

Prof Keyman: Many liberties endangered, not just headscarf

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Professor Fuat Keyman, who has been heading efforts to create a channel of communication for academics to discuss the headscarf issue, maintains that, although denying an 18-year-old girl entry into university because of her choice of dress is not right, the way the ruling and opposition parties have tried to solve the problem has created many problems.

Fuat Keyman : "If the government had brought the 1982 constitutional changes into the public sphere for discussion, we could have been discussing issues more broadly today, rather than focusing on the headscarf. The Justice and Development Party (AK Party)-Nationalist Movement Party (MHP) solution to the headscarf issue has been a judicial imposition," he says.

Keyman is a professor of international relations at the College of Administrative Sciences and Economics at Koç University in İstanbul. He and Cengiz Aktar from Bahçeşehir University have started a signature campaign called "The Third Path" to open the topic to democratic debate.

The issue of freeing the headscarf has been raised often over the last decade, in particular since the ruling AK Party came to power in 2002. But it was the right-wing MHP who called for an arrangement to abolish the ban on the headscarf at universities. If the AK Party had spearheaded the effort, it would have triggered accusations of a hidden Islamic agenda. After AK Party officials jumped at the opportunity, a bill was passed within a couple of weeks to modify Turkish law to lift the ban on wearing the headscarf in Turkish universities.

The changes involve modifying two articles of the constitution, which concern equality before the law and the right to education, to say that no person shall be deprived of an education except for reasons openly laid out in the law. There is also a more explicit revision to the Higher Education Board (YÖK) Law: "No one shall be deprived of their right to higher education because their head is covered, nor can any enforcement or arrangement be made in this regard. However, the covering of the head must leave the face open and allow for the person to be identified and must be tied beneath the chin."

There have been several signature campaigns both in support of the ban and in opposition to it. For Monday Talk, Keyman explains how The Third Path is distinguished from these other campaigns.

Where did the idea for The Third Path come from?

If there will be a change in the constitution regarding the headscarf issue, we want to open the topic to discussion, because it needs to be democratically debated at the universities.

Why?

The recent arrangement makes university presidents responsible for deciding on whether or not to allow students to wear headscarves at the universities. The university presidents need to consider the issue in a process of democratic discussion to make a decision on it.

What do you think of the other signature campaigns supporting and opposing the headscarf at universities?

It shows a process of democratic discussion has started. We've been discussing the issue more

democratically now than before.

How was the discussion before?

Previous discussions have been polarized: One side strictly opposed the headscarf at universities and the other supported it. This is why we've suggested a third way. Now we've been discussing nuances in solving the long-lasting headscarf problem. Instead of focusing on the antagonisms around freeing or banning the headscarf, we now tend to acknowledge people's fears, worries and grievances. It's a healthy development. The third way has been important not only because it is a channel to redress grievances but also because it provides a much needed channel of communication for university educators. And the third way is also important strategically.

How so?

Considering the fact that, according to the recent ruling, university presidents will need to decide on the headscarf, how are they going to make such a decision? On what grounds are the university presidents going to pass judgment? Unless Article 17 [of the YÖK Law] is changed, the university presidents will have to make a decision on the headscarf. The university presidents have two choices in front of them. One is to say "yes" to the change in the Constitution, freeing the headscarf at universities. The other is to say "no," and thus requires a change to Article 17, considering the previous rulings of the Constitutional Court. Both of these views are right to a degree. So these signature campaigns help the university presidents make a decision, especially if seminars, opinion polls, conferences and debates follow.

You don't have a problem with the other signature campaigns?

Never. Nobody can say one campaign is better than another. We shouldn't invite polarization. These signature campaigns are a practice that are quite normal in democratic regimes. We see the signature campaigns as important in the process of discussing the headscarf issue.

What else is significant in The Third Way's signature campaign?

Sixty percent of the signatories are female academics who have been concerned about the tendency toward conservatism in Turkey, rather than harboring more extreme fears that secularism will be gone forever. We think an 18-year-old female student can make a decision on how to dress. Preventing the choice of wearing the headscarf at universities violates the rights of a mature person. That's why headscarf freedom at universities should be supported. We also say that headscarf issue is not directly related to the fears that the secularist structure of the country will be lost. But concerns should also be addressed. We found the AK Party and MHP solution for the headscarf issue deficient. It's also against the AK Party's win-win policies. Unless Article 17 is changed, university presidents will face the question of freeing or banning the headscarf, but the question is: How are they going to make such a decision, which is related to individual freedoms? The basis of such a decision should be legitimacy rather than the discussion of what type of dress is appropriate.

