ultimately a struggle between good and evil." They share the party's anti-elitism, believing that "[t]he power of a few special interests prevents our country from making progress." Their ideas about the proper allocation of power track the idea of national will: they are more likely than other parties' supporters to agree that "the people, not politicians, should make our most important policy decisions," and that political leaders should not be checked by rules or institutions.<sup>29</sup>

#### IV AKP POPULISM: IMPACT ON HUMAN RIGHTS

After its creation in 2001, the AKP quickly gained support from a wide swath of the Turkish electorate. The following year it swept to victory in the first general election it contested. Its 34.3 percent share of the national vote yielded nearly two-thirds of the seats in the parliament, owing to political fragmentation and an electoral rule that denies parliamentary seats to small parties. (The AKP has received between 40.9 percent and 49.8 percent of the vote in the five general elections since 2002 and maintained its parliamentary majority except during a few months in 2015.) The AKP's core constituency included what many scholars call Turkey's political

<sup>28</sup> Mustafa Akyol, "Erdoganism [Noun]: From 'National Will' to 'Man of the Nation,' an Abridged Dictionary for the Post-Secular Turkish State," *Foreign Policy*, June 21, 2016, [foreignpolicy.com/2016/06/21/erdoganism-noun-erdogan-turkey-islam-akp/](https://foreignpolicy.com/2016/06/21/erdoganism-noun-erdogan-turkey-islam-akp/).

<sup>29</sup> S. Erdem Aytac and Ezgi Elçi, "Populism in Turkey," in *Populism Around the World*, ed. Daniel Stockemer (Cham, Switzerland: Springer, 2019), 101–105.

“periphery” – conservative, religious people of all economic classes. These citizens once were concentrated in small towns and rural areas across Anatolia, but now are also heavily represented in large cities after mass urbanization from 1950 to 2000. The AKP also received wide support from less conservative and religious segments of the working class and poor, building on Erdoğan’s record as mayor of effectively administering Istanbul and improving public services. Initially, the AKP marketed itself as a mainstream, center-right party and played down religion. For example, it stated that relaxing restrictions on women wearing headscarves was not a party priority. In 2002, this combination of competence and centrism also secured the support of many liberals, who blamed squabbling and incompetence by the established parties for repeated economic crises in the preceding decade.

Since taking power in 2002, the AKP has partially ruptured, partially continued, and partially mirrored and deepened the elitist, anti-democratic patterns in Turkish politics since 1923. It began cautiously, but since the mid-2000s has challenged the status quo ever more openly and aggressively. Its increasingly populist rhetoric has paralleled increasingly vigorous action. AKP politicians’ populist understanding of politics, and framing of political and social relations in populist terms, have had significant effects on a wide range of human rights, most negative but some positive. I elaborate these below, using the rubric of representation, paternalism, and exclusion.<sup>30</sup>

### *A Representation*

The AKP has represented, in various senses, a large group of Turks, amounting in some cases to a majority of the population. Each aspect of representation emanates from the party’s populism and has had particular effects on the human rights of the whole group or part of it. All three aspects have benefitted rural and urban Turks of the conservative, religious “periphery,” from all economic classes.<sup>31</sup> Since 1923,

<sup>30</sup> This chapter does not attempt a comprehensive description of the AKP’s impact on human rights, but instead examines only those impacts that are connected to the party’s populism. For example, the treatment of ethnic Kurds by the Turkish government and private actors is one of the country’s most important human rights issues. The AKP government shifted its predecessors’ policies in significant ways – for example, by recognizing Kurdish identity and launching peace talks with the PKK. However, it also has repressed Kurdish politicians and in 2015 launched a brutal military assault on PKK-affiliated armed groups that also killed at least 400 civilians and displaced over 350,000 people. See Berkay Mandiraci, “Turkey’s PKK Conflict Kills Almost 3,000 in Two Years,” July 20, 2017, [www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/turkeys-pkk-conflict-kills-almost-3000-two-years](http://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/turkeys-pkk-conflict-kills-almost-3000-two-years). However, I do not focus on the AKP’s approach to the “Kurdish question” because I do not see clear links between it and the party’s populism.

<sup>31</sup> The center–periphery distinction simplifies Turkish politics significantly, as would any binary rubric for analyzing a country of 80 million people. Nonetheless, it facilitates understanding of the human rights impacts of AKP populism. In the text, I refer more often to “marginalized” groups to cover the poor and working class (regardless of religious and political views) as well as

those citizens have had little influence over public policy and received a less-than-proportionate share of government funds and attention. Those who had less money or education, or who lived outside the urban areas, were especially neglected – as such groups are in many countries. Politicians supported by the periphery, such as Menderes, Demirel, and Erbakan, have been the targets of many of the military and judicial interventions in politics, through coups, prosecutions, and party dissolutions – although, as noted above, Kurds have been more consistent targets and the political left was also repressed, particularly after 1980. The secularist limits enforced by the Kemalist elite have precluded some policies supported by religious conservatives in particular, and constrained their political expression.

By the early 2000s, more liberal, less religious Turks who were working class or poor may also have felt marginalized from politics. They had supported some of the civilian governments overthrown by the military. They suffered from its repression of civil society, including trade unionists, after 1980. Few of the state resources that flowed to huge family-owned conglomerates trickled down to them, while the economic crises of the 1990s and 2000s devastated their standards of living.

The AKP has “represented” both of these groups more effectively than its predecessors, in three distinct senses.<sup>32</sup> First, the AKP has dramatically changed the balance of political power in Turkey, ending Kemalists’ control over institutions that had given them disproportionate influence over state policy and public life. By doing so, it may have increased the power of those traditionally marginalized – although the AKP’s paternalism and exclusion, explained in the following two subsections, have largely undermined that potential benefit. Second, the AKP has symbolically placed conservative, religious, working-class, and poor Turks at the center of the political community and connected with them at the grassroots level, unlike any previous ruling party. Third, representation has had a substantive dimension. The AKP has delivered extensive benefits to these constituents through services, government jobs, and policies that advantaged them directly. It also has represented religious conservatives substantively by shaping other state policies according to their preferences.

