Public attitudes towards the *türban* ban in Turkey

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1. Introduction

The head-covering practices of women in Turkey forms the basis of a hotly debated controversy in that country, so much so that cases on the closure of political parties in the Constitutional Court use positions taken on this issue as an integral part of their decisive argumentation. The current popularly elected government party, the Justice and Development Party (*Adalet ve Kalkınma Partisi*, *AKP*), was found guilty of anti-secular activities and barely escaped being closed down in 2008 on a newly introduced technicality. The AKP's efforts to lift the ban on the use of the religious headscarf, or the *türban* as it is known in Turkey, amounted to part of the evidence forming the basis of this decision. As the battle to keep the ban on the *türban* in public spaces intact continued in the Turkish domestic political and legal arena, Leyla Şahin, a medical student who could not attend Istanbul University with her conservative head cover, took her case to the European Court of Human Rights (ECtHR). The controversial decision of the ECtHR upheld the ban arguing that such a restriction on the right to express one's religious convictions may be justified on the ground of protecting other citizens' rights and freedoms as well as the maintenance of public order. As a consequence of this decision the ban on *türban*-wearing women attending universities or holding public office still continues.

My aim in this article is to depict the popular bases for this ban and to uncover its behavioural and attitudinal constituents. My analyses will show that over the years more than two thirds of people of voting age in Turkey remained against the *türban* ban and this ban continuously formed the basis of claims that religious people are being oppressed. The ban appears to be based on long-standing divisions in Turkish politics between relatively more religious and conservative circles and their more secular-minded and less religiously conservative opponents. As such, the debate on the *tüban* ban is an integral continuation of the long-running mistrust between these groups which appears to overlap with party preferences as well. The ECtHR decision on the ban fits within this polarized debate and is thus bound to be evaluated more according to its political perspectives rather than its legal foundations.

Below, I will first provide the political background to the continuing controversy and contextualize the debate within the current social and political developments and describe the head-covering practice in Turkey. Next, I will present the progression of the support for or the

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resistance to the ban during the last decade or so. Finally, I will summarize my findings concerning the determinants of the support for or the rejection of the ban.

2. Political background of the türban controversy[1]

The controversy in Turkey surrounding regulatory legal decisions concerning women's religiously significant head-covering practices in public has its roots in the post-World War II beginnings of multi-party democracy. Rapid social change, most visible in pervasive urbanization together with the slow and reluctant marketization of the economy, is perhaps the most salient factor that shaped the foundations of a conservative take-over in Turkey. Repressive military regimes also seem to have pruned political competition in the country to favour the more nationalist and Islamist right-wing movements against the progressive left. As the country adopted freely-contested democratic elections from 1950 onwards, parties especially to the right of the ideological spectrum always remained sensitive and permissive to the demands and expectations of conservative Islamist circles. As a consequence, a new strand of Islamic conservatism slowly became visible in urban Turkey, especially in the post-1980 era. In its early phases, the rising Islamic conservatism did not appear to have made a discernible difference in the spread of religious practices in the country. The presence of a significant sectarian minority of Alevis and their relatively more open, less observant and more progressive approach to religiosity might have helped to veil the rising salience of religious conservatism in the country. Partially overlapping with this sectarian divide, another factor that was equally, if not more important was also the dual nature of Turkish society that kept the religiously observant and conservative masses of the periphery under the control of the centrist elites that remained religiously less observant in their private spheres and strictly obedient to secularist principles in their public lives.[2]

As such, mass preferences, reflective of their religious conservatism, found little if any reflection in Turkish social and political life. Only the leadership cadres of the marginal political parties such as the National Order Party (*Milli Nizam Partisi*, *MNP*) or the National Salvation Party (*Milli Selamet Partisi*, *MSP*) have maintained a religiously political image with regular attendance at Friday prayers, fasting etc. Others kept such religious practices away from the public eye and built and maintained a low-profile religious image for themselves in the political

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1 The historical background of Turkish politics that follows is necessarily a summary. Further details can be found in F. Ahmad, *The Making of Modern Turkey*, 1993; S. Aydın Düzgit & A. Çarkoğlu, 'Reforms for a Consolidated Democracy: Turkey', in L. Morlino & A. Magen (eds.), *Transitions from Hybrid Regimes: External Influence and Domestic Constraints*, 2008; A. Çarkoğlu, 'A New Electoral Victory for the "Pro-Islamists" or the "New Centre-Right"? The Justice and Development Party Phenomenon in the July 2007 Elections in Turkey', 2007 *South European Society & Politics* 12, no. 4, pp. 501-519; A. Çarkoğlu & E. Kalaycıoğlu, *Turkish Democracy Today: Elections, Protest and Stability in an Islamic Society*, 2007; W. Hale, *Turkish Politics and the Military*, 1994; E. Özbudun, 'Development of Democractic Government in Turkey: Crises, Interruptions and Reequilibrations', in L. Damond et al. (eds.), *Democracy in Developing Countries*, 1988; E. Özbudun, *Contemporary Turkish Politics: Challenges to Democratic Consolidation*, 2000; E. Zürcher, *Turkey: A Modern History*, 1993.

