

SPECIAL FOCUS ON TURKEY THE EVOLUTION OF A REFERENDUM

Dialectics of Reform and Repression: Unpacking Turkey's Authoritarian “Turn”¹

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Abstract

Twenty-first century Turkey has been shaped by two conflicting trends: all-encompassing reform in almost all aspects of law that were transformative if not altogether progressive, and an increasing erosion of the rule of law, which finally culminated in a nation-wide emergency regime and the April 2017 constitutional referendum. The pressing question for many is why the promising reform era was abandoned for crude repression? In this essay, we answer this question by challenging its very foundation and pointing instead to an alternative line of inquiry concerning Turkish politics and society, one that focuses precisely on the interplay between reform and repression. The constitutional referendum of April 2017 compels observers and scholars of Turkey to reevaluate the interplay between reform and repression. Rather than reading contemporary Turkey as a case of relapse from reform into repression, as many commentators do, we suggest approaching reform and repression as concomitant and complementary modes of government.

Keywords: authoritarianism, law, emergency, reform, repression, dissent

A broad-brush review of Turkey's recent political history suggests two seemingly contradictory trends shaping the country in the twenty-first century: an all-encompassing transformative, if not altogether progressive, wave of *reform*; and an advent, or rather resurgence, of a wave of political *repression*. On the one hand, a series of legislative *reforms*, starting in the early 2000s were adopted, transforming many aspects of the legal system, including the constitution itself, for the sake of either European Union (EU) harmonization or International Monetary Fund (IMF) conditionality,

¹ We thank Sultan Tepe for her constructive criticism and valuable comments.

democratization, rationalization, and good governance.² In addition to the amendments to the constitution, the so-called reform packages changed laws and regulations introducing extensive institutional changes, aiming to achieve a more efficient and accessible judicial system as well as a civilian governance.³ On the other hand, the country has witnessed rampant authoritarianism, particularly visible in violent suppression of public protests and strikes, increasing persecution of dissident groups and journalists, the termination of the peace process and devastating military campaign in Kurdish cities, the corrosion of rule of law, the diminishing separation of powers, the weakening role of the legislative branch and the independence of the judiciary under the control of the Justice and Development Party (Adalet ve Kalkınma Partisi, hereafter AKP). The pressing question for many is “Why was the promising reform era abandoned for crude repression?” In this essay, we answer this question by challenging its very foundation and pointing instead to an alternative line of inquiry concerning Turkish politics and society: one that focuses precisely on the interplay between reform and repression.

As many contributors to this special issue substantiate, the constitutional referendum of April 2017 marks an important threshold in Turkey’s history. The AKP’s authoritarian tendencies ultimately culminated in a lingering state of emergency which was declared initially for three months on the pretext of the July 15, 2015 failed coup attempt, and thereafter renewed five times rendering the rule by decree the new norm.⁴ The referendum

² While providing an exhaustive list of these reforms is beyond the limits of this paper the most notable and oft-cited ones include improvements in fundamental rights and liberties (2001), abolishment of the death penalty (2003), prevention of torture and mistreatment (2003), revision of the Anti-Terror Law, improvement of the Penal Code (2004), and reinforcement of the equality of sexes principle (2004). Most of these changes are part of nine “harmonization packages” enacted between 1999 and 2004 with the motivation to meet the Copenhagen Criteria. As such, while the reform wave shapes the early AKP years, its origins the AKP era. For a comprehensive review see Ergun Özbudun, “Democratization Reforms in Turkey, 1993–2004,” *Turkish Studies* 8, no. 2 (2007): 179–96; Elif Babül, *Bureaucratic Intimacies: Translating Human Rights in Turkey* (Stanford: Stanford University Press, 2017), 14–17.

³ These include but are not limited to, the restructuring of the National Security Council to replace the military dominance with a civilian one (2003), ratification of the UN International Covenant on Civil and Political Rights (2003), abolition of State Security Courts (2004). For more on constitutional changes and judicial restructuring under AKP, see Aslı Bali, “Shifting into Reverse: Turkish Constitutionalism under the AKP,” *Theory & Event* 19, no. 1 (2016).

⁴ The most characteristic feature of the state of emergency in Turkey is that it warrants the president the authority to issue decrees by the power of law (*kanun hükmünde kararname*, *KHK*), which could limit fundamental rights and liberties. While this exception is exclusive to the state of emergency, one of the amendments voted in the April 2017 referendum lifts this precondition and expands the applicability of decrees to non-emergency times.

was voted against this backdrop. The narrow approval of the amendments granted the head of state exceptional legislative and executive powers, but more crucially, it legalized and legitimized the *de facto* repressive arbitrary rule. It transformed the country's hundred-year-old parliamentary system into a repressive presidential one and practically putting an end to the Republic as we knew it.⁵ However, it could also be defended, as President Erdoğan did, as “the most important governmental reform of our history”.⁶ We seek to understand this mismatch—not necessarily the one between the government and its critiques, but the one between reform and repression—and question how to study the presence of both in the same body politic. The constitutional referendum of April 2017, we assert, compels the observers and scholars of Turkey to reevaluate the interplay between reform and repression. Rather than reading contemporary Turkey as a case of relapse from reform into repression, as many commentators do, we would like to suggest approaching reform and repression as concomitant and complementary modes of government.