## 1 Structural Reform

When the AKP took power in 2002, both scholars and many ordinary Turks had long seen the country as a flawed democracy, because the military, judiciary, and other

the conservative, religious “periphery,” but some points apply more to the latter. For political analysis using the center–periphery dichotomy, see, for example, Şerif Mardin, “Center–Periphery Relations: A Key to Turkish Politics,” *Daedalus* 102, no. 1 (Winter 1973); Kalaycıoğlu, *Turkish Dynamics*, 50–53; Aytaç and Elçi, “Populism in Turkey,” 90–93. On the limitations of the dichotomy, see Onur Bakınur, “A Key to Turkish Politics? The Center–Periphery Framework Revisited,” *Turkish Studies* 19, no. 4 (2018).

<sup>32</sup> The generalizations are, of course, imperfect: the tens of millions of people who constitute these groups are not homogeneous and the impact of these representation dynamics varies within each group.

unelected actors significantly constrained citizens' choice of political leaders and those leaders' ability to implement popular policies. The countermajoritarian forces' concern for secularism meant their oversight especially reduced the influence of conservative, religious Turks. For nearly a decade after 2002, the AKP appeared to be an ally for those who had long hoped to improve Turkish democracy. With varying support from other political parties, Turkish NGOs, and the European Union, the democratically elected AKP government gradually increased its control over the bureaucracy, military, and judiciary. It eventually ended their role in enforcing Kemalist orthodoxy and restricting democratic politics. The AKP has fit this long, complex, and risky struggle into the simple populist trope of conflict between the oppressive elite and a virtuous people (or its representatives). A 2013 retrospective by Erdoğan's office described its purpose as "eliminat[ing] a system of government shaped by bureaucratic oligarchy and special power groups and replac[ing] it with a system of democratic government ruled by the will of the people."<sup>33</sup>

Some of the methods used to achieve this dramatic shift in political power respected both the letter of Turkish law and a liberal democratic spirit. Statutory and constitutional changes increased civilian control over the military. Curtailing discrimination against religious people – perhaps coupled with political influence over the hiring processes – has shifted the composition of the civil service, judiciary, and military to include many religious conservatives. Voters resolved the constitutional crisis of 2007 and 2008, in which secularist politicians and judges used a dubious interpretation of the constitution to block the AKP from electing Abdullah Gül as president.<sup>34</sup>

Other AKP tactics for redressing the tutelary state's democratic deficits have been more dubious, and some have straightforwardly violated human rights. The prosecution of hundreds of military officers for involvement in alleged coup plots – the so-called Ergenekon and Balyoz affairs – undermined public support for the military and convinced much of the officer corps that intervention in politics was too risky. The trials relied on shaky – and in some cases fabricated – evidence, however, and unjustly victimized many officers. The prosecutors and judges are widely believed to have been affiliated with the shadowy Gülen religious movement, which allied with the AKP until 2013 and systematically infiltrated the state bureaucracy, judiciary, and military.<sup>35</sup> Since 2010, the entire judiciary, including both judges and prosecutors,

<sup>33</sup> Republic of Turkey, Prime Ministry, Undersecretariat of Public Order and Security, *The Silent Revolution: Turkey's Democratic Change and Transformation Inventory, 2002–2012* (Ankara: Republic of Turkey Prime Ministry, 2013), 17.

<sup>34</sup> The parliamentary deadlock led to new elections, and the AKP's resounding victory was widely seen as an endorsement of Gül. A small party then reversed its stance and allowed the parliament to vote Gül into office. For a critique of the secularists' actions and legal positions by one of Turkey's leading constitutional scholars, see Özbudun, "Democracy, Tutelarism, and the Search for a New Constitution," 299–306.

<sup>35</sup> Beginning in the 1970s, Turkish Muslim cleric Fethullah Gülen amassed a covert international network of followers that initially focused on religious practice, mutual support in business, and

has been almost completely subordinated to the AKP-led executive branch, through the Gülenist infiltration and a series of reforms to judicial oversight and management processes that followed constitutional procedures. After a bitter split between the AKP and Gülen movement in 2013, the AKP government used its new powers to transfer or fire thousands of prosecutors and judges who were connected to the movement or who merely declined to follow the executive's dictates. Since then, judicial decisions in politically tinged cases have generally matched the AKP government's preferences.

This rebalancing of political power – through both legitimate and dubious means – empowered democratically elected politicians, which initially enhanced Turkish democracy because it dispersed political power. Changes in the constitution, statutes, personnel, political culture, and the country's political economy continued to weaken checks on the power of the executive branch, however.

Around 2010 the balance began tipping in the wrong direction, toward a reconcentration of power, this time in the hands of Erdoğan and his government.<sup>36</sup> By 2011, the AKP had won three straight national elections, a record for any party since the 1960 coup. It had enough seats in the parliament to enact any law unilaterally, and nearly enough to call referenda to amend the constitution. The military, judiciary, and bureaucracy were unable or unwilling to resist Erdoğan and his AKP subordinates. Since the late 2000s, the AKP government had been pressuring media outlets to cut back criticism. Party supporters took over major news outlets and turned them into party organs. The government facilitated this process, in one case levying a \$2.5 billion tax fine that forced the sale of two leading newspapers. In early 2014, Erdoğan crushed investigations into AKP corruption by allegedly Gülenist prosecutors, showing that he could vanquish even that once-feared network. The government proceeded to liquidate or take over scores of large, Gülen-linked media outlets, businesses, and educational institutions. President Abdullah Gül was nominally independent of Erdoğan and his government, having resigned from the AKP as the constitution required, but in practice he deferred to them. After a

the creation of a network of schools and universities. Professor Hakan Yavuz describes the movement as “a massive web of formal and informal connections tasked with constantly recruiting new members and strengthening their loyalty.” M. Hakan Yavuz, “The Three Stages of the Gülen Movement: From Pietistic Weeping Movement to Power-Obsessed Structure,” in *Turkey's July 15<sup>th</sup> Coup: What Happened and Why*, ed. M. Hakan Yavuz and Bayram Balci (Salt Lake City, UT: University of Utah Press, 2018), 28. The network has always been strongest in Turkey. By the early 2000s, its followers controlled numerous Turkish universities, media outlets, banks, and other businesses. By the end of that decade, many police, prosecutors, judges, bureaucrats, and military officers were Gülen loyalists. Until 2013, Gülenists constituted a primary source of support for the AKP's efforts to control government institutions. See Yavuz.