2 I am here using Şerif Mardin's centre-periphery framework of analysis for Turkish politics; Ş. Mardin, 'Centre periphery relations: a key to Turkish politics?', 1973 *Daedalus* 2, no. 1, pp. 169-190. According to Mardin's socio-historical framework for understanding the social and political structure of the Ottoman Empire followed by the modern Turkish Republic, there is a significant continuation in the nature of the interactions between the culturally distinct and politically separate 'centre' as opposed to 'peripheral' social forces. The centre controlled the ruling coalition of the imperial house during the Ottoman period. It remained unchanged in its basic features during the Republican period, especially with regard to the ways it related to the periphery and dominated the political scene. This continuity is characterized by deep suspicion on both sides of the divide and was clearly reflected in the way electoral traditions were shaped during the multi-party era. The centre had always seen itself as culturally superior to the peripheral masses. During Ottoman times, the centre spoke a different language, listened to different music, and never allowed an alternative economic social class to emerge as a challenger. The centre effectively 'owned' the state. In modern times, the almost autonomous bureaucracy especially of the security circles, together with a coalition of state-dependent businesses, some branches of the academia and intellectual circles, are all integral parts of the centre. The periphery is a heterogeneous mass often uncontrollable and hostile in character. This heterogeneity includes a variety of sectarian groups of Sunni or Shia origin. Historically, the periphery contained the sources of defiant opposition to the new regime and its modernization reforms in the early decades of the Republic, with ethnic as well as religious bases.

sphere. So, it marked a turning point in Turkish politics when the Prime Minister, Turgut Özal of the Motherland Party (*Anavatan Partisi, ANAP*), who began his political career with the MSP in the late 1970s, started to indulge in visible religious practices by attending Friday prayers and visiting holy places.

The precursors of such religious visibility also came with the junta leaders of the 1980 military regime who found it convenient to use Islamic imagery and rhetoric to mobilize the masses behind their regime as a strong buffer against the then salient Soviet threat that invaded Afghanistan. In a similar fashion, the Iranian revolution with its zealous Shia Islamic ideology was then a potent threat to Western security interests that the junta leadership considered largely to overlap with those of Turkey. The potential domestic left-wing collaborators with the Soviets had to be defeated and the Sunni religious sensitivities of the masses had to be recognized as a safety precaution against a leftist threat or a social vaccination to counteract the Iranian advances in the region based upon religious ideology.

A turning point in the development of Turkish conservatism was also put into effect by the international security environment as well as the domestic policy framework that was based on sweeping market reforms. The Turkish economy came near to a collapse in the aftermath of the early 1970s oil shock which depleted the country's foreign reserves and bankrupted its public budget. Coinciding with rising political polarization and urban anarchy that claimed dozens of civilian lives on a daily basis, the economic collapse triggered a series of far-reaching market reform decisions in late January 1980. These decisions ended the long-standing import substitution-led development policy and a market-led export sector development strategy was adopted. Such a strategy necessitated the suppression of organized labour resistance and thus keeping labour costs to a bare minimum, thereby providing the labour-intensive export sector's much needed competitive advantage. The market reforms and export-led development strategy necessitated a heavy-handed executive which the Turkish party system prior to the military coup of 1980 did not possess. Despite courageous decisions taken by the coalition government of Süleyman Demirel, the urban anarchy could not be controlled and domestic security continued to deteriorate throughout the first half of 1980. On September 12, 1980 the military managed to overthrow the civilian government. The central themes of the economic policy of the outgoing civilian government were maintained by the military junta under the guidance of Turgut Özal who eventually turned into a conservative right-wing reformist party leader. All pre-coup party leaders were jailed and their organizations were dismantled.

The military junta followed a strict depolitization strategy and pacified all bases of mass resistance. A key factor in this strategy was their explicit use of Islamic themes in their rhetoric and policy initiatives. Not only did the generals, who traditionally portrayed a secularist image, travel from town to town with a *Qur'an* in their hands and reciting convenient passages from the religious text, but they also expanded prayer-leader schools (*İmam Hatip Liseleri*). With long-established centre-left and right-wing party organizations being dismantled, the by then marginal cadres of the younger Islamist movement slowly saw a window of opportunity open in front of them. While their centrist competitors were being kept away from competition with their parties being closed down and their members banned from standing in elections, the Islamist cadres slowly organized to take over, first, the local administrations. As soon as the political climate normalized in the aftermath of the 1987 referendum to tolerate the old leadership of the pre-1980 period, it became clear that their party organizations were no longer as competitive as in the pre-1980 years. First in the 1991 early elections the once marginal Nationalist Action Party (*Milliyetçi Hareket Partisi, MHP*) and the Islamist Welfare Party (*Refah Partisi, RP*) joined forces to enter Parliament with a 10% nationwide representational threshold. By the 1994 local

municipality elections and the 1995 general election the RP had reached a dominant electoral support level in a fragmented party system with only about twenty percent of the votes. Despite their latent permissive stance towards the Islamist rhetoric and movement in the early 1980s, the military increasingly found the rise of the Islamist movement to be threatening and started to organize opposition coalitions with other secularist circles within the Turkish bureaucratic elite and masses.