What could have been done instead?

The AK Party should have solved the problem of the constitution first to avoid such a diversion. We know that the authoritarian constitution of 1982 restricts individual freedoms. If the process of changing the constitution had been accelerated by opening it up to public discussion, then the headscarf issue could be dealt with as a part of the issue of individual choices and freedoms without being singled out. The freedom to wear the headscarf is one among many individual rights and freedoms, not a leading one. This is why I did not support the first signature campaign, which called for freedom to wear the headscarf at universities.

Are you worried that other reforms will not be made?

We have been waiting and watching the government. There is reluctance over changing Article 301 [of the

Turkish Penal Code (TCK), widely seen as restricting freedom of speech], there is reluctance over making mandatory religious courses at schools elective, and there is reluctance over meeting the demands of the Alevis. If the government had brought the 1982 constitutional changes into the public sphere for discussion, we could have been discussing issues more broadly today, rather than focusing on the headscarf. The AK Party-MHP solution to the headscarf issue has been a judicial imposition.

When talking about basic individual rights and freedoms, can we talk about lifting an unjust ban as a judicial imposition?

When you do it with an alliance in the parliament, and as a result, you make university presidents responsible for making a decision on the issue, yes, you can talk about a judicial imposition. There are many academics irritated by the method of the AK Party-MHP alliance because we approach the issue from the perspective of rights and liberties while maintaining our distance from those who reduce the issue of freedom to the headscarf issue and also those who reduce the problem to merely one of secularism.

Do you have students wearing headscarves at Koç University?

I haven't seen students with headscarves on, but I have seen them with hats on. Of course we have to stop such practices. These students should be free to choose to wear headscarves.

Do you think the university presidents will be able to handle the issue calmly?

When we watch the hot debates on various television channels on the issue, we see a lot of concerns raised. The Third Path aims at creating a platform for calm discussion of the issue, not only the hot-button issue of the headscarf but also the Kurdish issue, Alevis' demands, Article 301, the Foundations Law and more.

What is the response from women academics to The Third Path's petition?

Sixty percent of the 400 signatories so far have been women. This is much more than the percentage of women who signed the first petition to free the headscarf at universities.

Don't you think the prime minister has given enough assurances that secularism won't be threatened?

Constitutional professor Ergun Özbudun, who led the team preparing the draft constitution, warned the AK Party-MHP alliance twice that they should include in their draft the statement "the upper limit of an individual's freedom is where another person's freedoms start." He also indicated that it was a positive step that this alliance limited the headscarf freedom to universities only. If they included the broader issue of freedoms in the text, then it would be difficult to object to the text on grounds that it threatens the regime. And if they considered professor Özbudun's advice, they would also have contributed to normalization. The prime minister has stated several times that everybody's freedom is to be protected, but this wasn't in the text.

What happens if a student chooses to wear the chador at university?

Wearing the chador raises security concerns because it covers the whole body in quite a loose way. But wearing a headscarf is not so very a different dress style. In today's practice there is no direct cause and effect relation between freedom for the headscarf and the abrogation of secularism, but a court might think that such a link exists when it comes to wearing the chador. I think we should handle the headscarf issue separately from the chador. Each should be handled separately. Each represents different cultural, political and symbolic representations in society. If you ask me, law and medicine are the areas that are not appropriate for wearing the headscarf. I don't think there can be a judge or physician who wears the headscarf because it contradicts these professions' ethics and principles of universality, standing at equal difference to all and being inclusive for all. But there is no harm in attorneys wearing the headscarf. It's

also not right to wear the headscarf at the pre-university level of education.

What happens at age 18?

The age of 18 is important. A person can decide on her life choices by herself. We have to respect that. But before the age of 18, the life choices of a young person are made by her parents. Denying an 18-year-old girl who has successfully graduated from high school and who has done well on the university [entrance] exam entry into universities because of her choice of dress is incompatible with the principle of the right to education, individual rights and freedoms, the principle of secularism and the democratic system.

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