<sup>36</sup> Many analysts argue that the AKP's “new authoritarianism” has taken the place of the Kemalist “old authoritarianism.” For a penetrating analysis of differences between the two versions, see Murat Somer, “Understanding Turkey's Democratic Breakdown: Old vs. New and Indigenous vs. Global Authoritarianism,” *Southeast European and Black Sea Studies* 16, no. 4 (2016): 481–503.

2016 coup attempt, the parliament granted President Erdoğan sweeping powers to rule by decree. An AKP-sponsored constitutional referendum in April 2017 made some of those powers permanent and limited the role of the parliament. It also eliminated the post of prime minister and put Erdoğan in sole command of the entire executive branch. This concentration of power, coupled with the repression described in Subsection C, below, has left the Turkish political system much less democratic in 2019 than in 2002, when the AKP took office.

The AKP's populism clearly contributed to its democracy-enhancing drive to reduce the power of countermajoritarian institutions that it identified as the anti-democratic "elite." Populism may also have helped drive the AKP to push its reforms past democratic limits, until it monopolized power. While politicians of all styles aggrandize themselves, populists have an especially dark view of their political opponents, as nefariously bent on subordinating "the people" and sometimes on obliterating the populist politicians themselves. The AKP leaders' experience with repression by the Kemalist military and judiciary before 2002 supported this worldview. (Erdoğan is said to have been deeply affected by his imprisonment.) The 2007–2008 standoff over the presidency and nearly successful judicial effort to dissolve the AKP showed the party's leaders that even controlling the parliament and the executive would not fully protect them. The combination of their populist worldview and experience of repression may have convinced Erdoğan and his followers that without total power they would remain vulnerable.<sup>37</sup>

## 2 Symbolic Inclusion

The AKP also has represented previously marginalized Turks by expressing respect for them and affirming their importance and political power, through rhetoric and action. This symbolic inclusion is partly independent of the party's populist style. Whenever a politician tries to secure the votes of people who happen to have been previously marginalized, she signals that they are important. Furthermore, it is not only populists who praise the citizens whose votes they seek and validate their values and preferences. But populist political discourse may have more inclusive effects, because its central trope contrasts the virtue of the people with the corruption of the elite. Thus populist politicians are likely to extoll the positive character (and characteristics) of their constituents more often, and more passionately, than non-populists, and devote less time to other topics, such as policy priorities. In Turkey, Erdoğan and other AKP politicians regularly laud "the people," identifying them as

<sup>37</sup> This analysis does not rule out reverse or common causation: a belief in the necessity of monopolizing power may have caused the AKP's populism, or both may have been caused by the same thing, such as experience of repression. Even if one or both types of causation were present, however, it is likely that populism also helped maintain or strengthen the AKP's drive for total power, for reasons discussed in Subsection C, below.

including conservative, religious people, the working class, and the poor. Erdoğan's political and material success – he has mixed with world leaders for nearly two decades and lives in a palace larger than Versailles – may make his continued self-identification as a “Black Turk” especially significant to citizens who sensed that previous leaders regarded them merely as sources of votes.

The AKP also has demonstrated its respect for non-elite Turks across the country by engaging them directly. The party interacts far more extensively with its constituents than previous ruling parties, which made little contact with citizens except around elections. During the 1980s and 1990s, Islamist parties built grassroots networks across poor and working-class urban neighborhoods, campaigning door-to-door while their secularist competitors communicated remotely through advertising. Those networks remained active between elections, providing social services and financial aid. After taking control of the national government, the AKP continued this approach. It expanded its neighborhood-level organization across the country, down to small towns, and created parallel party branches for women and youth. It took “considerable pains to avoid assuming the lofty, detached air of previous ruling parties and act as a ‘caring’ government committed to effectiveness and innovation in meeting popular needs.”<sup>38</sup> The AKP was therefore one of Turkey's first truly mass political parties, engaging directly with Turks whom the Ankara and Istanbul elite had disdained.

Symbolic representation may affect human rights in two ways. First, by proclaiming the value of previously peripheral citizens, placing them at the center of the polity, and devoting time and attention to them, populist politicians accord those people respect and recognize their dignity. Jeremy Waldron and others see those values as foundational to human rights, and part of the content of some rights.<sup>39</sup> Second, and more instrumentally, symbolic representation may make rights more meaningful by motivating people to use them. Citizens who feel disrespected and marginalized may be less likely to participate in politics, and thereby to exercise civil and political rights, than those who feel that at least some politicians respect and value them.<sup>40</sup>

### 3 Material Benefits and Policy Changes

The AKP has also substantively represented some of the Turks who had been marginalized geographically and politically: it has delivered economic and social benefits to the poor and working class, and changed policies to fit the preferences of

<sup>38</sup> Meltem Müftüleri-Baç and E. Fuat Keyman, “Turkey under the AKP: The Era of Dominant Party Politics,” *Journal of Democracy* 23, no. 1 (2012): 90.

<sup>39</sup> See, for example, Jeremy Waldron, *Dignity, Rank, and Rights*, ed. Meir Dan-Cohen (New York: Oxford University Press, 2012), 14–15.

<sup>40</sup> As I discuss in Subsection B, below, the AKP's lack of interest in its constituents' input may have reduced this mobilizing effect.

religious conservatives. Those efforts are consistent with the party's identification of those groups as "the people" in its populist rhetoric.