Following the 1995 general elections, the Islamist RP came to power as the larger partner in a two-party coalition with the centrist True Path Party (*Doğru Yol Partisi, DYP*). This coalition government faced increasing social polarization and resistance by the secularist movement spearheaded by the military. In February 1997, the military side of the National Security Council had issued a memorandum underlining the Islamist threat to the Republic's secularist principles and used a long list of examples and developments to exemplify this development.

2.1. The polarized debate on the türban

Perhaps the most visible social reflection of rising political Islam was the new way women members of the Islamist movement were covering their heads. Women's head cover has always been part of the political debate in Turkey. Historically, the typically black or dark brown *çarşaf* in Turkish (*chador* in Persian) covers women's bodies from head to toe only leaving the eyes uncovered. More traditional rather than religious forms of head cover have also long existed in different versions (*yaşmak, yemeni* or *başörtüsü* are just examples of these in Turkish), especially in rural areas. These more traditional versions make it easier to work in the open fields and they typically do not cover all of a woman's hair, neck and shoulders and are often of a colourful design. In urban areas, these non-Islamic head covers are commonly tied with a knot under the chin leaving the neck and shoulders and some of the hair uncovered and remain smaller in size and more colourful compared to the 'Islamic' versions which use paler colour patterns. In contrast, the newer Islamic version, or *türban*, is typically much larger covering the head, neck and sometimes the shoulders and all of a woman's hair.

Such a description of women's head-covering practices in Turkey is necessarily a simplification of the complex shape, colour and styles of head-covering practices into three categories. Many different styles are also accompanied by other conservative elements of attire: typically a long, loose overcoat, a jacket of usually pale colours. However difficult it may be to make stylistic distinctions between especially the *başörtüsü* and the *türban*, if not between the *çarşaf* and the others, such distinctions appear to be easily made in Turkish society.

In their earlier research Çarkoğlu and Toprak[3] report that an unambiguous differentiation between different types of head-covering practices forms the basis of any diagnosis concerning current head-covering practices. Despite difficulties in such empirical diagnoses, Çarkoğlu reports several patterns in these practices. [4] The first is that the use of the *çarşaf* appears to be quite rare even among women in rural settlements. The predominant head-covering practice favours the traditional style and not the religiously sensitive newer practice of wearing the *türban*. The third is that over time the use of the *türban* does not appear to be increasing. Similarly, analyses show significant differences in the motivational and behavioural determinants of these different types of head-covering practices. However, perhaps most importantly for our

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3   See A. Çarkoğlu & B. Toprak, *Değişen Türkiye'de Din, Toplum ve Siyaset* (Religion, Society and Politics in Changing Turkey), 2006, and A. Çarkoğlu & B. Toprak, *Türkiye'de Din Toplum ve Siyaset* (Religion, Society and Politics in Turkey), 2000.
4   See A. Çarkoğlu, 'Women's Choices of Head Cover in Turkey: An Empirical Assessment', 2009 *Comparative Studies of South Asia, Africa and the Middle East* 9, no. 3, pp. 450-461.

purposes of distinguishing between the supporters and the opponents of the ban, Çarkoğlu and Toprak[5] report differences in the way people perceive the developments concerning the *türban*. While a smaller more urban and more educated group with a relatively higher socio-economic status find these practices to have increased over the years and thus perceiving them to be a threat to the secular system in the country, a larger complement of this group observe no such developments and appear to be unalarmed concerning their potential implications for the secular regime. As I will note in ensuing sections, such divisions in modern Turkish public opinion appear to continue to shape attitudes toward the *türban* ban as well.

Historically, until the late 1960s this new head cover or *türban* and the Islamist women's movement remained out of the public debate.[6] Ironically, as the military junta used Islamic rhetoric in its mass mobilization it was also slowly becoming disillusioned with the rising salience of Islamic motifs in the public sphere. A series of restrictions on head-covering practices were brought in mid-1981 followed by further regulations in 1982 compelling female civil servants to remain uncovered.[7] Later regulations made it a disciplinary offence to be dressed in attire that contradicted 'Atatürk's revolutionary principles' which meant that religiously meaningful head cover was prohibited in institutions of higher education on the basis of being against these principles.[8] Following a series of contradictory regulations by the Higher Education Council, later decisions by the Constitutional Court and decisions by the ECtHR, the head cover of conservative Islamist women became an integral part and a source of polarization in Turkish politics.

