

## **THE NEED FOR HOUSE BILL NO. 2087**

### **INTRODUCTION:**

WHILE THERE ARE MANY JURISPRUDENTIAL ISSUES ADDRESSED BY HOUSE BILL NO. 2087, THIS OUTLINE ADDRESSES TWO PUBLIC POLICY ASPECTS OF OUR GROWING GLOBAL REALITY WHICH NECESSITATE HOUSE BILL 2087.

### **ASPECT ONE:**

The challenge to define acceptable levels of assimilation into the global economic environment is massive for all nations on such a course. The issue is complex. How is a nation to maintain its proven keystones of jurisprudence, economic preference, social norms and political infrastructure and yet reach an acceptable level of accommodation of the community of nations which accommodation is necessary for developing effective economic ties.

No seriously minded person would suggest that the global community is or will ever in the foreseeable future be able to embrace a “one size fits all” political, economic, social or religious environment. Therefore, the community of nations is required to make policy adjustments that both preserve their existing national basics and yet identify and adopt those changes that provide an opportunity to facilitate and advance the global economic community for all concerned.

So, how does this reality of struggle for policy parity involve House Bill 2087?

Many nations are in the throes and struggle to find the place of policy parity. Policy parity enables them to continue to honor and live by the principles that are foundational to and workable for them. Policy parity also enables a nation to engage in the global economic community at a meaningful level. Therefore, to reach policy parity they struggle to adjust their current environment to enable them to do such.

## **EXAMPLE**

One struggling nation known to and favored by Kansans is the nation of Turkey. The recent struggle for police parity continues but is thought to be making advances.

### **FOREIGN INVESTORS RUSH TO TURKEY'S FAIR MARKET**

The Hürriyet Daily News, Istanbul on 9/2/2011 reported that:

*Foreign companies are increasingly investing in Turkish fair and exhibition market and this trend will accelerate in the second half of the year, an executive says.*

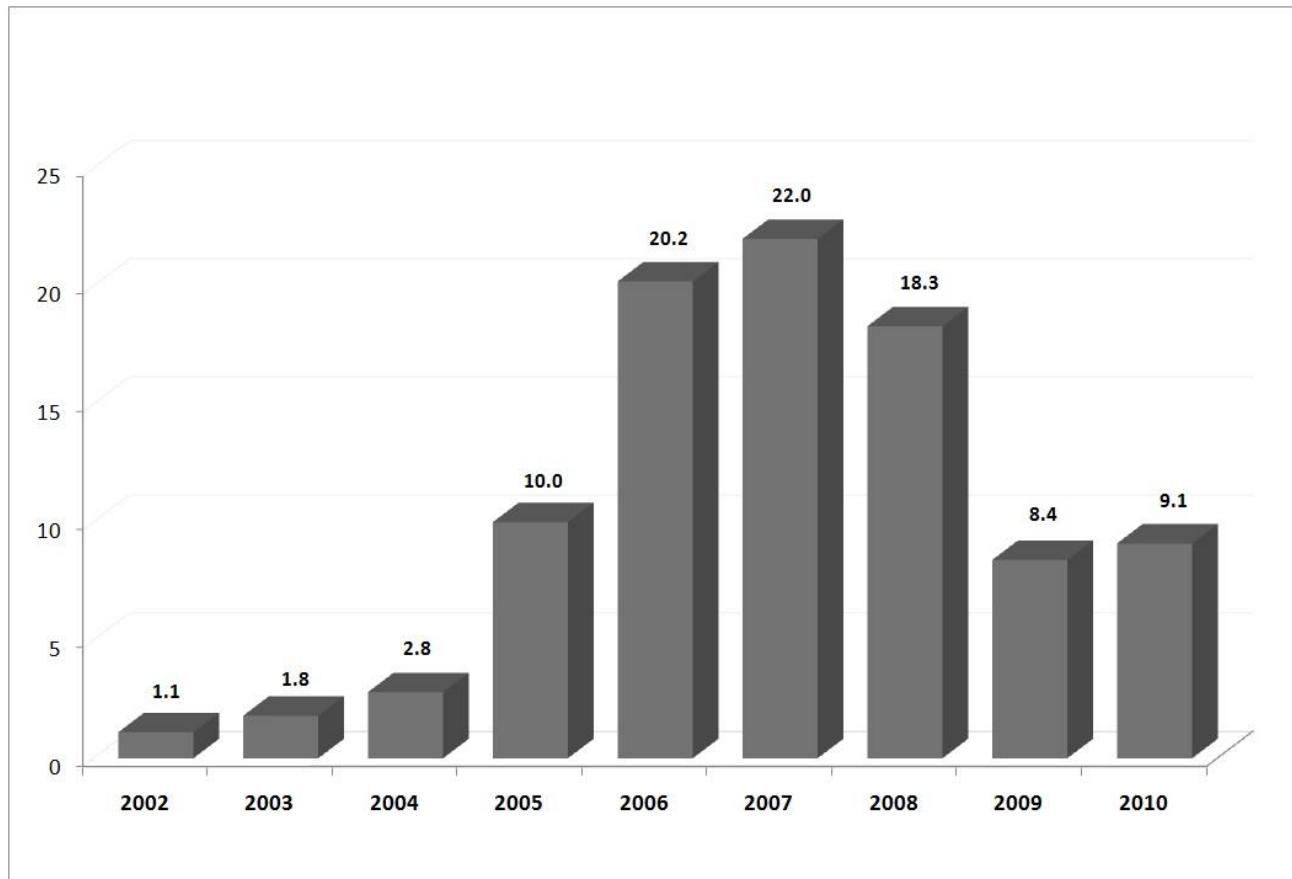
*International exhibition companies have rushed to Turkey's fair and exhibition market in recent years by acquiring major stakes of local firms and the trend could accelerate in the second half of this year, according to the top executive of an international agency.*