Since 2002, material conditions have improved for Turks in general. After repeated crises in the 1990s and early 2000s, the economy has grown rapidly and consistently, with real GDP per capita rising from \$8,003 in 2004 to \$14,933 in 2017, well over 4 percent per year.<sup>41</sup>

The AKP government also has pursued policies and programs that especially benefit the traditionally marginalized groups it claims to represent. It has "focus[ed] on poverty alleviation and reaching needier parts of society as no other ruling party or coalition had done before."<sup>42</sup> Gaps between rich and poor in health and education have narrowed, due in part to increased government spending.<sup>43</sup> By 2011, the state Green Card health insurance program covered 60 percent of the poorest tenth of the population, up from 12 percent in 2003.<sup>44</sup> The AKP has improved government services nationwide, "assiduously practic[ing] the constituent-service politics that it learned in its early municipal-level experiences."<sup>45</sup> The national poverty rate fell from 30 percent in 2002 to 2 percent in 2015, after minimum wage hikes and the expansion of transfer programs for the poor.<sup>46</sup> Pro-development policies have fueled a massive boom in housing construction by both state and private developers. For example, the state Mass Housing Agency (MHA) built over 40,000 housing units per year from 2003 to early 2018 – compared to fewer than 2,500 per year from 1984 to 2002.<sup>47</sup> Previous government development projects focused on Istanbul and Ankara,

<sup>41</sup> "World Bank Open Data," World Bank, [data.worldbank.org/](http://data.worldbank.org/) ("GDP per capita (constant 2010 US\$)" variable) (accessed January 11, 2019). Dani Rodrik argues that these gains are no greater than what similarly situated countries have achieved, and he and others point to high private debt and other structural risks. See Dani Rodrik, "Turkish Economic Myths," April 16, 2015, [https://rodrik.typepad.com/dani\\_rodriks\\_weblog/2015/04/turkish-economic-myths.html](https://rodrik.typepad.com/dani_rodriks_weblog/2015/04/turkish-economic-myths.html); Emre Deliveli, "Why Has the AKP Been So Successful?," *Hürriyet Daily News*, November 2, 2015, [www.hurriyetdailynews.com/opinion/emre-deliveli/why-has-the-akp-been-so-successful-90598](http://www.hurriyetdailynews.com/opinion/emre-deliveli/why-has-the-akp-been-so-successful-90598). The Turkish currency's deterioration since the 2013 Gezi Park protests, and rapid fall in 2018, reinforce their concerns. So far, however, growth has remained solid. Furthermore, even matching the performance of other developing countries represents an enormous change in Turks' economic fortunes from the 1990s and early 2000s.

<sup>42</sup> Müftüleri-Baç and Keyman, "Turkey under the AKP," 90; see also Zehra F. Kabasakal Arat, "Human Rights," in *The Routledge Handbook of Turkish Politics*, ed. Alpaslan Özerdem and Matthew Whiting (New York: Routledge, 2019), 305 (noting that governments between 1980 and 2002 made "little or no effort" to fulfill social, economic, or cultural rights).

<sup>43</sup> World Bank, *Turkey Transitions Overview (Report No. 90509-TR)* (Washington, DC: World Bank, 2014), 14.

<sup>44</sup> Rifat Atun et al., "Universal Health Coverage in Turkey: Enhancement of Equity," *The Lancet* 382, no. 9886 (July 6, 2013), 77.

<sup>45</sup> Müftüleri-Baç and Keyman, "Turkey under the AKP," 90.

<sup>46</sup> "World Bank Open Data," World Bank, <https://data.worldbank.org/> ("Poverty headcount ratio at national poverty lines (% of population)" variable) (accessed December 20, 2018).

<sup>47</sup> Mert Arslanalp, "Coalitional Politics of Housing Policy in AKP's Turkey," in *Social Policy in the Middle East and North Africa*, ed. Marc Lynch, Melani Cammett, and Kristin Fabbe (Washington, DC: Project on Middle East Political Science, 2018), 26.

but under the AKP over 80 percent of the MHA's new affordable housing projects are located outside those metropolitan areas.<sup>48</sup>

The AKP has also redirected resources to more prosperous members of the conservative, religious periphery, such as businesspeople located outside the major cities. The rise of these small and medium-sized "Anatolian Tigers" has been one of the country's best-known economic development stories. It was fueled by government contracts, credits, and other benefits that previous governments had concentrated on venerable conglomerates based in Ankara, Istanbul, and İzmir.

These changes have advanced social and economic rights. Articles 12 and 13 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) provide rights to health and education, which the AKP's programs have realized at least in part. Falling poverty and new public and private housing bring people closer to the adequate standard of living guaranteed by Article 11. Expanding the geographic distribution of government aid to business helped increase employment, and therefore presumably standards of living, across Anatolia, narrowing the gap with the larger cities.<sup>49</sup>

The government has not framed these social and economic benefits as rights, however, and it has implemented them in ways that may undermine human rights.<sup>50</sup> There is evidence that the AKP has bestowed benefits disproportionately on its supporters, violating the core principle that governments must fulfill human rights without political discrimination.<sup>51</sup> Murat Somer argues that the AKP's simultaneous expansion of government social programs and delivery of them through channels linked to the party, such as conservative Muslim charities, has undermined democracy. Under this "new model" of welfare provision, "the benefits are believed to depend on a particular party or ideology . . . rather than on impersonal state institutions and legal-institutional rights."<sup>52</sup> Citizens may feel dependent on the AKP's patronage and reluctant to support its opponents. The new economic and social benefits thus may have strengthened the AKP's hold on power and reduced citizens' sense of political agency.

<sup>48</sup> Arslanalp, "Coalitional Politics," 29.

<sup>49</sup> Some aspects of the AKP's social and economic policies have disadvantaged some poor and middle-class Turks, and some analysts suggest that the party's overall impact on them has been negative. See, for example, Arat, "Human Rights," 309–10; Cihan Tuğal, *The Fall of the Turkish Model: How the Arab Uprisings Brought Down Islamic Liberalism* (London: Verso, 2016), 149.