2.1.1. Leyla Şahin's case at the ECtHR

Several major developments have taken place in this debate over the last couple of years. One concerns the ECtHR decision to uphold the ban on the *türban* in Turkish universities in the case of *Leyla Şahin v. Turkey* in November 2004. Şahin was a fifth-year medical student who could not enroll at the University of İstanbul as she was wearing a *türban*. Coming from a conservative background, Şahin considered her *türban* to be part of her religious duty. Accepting that the *türban* ban was interfering with Şahin's right to manifest her religious convictions, the ECtHR decision nevertheless underlined that this ban constitutes a valid restriction since it aims to protect the rights and freedoms of others and public order, thereby amounting to a necessary regulation in a democratic society.[9] This decision was also directly linked to the margin of appreciation left to the Contracting States. As to the necessity for such a restriction on the *türban*, the Court stipulated that the principles of secularism and equality form the justifying legal basis and that the ban effectively aims at preserving pluralism in universities. Given the 'extremist political movements in Turkey which seek to impose on society as a whole their religious

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5   See Çarkoğlu & Toprak 2006, *supra* note 3, pp. 71-74.
6   For a more detailed historical overview of the *türban* phenomenon see A. Çarkoğlu & E. Kalaycıoğlu, *The Rising Tide of Conservatism in Turkey*, 2009, pp. 99-112; E. Kalaycıoğlu, 'The Mystery of the Türban: Participation or Revolt?', 2005 *Turkish Studies* 6, no. 2, pp. 233-251; D. Tezcan, *Bir Çığır Öyküsü, Şule Yüksel Şenler* (A Story of a New Era, Şule Yüksel Şenler), 2007*;* M. Şentop, 'The Headscarf Ban: A Quest for Solutions', SETA Foundation Policy Brief 8, March 2008.
7   With this same regulation came also restrictions on the personal appearance of men as well as women. From hairstyles to the length of one's nails and skirts, from moustaches to types of shoes, a very large selection of attire and personal appearance was brought under the legal regulation. Despite still being in force, these regulations are not being enforced. See Şentop, *supra* note 6. For a lengthy historical evaluation of legal aspects of regulations concerning attire and especially the headscarf in the public domain see S. Gemalmaz, *Türk Kıyafet Hukuku ve Türban: Tarihçe-İdeoloji-Mevzuat-İçtihat-Siyaset* (Turkish Law Concerning Attire and the Türban: History-Ideology-Regulations-caselaw-Politics, in Turkish), 2005.
8   YÖK circular letter # 7327 on 30 December 1982.
9   ECtHR 10 November 2005 (Grand Chamber), *Leyla Şahin v. Turkey*, application no. 44774/98, 100-123.

symbols and conception of a society founded on religious precepts' such protection via a ban was deemed necessary. [10]

  This decision created a still continuing debate. The dissenting Judge Tulkens, for instance, criticized the majority decision against Şahin due to unsound assumptions concerning the link between the ban and sexual equality.[11] Similar critical evaluations can be found in Bleiberg[12] and Danchin.[13] The reactions in Turkey were also mixed. While conservative circles appeared to be resilient claiming that the decision was unjustified, others were jubilant claiming that the legal options to lift the ban had thereby all been exhausted. What is clear, however, is that the reactions to the decision included a mixture of arguments about an individual right to the free exercise of one's religion, the expression of religious convictions, the right to education and gender equality. Bayram[14] presents an extensive analysis of the media coverage of the debate on the *türban* and its banning in universities and clearly shows the polarized presentation of the issues by newspapers of different ideological standing as well as the changing nature of this debate over time due to critical events such as the intervention by the military on February 28, 1997 and the general elections in 2002. Bayram notes that the defense of or the opposition to the bans have shifted in accordance with the political environment in the country which has shown little consistency over time.[15] While at one point legal arguments were presented either for or against the bans, at other times socio-scientific concepts like modernity or public space were used or higher values of democracy and Islam were presented by both groups. While the military intervention in 1997 appeared to have strongly polarized the debate, the 2002 elections appeared to have had a moderating influence. However, similar shifts in the media discourse about the *türban* have not been presented concerning the ECtHR decision and the debates in its aftermath. Nevertheless, given the polarized and volatile nature of the discourse surrounding the *türban* issue, one could expect similar shifts in the aftermath of the ECtHR decision. Since data do not exist on these developments any comment on possible shifts would be speculative. However, it is not unrealistic to expect that as far as conservative circles are concerned a certain degree of disillusionment with the ECtHR's decision and the questioning of its authority as having the final say on this matter is likely to have emerged. On the opposite side of the debate an expected rejuvenation and relief could be expected, claiming that there is now a final authoritative decision on the ban and its legal foundations. Yet, one needs to test these expectations with appropriate data similar to the analysis presented by Bayram.[16]

2.1.2. Proceedings to close down the AKP

Following the ECtHR decision the turbulence in Turkish politics took another series of sharp turns. In April 2007, the presidential election process was derailed by opposition resistance. The fact that the wife of a ruling party AKP candidate, the ex-Prime Minister and ex-Minister of Foreign Affairs Abdullah Gül, covered her head may be seen as a prominent background factor in this fierce opposition which led to a threatening declaration by the military followed by republican rallies or protest meetings and, upon an application by the main opposition party, the

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10 *Ibid.*, 109.
11 *Ibid.*, 12 (Judge Tulkens, dissenting).
12 See B. Bleiberg, 'Unveiling the Real Issue: Evaluating the European Court of Human Rights' Decision to Enforce the Turkish Headscarf Ban in Leyla Şahin v. Turkey', 2005 *Cornell Law Review* 129, pp. 1-53.
13 P. Danchin, 'Suspect Symbols: Value Pluralism as a Theory of Religious Freedom in International Law', 2008 *The Yale Journal of International Law* 33, no. 1, pp. 1-61.
14 S. Bayram, 'Reporting Hijab in Turkey: Shifts in the Pro- and Anti-Ban Discourses', 2009 *Turkish Studies* 10, no. 4, pp. 511-538.
15 *Ibid.*, p. 533.
16 *Ibid.*