*"Merger and acquisition interest in of foreign companies started about three years ago and has been steadily increasing," Steve Monnington, founder of Mayfield Media Strategies – a global company that specializes in mergers and acquisitions and strategic business development for the exhibition industry, told the Hürriyet Daily News in a recent interview.*

*More and more international companies are looking at the Turkish market, Monnington said, adding that Turkey's continuing prosperity stimulates the interest. The majority of acquisitions take place in emerging markets, such as Brazil, China and Turkey, he added.*

This optimism has not always been the case. As the following table shows, in 2001, FDI in Turkey was quite low. While there are peaks and valleys, the optimism does appear to have some basis in reality.

### FDI INFLOW TO TURKEY (USD BILLION)



*Source: Central Bank of the Republic of Turkey*

A major hindrance in Turkey has been the constitutional/legal issues and the human rights record. The legal issues are getting much attention as the article from Alex Leo below suggests. The resolve of other related issues might be expected to follow if leaders like Erdogan follow through and are successful.

## **Turkey's New Constitution: An Opportunity for Religious Freedom**

*By Alex Leo on 12 August 2011*

On June 12, 2011, Recep Tayyip Erdogan and his Justice and Development Party (AKP) won a third-straight election in Turkey. Throughout the campaign, Erdogan promised to replace Turkey's existing constitution with one that better guaranteed the principles of democracy, while opposition parties continued to attack the AKP for introducing Islamist elements—both legislative and cultural—into Turkey's historically secular government. Winning nearly 50 percent of the vote, the AKP enjoyed an increase in support, making Erdogan the longest ruling politician, and arguably the most powerful, since Ataturk.

Despite this victory, the AKP failed to attain the adequate number of seats required to make unilateral changes to Turkey's constitution (1). Erdogan will have to seek compromise and form a coalition in order to make any of his promised changes.