<sup>50</sup> The AKP government's catalog of its accomplishments in its first decade contained an entire chapter on "human rights" and another on "cultural rights and democratization of education" – but grouped economic development, housing, social security, and healthcare advances under the heading "Steps Taken in the Socio-Economic Field." See Republic of Turkey, *The Silent Revolution*, 4–6.

<sup>51</sup> See Somer, "Understanding Turkey's Democratic Breakdown," 490–491; International Covenant on Economic, Social, and Cultural Rights, December 16, 1966, 993 U.N.T.S. 3, art. 2(2).

<sup>52</sup> Somer, "Understanding Turkey's Democratic Breakdown," 490.

Some forms of substantive representation both express ideological preferences and deliver material benefits. The AKP has changed some government policies to suit the preferences of groups who wielded little political influence in the past, most notably religious conservatives. Reducing discrimination against religious people – particularly women who wear headscarves – represents an important improvement in human rights in Turkey that even once-skeptical secular liberals now appreciate.<sup>53</sup> For decades, a combination of informal norms and legal bans barred women wearing headscarves from the parliament, schools, universities, government offices, and many other settings. Millions of Turkish women thus were excluded from a wide range of jobs and public services owing to their religious beliefs. While the AKP initially played down this symbolically charged issue, it has gradually ended the informal taboos and repealed the legal bans. Other forms of religious discrimination have also declined: Islamist soldiers no longer face dismissal from the military.<sup>54</sup> Changes to law, policy, personnel, and norms have largely ended these forms of religious discrimination against observant Sunni Muslims. Increasing access to jobs, education, and public services for those millions advances social and economic rights. Individual women active within the AKP or conservative women's organizations say they have more opportunity to participate in politics and policymaking than they did before it came to power – although secularist feminists now feel marginalized.

The AKP articulates positions and advances policies that may be popular with conservative, religious Turks but discriminate against women and LGBTI people. It has reduced abortion services at government hospitals, and proposed allowing some child rapists to escape punishment by marrying their victims. Erdoğan and other AKP leaders express a conservative view of women that sees them as subordinate to men and emphasizes their role as wives and mothers. The President stated in 2014 that “women are not equal to men,” and has repeatedly said that every Turkish woman should have at least three children.<sup>55</sup> This perspective conflicts with the progressive vision of women's rights embodied in the Convention on the Elimination of All Forms of Discrimination Against Women. Turkey's ratification of that

<sup>53</sup> Many secular Turks once vigorously defended headscarf bans as essential to secularism and gender equality, but most have now changed their minds and see the bans as having unnecessarily discriminated against religious women. Not all authorities agree, however: in 2004 the European Court of Human Rights held in *Leyla Şahin v. Turkey* that the ban on headscarves in Turkish universities did not violate the freedom of religion guaranteed by the European Convention on Human Rights.

<sup>54</sup> Cf. *Annual Report on International Religious Freedom*, prepared for Congress by the U.S. Department of State, December 2001, 384.

<sup>55</sup> Quoted in Pinar Tremblay, “Turkish Women Receive Mixed Messages on Work–Life Balance,” *Al-Monitor*, January 5, 2015, [www.al-monitor.com/pulse/sites/almonitor/contents/articles/originals/2015/01/turkey-akp-mixed-messages-on-womens-place.html](http://www.al-monitor.com/pulse/sites/almonitor/contents/articles/originals/2015/01/turkey-akp-mixed-messages-on-womens-place.html). For more extensive analysis of the impact of the AKP's religious conservatism on women's equality, see Yeşim Arat, “Religion, Politics and Gender Equality in Turkey: Implications of a Democratic Paradox?,” *Third World Quarterly* 31, no. 6 (2010): 873–877.

treaty committed it to, among other things, work toward “the elimination of prejudices and customary and all other practices which are based . . . on stereotyped roles for men and women.”<sup>56</sup> AKP provincial officials restrict LGBTI Turks’ freedom of assembly and expression; they regularly deny permission for gay pride parades and other public events and break up gatherings with force.<sup>57</sup>

Once-marginalized citizens, like any other group, may have preferences that accord or clash with human rights, so aligning government policy with them may advance or retard rights. Leaving aside the content of those preferences, however, aligning policy with popular preferences tends to advance democracy. It fulfills the right to political participation guaranteed by the Article 25 of the ICCPR. The UN Human Rights Committee states that the right to “take part in the conduct of public affairs,” part of Article 25, “is a broad concept which relates to the exercise of political power, in particular the exercise of legislative, executive, and administrative powers [, including] the formulation and implementation of policy.”<sup>58</sup>

### B Paternalism

The representative dynamics generated by populism can advance and retard human rights, but paternalism only undermines them, while exclusion, described in Subsection C, below, can do terrible damage, as it has in Turkey. The AKP’s top-down decision-making, for both the party and the government, compromises the symbolic, and possibly the substantive, aspects of its representation of historically marginalized constituents. Rather than soliciting and incorporating the preferences of “the people” whom they claim to represent, AKP leaders, above all Erdoğan, make all important decisions about personnel and policy without meaningfully consulting ordinary citizens or the party’s members. This paternalistic “caretaker attitude” and preference for “an essentially passive people” is common among populists in power and follows from the core populist idea of a homogeneous “national will.”<sup>59</sup>

The three founders of the AKP, Erdoğan, Abdullah Gül, and Bülent Arınç, initially rejected the internal authoritarianism that has characterized Turkish political parties since 1923. The organization’s initial bylaws provided that “democracy should be the primary method for carrying out internal party business.”<sup>60</sup> Policy choices were subject to internal debate and the party’s parliamentary list

<sup>56</sup> Convention on the Elimination of All Forms of Discrimination Against Women, December 18, 1979, 1249 U.N.T.S. 13, art. 5(a).

<sup>57</sup> Human Rights Watch, “Turkey Has No Excuse to Ban Istanbul Pride March,” June 28, 2018, [www.hrw.org/news/2018/06/28/turkey-has-no-excuse-ban-istanbul-pride-march](http://www.hrw.org/news/2018/06/28/turkey-has-no-excuse-ban-istanbul-pride-march).