CHP, the Constitutional Court annulled the election process. As a result, the AKP called for early elections within an increasingly polarized political context leading to a renewed and enlarged electoral mandate for the AKP which received about 47% of the popular vote in the July 2007 early elections. Following the 2007 elections, the AKP candidate Abdullah Gül was finally elected as the President of the Republic. Yet, the opposition continued its resistance most symbolically by refusing to meet with the new President. Thus the headscarf issue continued to remain on the agenda.

Within a couple of months, in early February 2008, the AKP in a coalition with the MHP passed a series of constitutional amendments lifting the *türban* ban at universities. However, within a couple of days, the opposition parties CHP and DSP applied to the Constitutional Court to annul these amendments, which eventually succeeded. In March 2008 the Chief Prosecutor of the Supreme Court of Appeals filed a case to close the AKP as being the focus of anti-secularist activities. The Court decided that the AKP was in effect a focal point for anti-secularist activities but its closure was rejected and the party remained under close observation concerning its ensuing activities. It appears that the AKP's position on the headscarf ban formed a solid basis for the Court's decision concerning the party. Combined with the ECtHR decision in Leyla Şahin's case, these Constitutional Court decisions in Turkey seem once again to have sealed the attempts to lift the ban on the *türban*.

Within all this polarized debate, however, several key questions still await a satisfactory answer. Given the prevailing ban on the *türban* and any other head cover for women in Turkish public spaces, an obvious question concerns the level of mass popular support for this ban. I thus aim to clarify how the ban on the *türban* in public spaces is being evaluated by different segments of Turkish society. Who supports which policy options and who opposes these options and for what reasons? An empirical assessment of these and related questions is lacking in the literature. To my knowledge, the previously cited works by Çarkoğlu and Kalaycıoğlu are the only other comparable empirical analyses.[17] The first two of these deal with support for or opposition to the *türban* ban in universities and not with the practice of head-covering choices.[18] The third deals with behavioural and attitudinal characteristics that differentiate between different head-covering practices.

Using data from four nationwide representative surveys from the 1999-2009 period, below I will present answers to these questions and evaluate their policy relevance. The data used below were collected from four nationwide representative samples of people of voting age in 1999, 2002, 2006 and 2009. Details of these surveys in 1999, 2002 and 2006 and the sampling procedures used can be found in Çarkoğlu and Toprak[19] and Çarkoğlu and Kalaycıoğlu.[20] The survey in 2009 was part of the International Social Survey Programme's (ISSP) Religion III comparative survey. Çarkoğlu and Kalaycıoğlu have provided basic information on this survey.[21] Some of the questions whose responses are summarized below were asked in two or three of the four surveys while others were covered in all four. Accordingly, the figures contain data from different

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17 See Çarkoğlu & Kalaycıoğlu 2009, *supra* note 6, pp. 99-112; Kalaycıoğlu 2005, *supra* note 6; Çarkoğlu 2009, *supra* note 4.

18 Other assessments primarily based on in-depth or focus group interviews can be found in N. Göle, *The Forbidden Modern: Civilization and Veiling*, 1996; Y. Arat. 1999. *Political Islam in Turkey and Women's Organizations*, 1999; A. Secor, 'Islamism, Democracy and the Political Production of the Headscarf Issue in Turkey', in G.-W. Falah & C. Bagel (eds.), *Geographies of Muslim Women, Gender, Religion and Space*, 2005, pp. 203-225 among others.

19 See Çarkoğlu & Toprak 2006, *supra* note 3, and Çarkoğlu & Toprak 2000, *supra* note 3.

20 Çarkoğlu & Kalaycıoğlu 2007, *supra* note 1.

21 A. Çarkoğlu & E. Kalaycıoğlu, *Türkiye'de Dindarlık: Uluslararası Bir Karşılaştırma* (Religionism in Turkey: An International Comparison), 2009, Report prepared fort the Scientific and Technological Research Council of Turkey (*TUBITAK*).

surveys and their respective years are noted. Unless otherwise stated, all questions summarized used the same wording in the question.

3. Attitudes toward the *türban* ban in Turkish society

The issue of the *türban* does not involve a general ban on what women in Turkey can wear, and it is not about regulating the dress codes of Turkish women. Women are free to wear whatever attire they wish in Turkish society, and there has never been any attempt to regulate the attire of women, even in the heat of the secularizing reforms of the 1920s, until quite recently.[22] Now that the Turkish courts have taken various decisions, which have also been upheld by the ECtHR, attitudes concerning the dress codes of women as state employees and their enrolment and attendance at Turkish universities while wearing the *türban* define the gist of the controversy.