While fears remain that the AKP's efforts to rewrite the constitution will undermine Turkey's secularist tradition, the plight of religious minorities continues to be overlooked by supporters of the AKP and Kemalists alike. A new constitution gives the AKP an opportunity both to allay fears of their detractors and to make significant steps forward in democratization by upholding the rights of all religious groups.

### *The Justice and Development Party*

Born out of the vestiges of Turkey's Islamist Virtue Party and led by the openly-devout Erdogan, the AKP has long garnered suspicion for harboring a hidden, Islamist agenda. The party insists, however, that it is thoroughly democratic and devoid of Islamist aspirations (2). Erdogan's supporters point to his decade-long record of improving the economy, delivering services, and furthering Turkey's bid with the European Union as evidence of his party's legitimacy (3).

Yet, among secularists, the AKP's rhetoric and policies have only served to deepen concerns that the party is steering the nation away from Ataturk's secularist legacy. Erdogan and his party, secularists suggest, have grown too comfortable with using religious language during speeches to the public. Abdullah Gül, who during his presidency was a high-ranking member of the AKP, has been widely criticized for his wife's wearing of the headscarf. Such openness to the influence of religion in the public sphere, many feel, is an abandonment of Ataturk's principles.

Not surprisingly, there is a split within the Turkish population over the matter. According to a survey conducted by the Pew Research Center, over 64 percent of Turkey's Muslims who pray five times a day reported they were satisfied with the direction their country was headed (4). However, for non-Muslims or those Muslims that prayed rarely or not at all, satisfaction was much lower—only 32 percent within this cohort reported satisfaction (5).

#### *A mixed record on religious liberty*

Despite the protests of Turkey's secularists, the AKP should be commended for its efforts to guarantee religious freedom for the country's Sunni majority. For instance, the AKP has attempted to lift the headscarf ban in public facilities, including within universities that have previously denied access to women who wear the scarf. The party's openness to religious speech, moreover, represents a move toward greater freedom of practice for the Sunni majority. For Sunnis that have long been prevented by a hyper-secularism from fully expressing their religious belief, the changes made under the AKP, both cultural and legislative, are a welcome improvement.

However, the situations of religious minorities within Turkey have seen little improvement—and at times, slight deterioration—over the decade Erdogan has been in power (6). Indeed, there remain many longstanding issues of religious liberty within Turkey, particularly for the country's non-Muslim population. In 2011, the United States Commission on

International Religious Freedom (USCIRF) reported an extensive list of such issues. The report, for instance, claims that "the Turkish government continues to impose significant restrictions on these minorities' rights to own, maintain, and transfer both communal and individual property, and to control internal governance, and to train religious clergy" (7). Such restrictions are particularly damaging for Turkey's Alevis, who make up a significant portion of the population and are unable to establish their own separate houses of worship.

Yet, even the Sunni majority continues to face restrictions on practice and belief. Because both the education system and Turkey's networks of mosques are under the jurisdiction of the *Diyanet*, Turkey's ministry for religious affairs, Sunnis are effectively limited to an Islam defined by the state. Although imams are allowed to write their own homilies, their status as state-employees effectively prevents them from straying outside the lines drawn by the *Diyanet* (8).

It is certainly the case that these issues existed prior to the AKP's rule, and many are a result of Turkish secularists' enduring suspicion of religion; the AKP has done little, however, to guarantee progress. If the AKP is to calm doubts about its own religious inspiration, it must demonstrate its willingness to champion the rights of Turkey's Muslims and non-Muslims alike.

#### *Constitution and Consensus: A Path Forward*

Turkey's current constitution, put in place in 1982 after the military ousted the ruling party in its fourth-such coup, is ripe for changes. But because the AKP failed to reach the 367 seats required for a parliamentary super-majority, Erdogan will have to seek a consensus with opposition parties for the creation of a new constitution (9). A consensus potentially will force compromise and moderation and soothe fears of the AKP's secular detractors (10). However, given the Kemalist's own shoddy record with religious liberty, such compromise is no guarantee that issues of religious liberty will improve. A consensus may well succeed in preventing the

AKP from introducing Islamic influences into a government structure; it will do little in and of itself, however, to improve the situation of religious minorities, which remain largely unnoticed by secularists and the AKP alike.