<sup>58</sup> UN Human Rights Committee, CCPR General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service, ¶ 5, CCPR/C/21/Rev.1/Add.7 (August 27, 1996) (emphasis added).

<sup>59</sup> Müller, *What Is Populism?*, 30.

<sup>60</sup> Quoted in Caroline Lancaster, “The Iron Law of Erdoğan: The Decay from Intra-Party Democracy to Personalistic Rule,” *Third World Quarterly* 35, no. 9 (2014): 1678.

was chosen through primary elections. Although Erdoğan was always first among equals, Gül, Arınç, and other senior figures wielded considerable power at the beginning.

Once in office, however, the AKP's leaders jettisoned this commitment to internal pluralism, and recently the party has atrophied into Erdoğan's personal machine. A 2003 revision of the bylaws strengthened the leadership at the expense of the rank and file. After the 2004 local elections, the leadership dissolved fifty local party chapters for unclear reasons.<sup>61</sup> As Prime Minister from 2003, Erdoğan consolidated power within the AKP, appointing his loyalists to the party's parliamentary list, party leadership roles, and government positions from cabinet minister on down. In 2007, Gül resigned from the party upon assuming the presidency. Abdüllatif Şener, sometimes considered the party's fourth founder, left it in 2008. In 2014, Erdoğan pressured Gül not to run for reelection, leaving the presidency open for himself. Once elected president, Erdoğan defied the constitutional bar on partisan activity and continued to personally select candidates for the AKP electoral list. In 2015, he left Arınç, his party co-founder and former deputy prime minister, off the list entirely, effectively retiring him from politics. In 2016, after Erdoğan's protégé and successor as prime minister, Ahmet Davutoğlu, mildly resisted the President's efforts to increase his role in policymaking, Erdoğan had him replaced. As noted above, in 2017, voters approved AKP-backed constitutional amendments that eliminated the office of prime minister entirely and allocated all executive powers to the president.

The AKP's adoption of top-down, paternalistic governance is consistent with populism, although the shift in its governance style preceded the dramatic rise in populist themes in its public discourse. Populists tend toward paternalism because of the tension between their belief that "the people" possess a single, homogeneous will and the reality that preferences on policy and personnel vary considerably within whatever part of the citizenry the populists define as "the people." Populist politicians can ignore or repress this pluralism, but cannot acknowledge it, because that would contradict their belief in the homogeneity of the popular will. They therefore cannot devise processes for managing diverse views and choosing among them. The only practice consistent with their understanding of the single will is to decide for themselves what it requires – which is exactly what AKP leaders do.<sup>62</sup> To the extent that Erdoğan and his fellows actually believe in the single national will they describe in speeches, that idea reinforces their tendency, common among

<sup>61</sup> Sultan Tepe, "Turkey's AKP: A Model 'Muslim-Democratic' Party?," *Journal of Democracy* 16, no. 3 (July 2005): 74.

<sup>62</sup> Jan-Werner Müller's insight about the imperative to authoritarianism *within* populist parties – "if there is only one common good . . . then disagreement within the party that claims to be the sole legitimate representative of the common good obviously cannot be permissible" – applies more broadly, to the entire group that populists consider to constitute the people. Müller, *What Is Populism?*, 36.

long-serving leaders, to see their judgments as infallible. Even if the national will is solely a rhetorical device, and AKP leaders accept that their “people” have diverse views, they can use the national will idea to mask their authoritarian imposition of their own preferences, by claiming they perceive its content more clearly than others do.

The AKP's paternalism may undermine the positive human rights effects of representation described in the previous subsection. Government policies may have drifted away from constituents' interests and preferences because leaders have stopped listening to their voices, although electoral necessity should limit this divergence. Marginalized citizens whom the AKP initially inspired to exercise their right to political participation may have been alienated again because they sense AKP leaders' lack of interest in their views. This could be one cause of the stagnation in the AKP's vote share since 2007 in both national and local elections, its drop to 43 percent in the 2018 parliamentary elections despite the energetic support of nearly all major media outlets, and its sweeping losses in the 2019 local elections.

### *C Exclusion*

The Turkish case suggests that exclusionary elements of a populist worldview can lead populists to seriously violate the human rights of their opponents, actual and perceived. Starting in the late 2000s, when populist themes became dominant in its public rhetoric, the AKP has systematically repressed its challengers and critics. This campaign broadened after the 2013 split between the party and its former ally, the Gülen movement, and turned ferocious after the failed coup attempt in 2016. Deepening and extending the analysis in Subsection A1, above, this subsection argues that three exclusionary elements of the AKP's populism contributed to the scale and brutality of the repression: the view of politics as a no-holds-barred struggle between the virtuous people and nefarious elite, the passionate anger toward the latter, and the anti-pluralist belief in a homogeneous popular will. These, coupled with fear, seem to have led Erdoğan and other AKP leaders to conclude that they had to respond to genuine threats to their power – from the military and judiciary, liberal protesters, and Gülenists – by crushing them and all other possible opponents, as well as by neutering democracy.

Whether because it saw fewer foes or because it had less power to defeat them, the AKP practiced moderate, even inclusive, politics during its early years in office. Its leaders' populist rhetoric emphasized the positive, praising the people rather than excoriating the elite. It chipped away at the Kemalist institutions' power gradually, through reforms with extensive domestic and international support. Erdoğan and his AKP colleagues seemed to view whatever resistance they faced as legitimate, or feel constrained to pretend so.

