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Turkey's High Court Overturns Headscarf Rule

By **SABRINA TAVERNISE**
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ISTANBUL — Turkey's highest court dealt a stinging slap to the governing party of Prime Minister [Recep Tayyip Erdogan](#) on Thursday, ruling that a legal change allowing women attending universities to wear head scarves was unconstitutional.

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Lynsey Addario for The New York Times
 Turkish women wearing head scarves walked through the streets of Istanbul. Turkey's top court ruled today that Islamic head scarves violate secularism and cannot be allowed at universities.

The Constitutional Court said in a brief statement that the change, proposed by Mr. Erdogan's party and passed by Parliament in February, violated principles of secularism set in Turkey's Constitution.

The ruling sets the stage for a showdown between Turkey's secular elite — its military, judiciary and secular political party — and Mr. Erdogan, an observant Muslim with an Islamist past.

The court is one of Turkey's most important secular institutions, and liberals see the ruling as largely political.

It bodes ominously for Mr. Erdogan: The same court is considering a case that would ban him and 70 members of his party from politics. A decision is expected in the summer.

Turkey's political system has been controlled for generations by a powerful secular elite that has stepped in with coups and judicial decisions against elected governments. Mr. Erdogan and his party, Justice and Development, or AKP, have come the closest of any political party in Turkey's history to breaking its hold on power.

In the head-scarf case, the elite establishment contended that allowing veiled women onto campuses threatened Turkish secularism, one of the founding principles of [Mustafa Kemal Atatürk](#)'s secular revolution in the 1920s. Head scarves were banned from campuses in the 1990s.

Kemal Anadol, a deputy chairman of the secular opposition Republican People's Party, called the verdict a triumph of justice and said it showed that secularism and democracy were "constitutional principles that can't be separated from one another."

Mr. Erdogan calls the case a matter of individual rights, contending that all Turks should be able to attend universities no matter what they wear or believe.

But the way his party proposed it — abruptly, with little public discussion — angered the secular old guard and disappointed liberals, who support the changes, but want them to be accompanied by changes that strengthen other rights, like free speech. Some said AKP seemed to be pursuing only those changes that would please its constituency, and not the broader range that was needed to join the [European Union](#).

"AKP is lost in the spell of their own power," said Mithat Sancar, a law professor in Ankara, Turkey's capital. "When they want to listen to liberals, they do, but when they don't, they comfortably ignore them."

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Despite Mr. Erdogan's broad popularity — his party won 47 percent of the vote in an election last July — the threat of a ban is serious. The authorities have closed more than 20 parties in the past, and Thursday's ruling seemed as if it could be a sign of things to come.

The head-scarf amendment is considered to be the single most important irritant that set off the case to ban Mr. Erdogan and 70 other AKP members, and it is central to the prosecution's argument that he and his allies are trying to dismantle secularism in Turkey, an accusation they strongly dispute.

Many secular Turks are skeptical that Mr. Erdogan will defend secularism, even though he frequently reassures them that he will. "There is still a group within the AKP that is remembered for their Islamic past," said Ersin Kalaycioglu, a political science professor at Sabanci University. "Fears don't need to be rational."

Dengir Firat, a senior member of Mr. Erdogan's party, said that that was no reason for the head-scarf ban. "You can't limit someone's liberties on the basis of people's fears," he said.

The military expressed muted approval of the court's decision. "A different ruling would have been surprising," said Gen. Aydogan Babaoglu, chief of Turkey's Air Force, according to NTV television.

All but lost in the debate have been the voices of the women whose futures are caught in the political cross hairs. Neslihan Akbulut, 26, a sociology graduate student, said she cried when she heard the verdict.

"There is no way for me in Turkey now," she said. She was waiting to see if the changes would take effect so she could start work on a doctorate degree in Turkey. "When I see this result, I feel that I don't need to wait. I would need to wait for a long time."

Sebnem Arsu contributed reporting.

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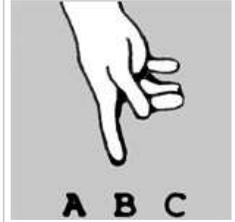
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