Recent events offer glimmers of hope, however, that Turkey's political climate—domestically and internationally—may be open to a more robust approach. The first of these occurred in June, when Erol Dora, a Syriac Christian running with the pro-Kurdish BDP party, was elected to office, making him the first Christian in Turkey's modern history to join parliament. Analyst Soner Cagaptay suggests this act is highly symbolic, for it signifies that "Muslim Turks have chosen to elect a Christian Turk to represent them" (11). Second, recent comments made by U.S. Secretary of State Hillary Clinton during her July visit to Turkey also suggest that as the United States revitalizes efforts to engage with Ankara, promotion of minority rights will be a significant priority (12).

The Justice and Development Party, therefore, has an important opportunity to demonstrate its leadership within a coalition by enacting constitutional reforms that avoid the respective extremes of a hyper-secularism and an un-representative Islamism. As Mustafa Akyol, a prominent Turkish commentator, writes, the AKP must forge a third way in a Turkey in which "one camp banned the veil while the other imposed it" (13).

A new constitution should include measures that redress the abuses currently faced by religious minorities in Turkey. Specifically, a new constitution should legally recognize faiths not currently on the government's list of official religions. Such legal recognition, denied to Alevis, Jehovah's Witnesses, Shi'a Muslims, Baha'i and many other groups, prevents such groups from enjoying full freedom of religion (14). It should, moreover, guarantee equal access to property as houses of worship for such minority groups. Additionally, a new constitution should correct restrictions on the hiring and training of clergy. This has been a

particular issue for Christian denominations, especially the Armenian and Greek Orthodox Churches. Under Turkey's existing laws, for example, any seminaries must remain under the control of the government—a stipulation that has severely hindered these Christians' ability to train Turkish citizens to be clergy (15).

The AKP should also be careful not to introduce elements into the constitution that are exclusively Islamic, or that unfairly privilege Islam over non-Muslim faiths. While the AKP should seek to ease restrictions on wearing religious garb in public places, they must also take care that non-Muslims are guaranteed this freedom, and that Muslim women who choose not to take the scarf are not pressured to do so. A new constitution should take care, moreover, not to define "Turkishness" in terms of Islam, in order to respect the full citizenship of Turkey's non-Muslims (16).

### Conclusion

Although there exists an opportune climate for constitutional reforms, progress in Turkey's religious liberty is yet a long way off. Since elections in June, Erdogan has been forced to cope with boycotts by his opposition, and has so far failed to organize a meaningful coalition. Any lasting reforms will require that this deadlock end. But even with meaningful constitutional changes, Turkey's current religious issues will not disappear; in order for reforms to be effective, enforcement and litigation must match legislation. Much depends on how Turkish society itself receives such reforms. But the AKP should work to give the population that opportunity.

(1) "Turkey elections: Press hails Erdogan victory," *The BBC*, June 13, 2011, <http://www.bbc.co.uk/news/world-europe-13747263> (Accessed June 14, 2011).

(2) See Stephen Kinzer, *Crescent and Star: Turkey between Two Worlds* (New York: Farrar, Straus and Giroux, 2008) 21-23. See also Elizabeth Prodromou, "Turkey Between Secularism and Fundamentalism?: The 'Muslimhood Model' and the Greek Orthodox Minority," *The Brandywine Review of Faith & International Affairs*, 3:1 (Spring 2005): 11-22, <http://www.tandfonline.com/doi/abs/10.1080/15435725.2005.9523199>.