As the party has consolidated power and faced more resistance, however, it has denounced successive groups of opponents, suggesting a narrowing understanding of which groups constitute “the people” whose will should reign. Initially, AKP leaders criticized the positions of opposition politicians, journalists, and activists who opposed them on particular issues, but by the late 2000s they began to question their critics’ motives, patriotism, and even entitlement to participate in political deliberations. As explained above, the AKP’s idea of a unified popular will precludes it from accepting criticism as legitimate. Especially since the 2013 Gezi Park demonstrations, Erdoğan and other AKP leaders have articulated an exclusionary, majoritarian view of democracy. They cite the AKP’s electoral success to dismiss opposition to their policies.<sup>63</sup> Erdoğan portrayed the Gezi protests as undemocratic attempts by a minority to impose its will on the majority, and compared them to past military coups. He claimed that protesters had “entered the Dolmabahçe Mosque with their beer bottles and their shoes on [and] insulted my headscarf-wearing daughters and sisters,” implicitly contrasting his critics with the religiously observant Turks who epitomized the virtuous “people.”<sup>64</sup> The Gülen movement’s personnel, media outlets, and companies provided crucial support to the AKP for its first ten years in office, beyond managing the Ergenekon and Balyoz military prosecutions. After the allies split in late 2013 amid the corruption investigation, however, Erdoğan condemned the movement as a group of “spies” and “traitors” who had created a “parallel state” within the government.<sup>65</sup>

Repression of AKP enemies, violating their civil and political rights, has followed denunciation. As noted above, the Ergenekon and Balyoz prosecutions rested partly on fabricated evidence against the military defendants. After the Gezi protests, new laws restricted public gatherings and shielded police from accountability for excessive use of force. The government blocked social media sites, including Twitter and Facebook, during periods of political tension, and new laws in 2014 and 2018 expanded its power to regulate internet access and online expression. The dissolutions and takeovers of Gülen-linked financial, media, and industrial companies after 2013 involved dubious legal maneuvers by prosecutors and judges beholden to the AKP executive branch. Those deprived thousands of owners of their assets and undermined freedom of expression.

Repression expanded dramatically in 2016. On the night of July 15, 2016, over 200 people were killed and the parliament was bombed during a military coup

<sup>63</sup> Although the AKP has never received an absolute majority of the popular vote in a parliamentary election, its claim to represent a majority is bolstered by the fact that over 50 percent of voters backed Erdoğan in the country’s first two direct presidential elections, in 2014 and 2018, and supported AKP-sponsored constitutional amendments in referenda in 2007, 2010, and 2017.

<sup>64</sup> “‘Patience Has Its Limits,’ Turkish PM Erdoğan tells Taksim Gezi Park Demonstrators,” *Hürriyet Daily News*, June 9, 2013, [www.hurriyetdailynews.com/patience-has-its-limits-turkish-pm-erdogan-tells-taksim-gezi-park-demonstrators-48516](http://www.hurriyetdailynews.com/patience-has-its-limits-turkish-pm-erdogan-tells-taksim-gezi-park-demonstrators-48516).

<sup>65</sup> Quoted in Ergun Özbudun, “AKP at the Crossroads: Erdoğan’s Majoritarian Drift,” *South European Society and Politics* 19, no. 2 (2014): 159.

attempt masterminded, the government has maintained, by Gülenist officers.<sup>66</sup> Erdoğan barely escaped a unit sent to detain him. Opposition parties united against the coup and the rebels backed down after civilians poured into the streets. Erdoğan and his government immediately launched a sweeping, brutal crackdown. Over 150,000 judges, police officers, soldiers, civil servants, and academics have been fired or arrested. Nearly all are accused of involvement in the coup attempt or connections to the Gülen movement, based on little or no evidence. Numerous detainees have been tortured. Many of those fired have lost their passports and pensions, and are unemployable owing to government blacklists and private employers' fear of being labeled Gülenist sympathizers. With the judiciary dominated by AKP appointees afraid to step out of line, the purged have virtually no way to challenge these sanctions; they are trapped in Turkey and condemned with their families to poverty.

Since the coup attempt, shockingly harsh penalties against government critics have chilled dissent, which already had been limited by AKP supporters' control of the media. Many of those purged appear to have been targeted solely for criticizing Erdoğan or his government, in some cases in a single Twitter post. Hundreds of NGOs have been closed. In early 2018, Ahmet Altan, one of the country's most famous journalists, was sentenced to life without parole for using "language evocative of a coup" during a television appearance the day before the putsch.<sup>67</sup> As of early 2019, Reporters Without Borders identified thirty-six journalists in prison for their work, the highest number in the world.

Erdoğan and other AKP leaders have portrayed the post-coup repression in classic populist terms, as a struggle against a shadowy group bent on taking over the country. They label it the "Fethullah Gülen Terrorist Organization," but the purges and prosecutions have also targeted liberals who have never been credibly linked to the Gülen movement. The violence of the coup attempt, and the seriousness of the threat it posed to the AKP government and Erdoğan personally, could explain the brutality of the AKP's crackdown on Gülenists in the military.<sup>68</sup> But what accounts for the breadth of the repression, encompassing liberals with no Gülen connection, as well as movement-affiliated academics and bureaucrats, and its viciousness toward all of them? The AKP's leaders may simply have seen an opportunity to secure themselves in power, but their populist ideology may also have contributed, first by magnifying the threat.

<sup>66</sup> For analysis of the coup attempt, including the Gülen movement's role in it, see Yavuz and Balci, eds., *Turkey's July 15th Coup*. For details on the ensuing repression, see Arat, "Human Rights," 309; Human Rights Watch, *2019 World Report* (New York: Human Rights Watch, 2019), 588–593.

<sup>67</sup> J.M. Coetzee et al., "An Open Letter to President Erdoğan from 38 Nobel Laureates," *The Guardian*, February 28, 2018, [www.theguardian.com/commentisfree/2018/feb/28/nobel-laureates-president-erdogan-turkey-free-writers](http://www.theguardian.com/commentisfree/2018/feb/28/nobel-laureates-president-erdogan-turkey-free-writers).

<sup>68</sup> This explanation would not justify the violations of human rights during the crackdown. The government has not proven that Gülenists led the coup attempt, although significant evidence has come to light.