In three nationwide field surveys two questions were posed concerning the *türban* issue using the same wording. These asked whether women should be left free to don the *türban* when they function as state officials, register in university programmes, and attend courses, laboratories, and operation theatres at the Turkish universities. As Figure 1 below summarizes, the responses given to these questions indicate that a huge majority seem to possess an attitude which is best described as a 'freedom to *türban*', which contradicts the High Administrative Court, Constitutional Court, and ECtHR decisions on this matter. The responses of women and men also do not differ across the three items that tap attitudes toward the *türban* issue.[23] However, it is also visible that over the course of the past decade, those who sided with the ban steadily increased and reached almost one in four of the population of voting age. Such an increase in the proportion of those who endorse the ban could partially be attributable to the ECtHR decision, but we have no explicit link between these preferences and knowledge and approval concerning the ECtHR decision in our surveys. As the issue remains on the public agenda and following the coming to power of the conservative AKP, the percentage of those who were undecided as well as those who opposed the ban declined significantly. However, these changes remain limited in their overall impact and around 70% of the Turkish population remains in favor of lifting the ban.
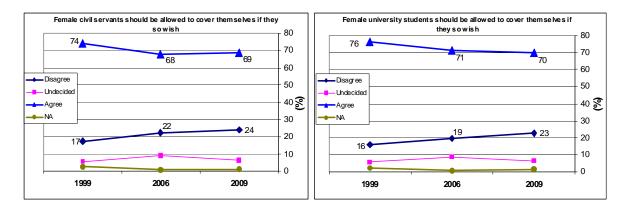
Figure 1. Evaluation of the *türban* ban in Turkish public space

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22 For a historical review of developments in regulations concerning attire in general and the *türban* in particular see S. Gemalmaz, *Türk Kıyafet Hukuku ve Türban: Tarihçe-İdeoloji-Mevzuat-İçtihat-Siyaset* (Turkish Law Concerning Attire and the Türban: History-Ideology-Regulations-caselaw-Politics), 2005; Bleiberg, *supra* note 12; Danchin, *supra* note 13. S. Demirel, 'The Roots of Headscarf Ban in Turkey', 2008 *Journal of Islam in Asia* 5, no. 1, pp. 163-181, offers a somewhat partial account of more recent developments.

23 All of the statistical tests of association show that both men and women seemed to be equally inclined to support the same points of view, which is one indication that women do not seem to differ from men in their attitudes toward the issue of the *türban*.

Given the restrictive nature of the *türban* ban in four different nationwide representative surveys, the respondents were also asked whether pressure is exerted on those who observe religious practices in Turkey and, if so, they were requested to give an example in an open-ended format allowing the respondents to give their spontaneous examples of what they understood to be pressure concerning religious observance. Figure 2 summarizes these findings for the 1999-2009 period. What we observe is that until the coming to power of the AKP in 2002 about one third of the population of voting age reported that people were not free to worship and follow basic Islamic practices. Similarly, about 40% claimed that religious people had been under pressure until the AKP tenure in office. However, following the AKP's coming to power, those claiming that religious people were subject to oppression remained below 25% and those asserting that people worshipped freely rose to about 80%. [24]
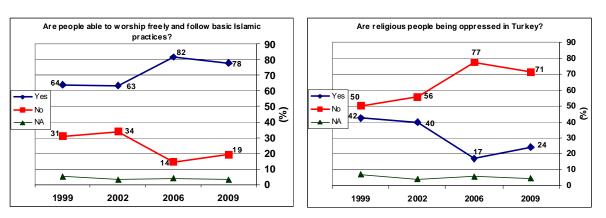
Figure 2. Freedom of worship and the perceived pressure on religious people

A similar series of questions were asked in the same surveys of 2006 and 2009 concerning religious people who oppress those with a secular conviction. For the two questions shown in Figure 3, we observe that only about ten percent of the population reported any kind of oppression exerted on those with a secular disposition. However, we have no similar data preceding the AKP's tenure. It may well be that such pressures were even lower before 2002. Although even ten percent is not a trivial group for a country like Turkey, our large-scale survey data do not support the expectation that more people live under pressure from religious groups in Turkey than those religious people who feel that they are being pressurized by secularists. Their relative group sizes point incomparably to religious people being under pressure. We have to underline here that these are people's overall impressions concerning pressure being exerted upon two stylized groups which we have conveniently called 'religious' and 'people of a secular conviction'. The definitions of these groups are certainly not a trivial matter and these are mere judgments and not reports of people's own experiences. So, they should be taken solely as subjective evaluations of the state of two broadly defined, stylized groups.