- (3), Mathew Kaminsky, "Turkey's 'Good Dictator,'" *The Wall Street Journal*, June 10, 2011, [http://online.wsj.com/article/SB10001424052702304259304576375743249011516.html?mod=goo\\_glenews\\_wsj](http://online.wsj.com/article/SB10001424052702304259304576375743249011516.html?mod=goo_glenews_wsj) (accessed June 10, 2011).
- (4) "On Eve of Elections, a More Upbeat Mood in Turkey," *PEW Research Center*, June 7, 2011. <http://pewresearch.org/pubs/2016/turkey-public-opinion-erdogan-european-union-muslim> (Accessed June 10, 2011).
- (5) Ibid.
- (6) See: Bureau of Democracy, Human Rights, and Labor. "Turkey," *International Religious Freedom Report 2004* (Washington, DC: U.S. Department of State, 2004) <http://www.state.gov/g/drl/rls/irf/2004/35489.htm> (Accessed June 22, 2011); Bureau of Democracy, Human Rights, and Labor. "Turkey," *International Religious Freedom Report 2005* (Washington, DC: U.S. Department of State, 2005) <http://www.state.gov/g/drl/rls/irf/2005/51586.htm> (Accessed June 22, 2011); Bureau of Democracy, Human Rights, and Labor. "Turkey," *International Religious Freedom Report 2010* (Washington, DC: U.S. Department of State, 2010) <http://www.state.gov/g/drl/rls/irf/2010/148991.htm> (accessed June 15, 2011).
- (7) United States Commission on International Religious Freedom, "Turkey," *Annual Report 2011* (Washington, DC: USCIRF, 2011) 316.
- (8) Ibid, 313-315.
- (9) Michael Werz, et .al. "After Turkey's June Elections: A Review of Avenues for U.S. and Turkish Foreign Policy Cooperation in the Wake of Turkey's Parliamentary Elections," *The Center for American Progress*, June 23, 2011, <http://www.americanprogress.org/issues/2011/06/turkey.html> (accessed June 24, 2011).
- (10) Kaminsky, "Turkey's 'Good Dictator.'"
- (11) Soner Cagaptay, "Turkey's First Christian," *CNN Global Public Square*, July 6, 2011, <http://www.cagaptay.com/9877/turkey-first-christian> (accessed July 21, 2011).
- (12) "Clinton Touts new constitution as opportunity for Turkey," *Today's Zaman*, July 17, 2011, <http://www.todayszaman.com/news-250762-clinton-touts-new-constitution-as-opportunity-for-turkey.html> (accessed July 21, 2011).
- (13) Mustafa Akyol, "My Muslim case for liberty," *Hurriyet Daily News*, July 15, 2011, <http://www.todayszaman.com/news-250762-clinton-touts-new-constitution-as-opportunity-for-turkey.html> (accessed July 21, 2011).
- (14) USCIRF, "Turkey," 327.
- (15) DRL, "Turkey" 2010.
- (16) A 2006 case against two Muslim converts to Christianity charged the individuals with "insulting Turkishness." Though this is an extreme case, it is symbolic of Sunni Islam's centrality to Turkish identity at the exclusion of non-Muslims. See: Bureau of Democracy, Human Rights, and Labor. "Turkey," *International Religious Freedom Report 2010* (Washington, DC: U.S. Department of State, 2010) <http://www.state.gov/g/drl/rls/irf/2010/148991.htm> (accessed June 15, 2011).

By adopting HB 2087, the Kansas Legislature says to nations like Turkey, “Your struggle matters. It is worth the cost. AND, be certain, we fully support you! To demonstrate this support, we enact this legislation to assure that what you are doing there will not have to be redone here. We already have democracy in place. By this legislation we document for you our sincere commitment to maintain the system of democracy to which you aspire; you and so many, many others who want to enjoy the blessings we enjoy.

#### ASPECT TWO:

The passage of HB 2087 sends the reciprocal message to the people of Kansas; the people you serve in the public trust. It says to them not only are you mindful of the great blessings of liberty they enjoy but that you are fully committed to preservation of those truths that have been the foundation of that liberty. Passage of HB 2087 is a clear and honest exercise of good faith in the execution of legislative duty, honoring the public trust, and preserving the constitutions it has promised to uphold and support.