It is almost impossible to imagine an alliance between liberals such as the Gezi protesters, the Gülen movement, and the AKP's earlier nemesis, the Kemalist military and judiciary. These three groups of AKP opponents had almost no common members. Liberals saw the Kemalists' historical tutelage of civilian politics as antidemocratic and the Gülenists as a sinister cabal. Gülenists loathed Kemalists for marginalizing religion, and the Ergenekon and Balyoz prosecutions deepened the divide. Independent analysts see the three groups' challenges to the AKP as entirely distinct, and judge that the AKP has decisively defeated each.<sup>69</sup>

Erdoğan's and his fellows' worldview may cause them to see their opposition differently, however: viewed through the lens of Manichean populist ideology, the Kemalists, liberal protesters, and military and civilian Gülenists appear to constitute a unified and fearsome bloc. The AKP leaders' rhetoric suggests that they believe they are engaged in an existential, possibly never-ending, struggle against a single force that reconstitutes itself in different form, or perhaps against a coalition of unknown extent whose members reveal themselves sequentially as they take their turn to rise up against the AKP (and the people, whom it represents).<sup>70</sup>

The AKP's drive to monopolize power and its vicious repression of actual and suspected opponents could be explained largely by the combination of this fearsome specter, the party's belief in the righteousness and homogeneity of the national (popular) will as interpreted by the AKP itself, and the vindictive emotions that Erdoğan and other AKP leaders feel toward their "elite" enemies. Thus the AKP's populism may have contributed importantly to its far-reaching repression of actual and suspected opponents and its evisceration of Turkey's democratic institutions and norms.<sup>71</sup>

## V CONCLUSION

The human rights record of the AKP government has varied over its seventeen years in office, and differs across areas of human rights. Any assessment of the effects of the

<sup>69</sup> Gülenist soldiers and civilians share a religious allegiance, and thus in a sense constitute a single force, but any threat that the civilians posed to the AKP in 2016 was distinct in nature from the violence that soldiers could muster. Thus the AKP's repression of Gülenist civilians also requires explanation.

<sup>70</sup> A more sinister, yet possible, explanation is that the AKP's leaders do not believe any of their populist rhetoric, but deploy it purely to manipulate their followers. If this is true, then it seems less likely that they genuinely fear they will be overthrown and repressed, and more likely that the scope and intensity of their human rights violations reflects a calculated strategy of rule by terror.

<sup>71</sup> Paradoxically, during this conflictual period, the AKP government has welcomed and supported millions of immigrants – the group attacked by many populists, particularly in Europe and the United States, as the greatest threat to "the people." Most are Syrians; the 3.6 million who have entered Turkey since 2012 constitute more than 4 percent of Turkey's population. In both absolute and relative terms, this far exceeds the numbers who reached European countries, which treated their arrival as a crisis, as well as the United States' minuscule admissions.

party's populism on it must begin with Erdoğan's recent monopolization of power and his government's assault on the civil and political rights of hundreds of thousands of Turkish citizens. As the previous subsection explained, exclusionary elements of the ruling party's populist worldview may have amplified and intensified the government's assaults on democracy and on individuals it sees as threats. Many Turks now suffer fear and political inhibition as intense as what they would feel under a full-blown authoritarian regime.

Populism may have undermined human rights in Turkey in other ways, too. AKP leaders' belief in a homogeneous popular will motivates, or helps them justify, paternalistic disregard for their constituents' views as they make decisions on policy and personnel for their party and the government. Ignoring their constituents makes AKP politicians less representative by definition and, more practically, may cause their policies to drift from their constituents' preferences, marginally reducing democracy. If their constituents sense their leaders' lack of interest, then their motivation to participate in political life may decline.

The impact of populism may not have been uniform, however: Turkey arguably provides a positive example of how populists' attention to previously marginalized groups can bolster human rights. The AKP's conviction that an elite was constraining democracy had some factual basis, although it vastly oversimplified the history of Turkish politics. The party's efforts to end military interventions in politics and moderate the judiciary's enforcement of secularism received wide support at home, including from many secular liberals, and from the European Union. Those reforms improved democracy by enhancing the power of ordinary citizens generally, and especially of conservative, religious Turks whose preferences had been underweighted for years owing to Kemalist red lines forbidding, for example, headscarves in universities. To be sure, the AKP continued this political rebalancing much too long, and power is now too concentrated in the presidency. Under different circumstances, however, the party might not have been able, or inclined, to subjugate the media, judiciary, and other potential checks on its power. In that case, its structural reforms might have left Turkey's political system in a more democratic balance than in 2002 or today.

The AKP also has represented once-marginalized groups in symbolic and substantive senses. It lauds the religious conservative "periphery" and poor and working-class Turks more generally – its version of "the people." That recognition and the party's engagement with them conveys respect and encourages them to exercise their political rights. Finally, the AKP government has redressed the state's neglect of those parts of the population and adopted public policies that fit their long-ignored preferences. These changes strengthened democracy by increasing government responsiveness to citizens. Furthermore, many specific initiatives that AKP constituents desired, such as building low-income housing and opening universities to women who wear headscarves, also happen to have enhanced human rights. (Others arguably infringe human rights, however; the

views of AKP constituents, like those of most groups, do not align perfectly with human rights.)

Populism has not determined these advances and regressions; its contribution to them is uncertain and partial. The AKP government's human rights performance likely has been shaped by other factors as well, such as a mundane desire for power and its leaders' and supporters' conservative religiosity. Evaluating the causal impact of Erdoğan's and other AKP leaders' populist worldview on their decisions with high confidence would require more detailed information about their decision-making processes, and possibly Erdoğan's psychology, than may ever be publicly available. To trace the influence of populism on Turkish politics and the ramifications of that influence for human rights, this chapter has instead assessed party leaders' actions and rhetoric in their political and historical context.

The effects identified in this case study generate hypotheses that could be tested in other geographic and temporal contexts. Qualitative studies and large-sample quantitative analysis could reveal which dynamics arise often from populist rule, and what factors affect their incidence and intensity. For example, are populist rulers more repressive in countries with histories of military coups? Such research also could compare the magnitude of positive and negative effects of populism on human rights. Populists' ascent to power in the United States, Brazil, the Philippines, and Italy, among other countries, and their rising popularity elsewhere, makes these and other questions about the impact of populist rule on human rights more urgent than ever.

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# Human Rights in a Time of Populism

CHALLENGES AND RESPONSES

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