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24   One could conjecture that the Sunni majority and the Alevi minority respondents would answer these two questions on the basis of different motivations. Those who assert, for example, that people are not able to worship freely and follow fundamental Islamic practices could have in mind the restrictions imposed upon Alevi cem houses as well as those more commonly perceived as restrictions upon *Qur'an* courses by Sunni believers. However, we observe that among the examples given of the oppressive activities towards religious people we find no mention of anything about the Alevi communities. Both of these two observations could be due to the fact that our respondents may not have been thinking about the Alevi community when the terms 'fundamental Islamic practices' or 'religious people' are used. However, we have no explicit test as to this expectation.
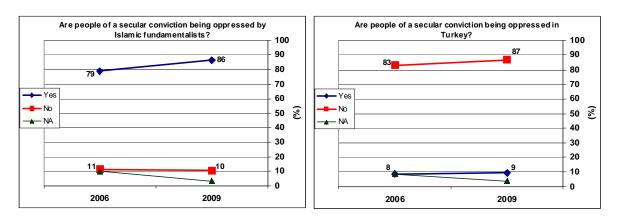
Figure 3. Freedom of people of a secular conviction

Nevertheless, we do obtain some more in-depth understanding as to what people have in mind when they pass the above judgments concerning the 'religious' as opposed to 'people of a secular conviction'. Following the question concerning pressure upon 'religious' as well as 'people of a secular conviction' we asked an open-ended question and obtained examples of such oppression. The results for religious people reveal that an overwhelming number of the respondents asserting oppression mentioned the practice of keeping the *türban* out of the state bureaucracy and the school system as the prime example of such pressure (see Figure 4). The correlation coefficient between gender and the response categories of types of pressure on religion is again very close to zero and is therefore statistically insignificant, which is another clear indication of the fact that attitudes toward what constitutes pressure on religion in Turkey fail to differ for men and women, and both tend to stress the *türban* as the prime example of such pressure in Turkey.

As to the examples of pressure for people of a secular conviction, we observe that pressure to cover up does not appear to be dominant. From 2006 to 2009 we observe a significant rise in people mentioning pressures to conform to religious practices and pressures upon freedom of expression. What is significant here is the fact that concerning examples of pressures upon the religious group, the *türban* ban is the dominant example given, while concerning examples of pressures upon secularist groups, the pressure to cover up does not appear as the dominant case.
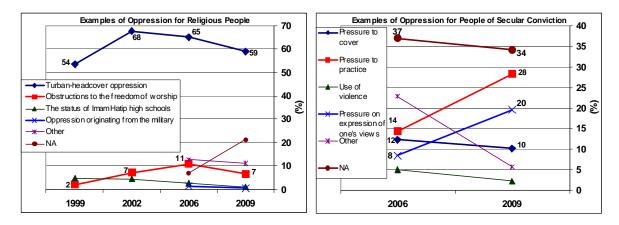
Figure 4. Examples of oppression

When we concentrate on the determinants of support for and opposition to the *türban* ban, several findings are worth mentioning.[25] First, we observe that different dimensions of religiosity tend to shape preferences concerning the *türban* ban. An important point to note in evaluating the bans on the *türban* is the fact that they affect both public service providers (when the ban on public employment is concerned), on the one side, and public service users (when the ban on university attendance is concerned) on the other. As such, public attitudes are expected to be shaped by different dynamics. However, despite differences in the dynamics that shape the preferences concerning the ban on public employment as opposed to that in the universities, different measures of conservatism appear to be consistently significant with the same directional impact on both cases of opposition to the *türban* ban. More pious people (both in accordance with faith and religious practice measures) are more inclined to be against the ban in universities, but not on public employment. More xenophobic people with negative and skeptical attitudes towards foreigners at large appear to be less likely to oppose the ban on public employment, but not in universities. More religious liberals tend to be more likely to support the continuation of the ban in both public workplaces and in universities. In contrast, more religious conservatives tend to be more supportive of lifting the ban. Self-evaluated religiosity and gender-related conservatism have significant and positive influences upon opposing the ban in all those instances. Politically intolerant respondents tend to support the maintenance of the status quo concerning the bans on the *türban*, while the socially more intolerant individuals tend to oppose these bans.[26]

Perhaps more significant in explaining the polarization in the country is the partisan differences concerning policy preferences about the *türban* ban. When the party preferences of individuals are included in the same multivariate equation explaining preferences concerning the *türban* ban in public employment or attendance at universities, we observe that AKP voters are significantly inclined to favour lifting the ban while CHP voters are significantly inclined to favour maintaining it even after controlling for the influences of various dimensions of conservatism and religiosity as well as various demographic variables. The nationalist MHP voters, however, do not appear to be significantly different from non-AKP and CHP voters.

4. Conclusions

An important observation throughout the survey findings summarized above is that the *türban* ban is not popularly supported. However, supporters of the ban are also on the increase especially in the aftermath of the AKP coming to power. A partisan divide appears to be significant in distinguishing between preferences for the continuation as opposed to the abolition of the *türban* ban. The AKP supporters are for abolishing the ban while the opposition CHP supporters appear to support the continuation of the ban.

At the same time we also observe that rising conservatism and piety lead to opposition to the ban on *türban*-wearing women in public employment and as students in universities. Yet, as we observe the coexistence of conservatism and its opposing views in liberal attitudes among Turkish voters, we are faced with a more complex phenomenon. While tolerance leads to the lifting of the ban, intolerance increases the likelihood of supporting its continuation. Ironically and understandably, the more conservative respondents on gender-related issues tend to support

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25 See Çarkoğlu & Kalaycıoğlu 2009, *supra* note 6, pp.107-112, for details of these findings. Adding political party preferences to these findings keeps the main findings unchanged.

26 The use of the term (in)tolerance has to do with the content of the index that forms the basis of this term. See Çarkoğlu & Kalaycıoğlu 2009, *supra* note 6, pp. 48-54, for details of the tolerance measure used.

the lifting of the ban while their less gender conservative opponents tend to support the maintenance of the ban. Socially more intolerant people are more likely to oppose the ban while socially more tolerant people tend to prefer to maintain the status quo.

Two factors may account for these seemingly contradictory results. One concerns the political polarization between the Islamist AKP supporters and the secularist CHP supporters. What AKP supporters want, the CHP supporters seem to detest and oppose. As conservative circles aim to increase their sphere of influence by conquering the institutions that are closed to their women supporters who wear the *türban*, the CHP supporters stiffen their resistance in opposition so as to protect their turf despite their expectedly deeper social ideological convictions of more tolerance, for instance.

One factor that may account for this apparent contradiction is that socially tolerant people are fearful of the oppressing potential of covered women and the environment that lifting the ban on the *türban* may create in Turkish public space. What we observe is not that more modern and thus more politically tolerant, less gender conservative, more religiously liberal, and relatively less religious individuals prefer to lift the ban on the *türban*. These individuals, who also tend to be more socially tolerant, tend to support the maintenance of the status quo or the ban on the *türban* in the public realm. From a legal perspective, this may be taken as a basis of support for the ECtHR decision and its logic for maintaining the ban for a viable democratic regime under the threat of religious conservatives. Since the threat question was not directly addressed to the respondents our data do not contain any supporting or refuting evidence concerning the presence of such a threat and a fear on the part of the secularist groups who support the continuation of the ban on *türban*. The sincerity of such fears and whether or not they are justified could be questioned. We need further research on such fears to be able to address issues related to this phenomenon. Yet, what could possibly be the relevance of asking secularist, mostly CHP voters, about their fears of Islamist oppression? Could one use any claims that such fears are unfounded for undermining the legitimacy of their unease about possible implications and to disapprove of the emphatic demands for the abolishment of the *türban* in public spaces? I think that such a dismissive approach towards secularist circles would be unfounded and would further deepen the already existing divide of mistrust between the two sides in this debate.

Perhaps more intriguing is the possibility that the partisan preferences (on the part of the CHP voters as opposed to those of the AKP) and such fears of Islamist oppression might overlap. It appears from different data from all the above-mentioned surveys that the conservative pro-Islamist voters predominantly supporting the ruling Justice and Development Party (*Adalet ve Kalkınma Partisi, AKP*) perceive little or no threat from *türban* wearers. In contrast, their religiously less conservative opponents amongst the secularist circles supporting predominantly the Republican People's Party (*Cumhuriyet Halk Partisi, CHP*) appear to perceive the numbers of women wearing the *türban* to be significantly increasing and appear to be fearful of their oppressive potential for their life styles. Such polarization on fundamental issues of constitutional significance is likely to shape the debate towards an irreconcilable juncture where confidence in the constitutional legitimacy and fairness of the justice system is likely to be increasingly questioned. As political reflections of such fundamental social divisions increase, consensus building around the *türban* issue is likely to remain impossible. Further research is needed on the political reflections of the *türban* conflict.

What policy implications could be derived from these findings is not crystal clear. For one thing, there seems to be a deep mistrust between the two sides of this *türban* controversy. While the conservative circles seem to view their toil as part of a basic liberalizing human rights struggle, the opposition seems to perceive it as an overture to a new potentially oppressive

Islamist life style. Unless a public exchange takes place between the main opposition and the ruling party as to the objectives of this ban and its lifting, leading to confidence-building measures that are aired in the open public sphere, there might be no possibility of reconciling the apparent differences between the two sides. The ECtHR and the Constitutional Court decisions appear to shift the debate away from the public sphere and, as such, undermine the dynamics of reconciliation by de facto deepening the divide between the two sides. Could the consequences of this debate be different if the ECtHR's decision were to be different? An evaluation of such a hypothetical situation is not necessary here. What needs to be underlined is that the way the Court's decision was shaped effectively pushed the debate out of the public agenda and away from public attention. Such a result could and should be avoided since the issue is far from resolved and more public debate is needed. As the debate is founded upon a deep mutual mistrust and polarized political discourse and position taking, no decision on the issue could possibly be viewed with a sterile legal perspective. It is also difficult to find a stable and legitimate resolution of the conflict without any interference from the legal authorities. As such, the resolution of the conflict remains at best uncertain for the time being.

Following the same line of argument to derive a simple and modest policy conclusion from the preceding discussion one could argue that a more active debate on the *türban* controversy should continue incessantly. If the status quo side favouring the continuation of the ban simply refuses to consider the downsides of maintaining the ban on covered women in public space by reference to the ECtHR decision and its background in the Turkish legal system, this could only help to sharpen the dismissive demands on the other side. Similarly, if the circles that argue for the lifting of the ban on the *türban* simply adopt a dismissive stance towards the uneasiness and the fearful expectations of the secularist circles this can only further erode the secularists' already weak trust towards them.