In the following sections, we provide a brief critique of the narratives of gradual or drastic authoritarian turn and the periodization (good vs. bad AKP eras) dominant in scholarly and popular analyses of Turkey. We argue that these approaches obscure the dual nature of the AKP regime that has carefully deployed and blended rationalities of reform and repression. In the remainder of the essay, we turn to the critical scholarship on Turkey to highlight the dual character of AKP politics and examine three alternative areas in which we could complicate the mutually exclusive narratives of reform and repression. While the broader literature on Turkey provides a rich repertoire of the interplay between repression and reform, in this paper we primarily draw on the research presented in the *Law and Politics: Reform, Authority and Emergency* conference, we recently convened at Northwestern University.⁷

⁵ Steven Cook, “RIP Turkey, 1921–2017,” *Foreign Policy*, 16 April 2017, <http://foreignpolicy.com/2017/04/16/rip-turkey-1921-2017/>.

⁶ Patrick Kingsley, “Erdoğan Claims Vast Powers in Turkey After Narrow Victory in Referendum,” *New York Times*, 16 April 2017, https://www.nytimes.com/2017/04/16/world/europe/turkey-referendum-polls-Erdoğan.html?_r=1.

⁷ This three-day long conference, between 26–28 October 2017, was funded and organized by the Keyman Modern Turkish Studies Program at the Buffett Institute. In our conference call, we asked thirty-five participants whose research covers a myriad of disciplines and methodologies to reflect on the question “How did Turkey get here?” by examining the entanglements of law and politics in their respective research area such as mass-media, the environment, urban politics, gender, human rights and the state. Unfortunately, given the briefness of this paper, we are not able to engage with all here.

The Fallacy of Looking for “Turning Points”

The question of how and why Turkey turned from a formal democracy which is upheld by some as “the democratic model” for the rest of the Middle East, into an authoritarian nightmare stands as the main topic of inquiry about Turkish politics.⁸ There is no agreement as to what accounts the best for the trajectory leading from reform to emergency rule but most observers focus on the shortcomings of the AKP and its leader President Erdoğan. Accordingly, the democratization failed because both the party and its leader lacked commitment and/or competency to continue the democratic agenda. Some take the historical context more seriously and argue that the so-called Arab Spring, the Gezi protests, and the war in Syria deepened the AKP’s insecurity and policy shortcomings in the face of significant internal opposition and external challenges. Others argue that Erdoğan never had a coherent program for reform and thus easily abandoned even the ones that he himself initiated when he realized they did not suit his playbook for a given election strategy. This was, the arguments go, because he was power hungry and shortsighted, or perhaps the political tradition he represents simply was not tolerant, sensitive, or democratic enough. Others reinforce a culturalist (and elitist in some ways) viewpoint to explain the democratic back sliding. Şerif Mardin’s concept of “neighborhood pressure”⁹ or Jenny White’s *Muslim Nationalism and the New Turks*,¹⁰ for instance, contended that it was the conservative and collectivist cultural codes as well as the strong leader cult to blame for the failure of democratic reforms, which were neither demanded nor embraced by the society in the first place.

No matter how it is explained, the accounts of Turkey’s authoritarian trajectory often assume a breaking point after which the otherwise reformist AKP had to change gears and switched into a repressive mode, resurrecting the sectarian, patriarchal, and authoritarian character of the party. However, there seems to be no consensus over what the most critical turning point has been. Did it all begin as a response to the Constitutional Court’s attempt to shut down the AKP in 2008? Was it the KCK trials that crippled the Kurdish political movement between 2009 and 2012, or was it the Gezi protests?¹¹ What

⁸ For a critique of the discourse of “the Turkish Model” see Cihan Tuğal, *The Fall of the Turkish Model: How the Arab Uprisings Brought Down Islamic Liberalism* (New York: Verso, 2016).

⁹ See Ruşen Çakır and Mahalle Baskısı, *Professor Dr. Serif Mardin’in tezlerinden hareketle Türkiye’de İslam cumhuriyet, laiklik ve demokrasi* (Istanbul: Dogan Kitap, 2008).

¹⁰ Jenny White, *Muslim Nationalism and the New Turks* (Princeton: Princeton University Press, 2014).

¹¹ Proceeding the collapse of the 2009 peace process, these trials refer to mass arrests of Kurdish politicians, elected officers, and civil society leaders on the basis of being members

about the 17–25 December corruption scandal in late 2013 that initiated the sharp enmity between the AKP and its long-time partner in power—the Gülenists—or the 7 July General Elections in 2015 when the party lost its majority in the Parliament? Or did it happen as late as the 2016 failed coup attempt which revealed, undeniably, the vulnerability of the AKP's power and unleashed the aggressive all-out survival mode?

Although the narratives that paint two contrasting eras marking the AKP rule, the one of reform and the one of repression, are appealing, what if we could point to policy areas in which repression had never disappeared, even in the heydays of reform? What if certain repressive practices (such as the suspension of constitutional rights, broadened use of anti-terror laws, widespread impunity, regular confiscation of private property) did not occur as a drastic departure by the declaration of nation-wide state of emergency, but in fact were evident in the era of reform? What if reform does not deny repression but in part harnesses it?

By asking these questions, we contest the idea that reform and repression are mutually exclusive modes of governance. We contend that the dominant effort to mark the AKP's authoritarian turn leads analysts to misrecognize the continuities between reformist and repressive forms of governmentality, and the concomitancy of authoritarian and democratic practices in Turkey's recent past. Thus, as much as the recent constitutional changes are critical, focusing on them as a turning point may reinforce the analyses that reduce the depiction of Turkey's politics to a series of fortunate "democratic opening/reforms" and unfortunate "authoritarian decline/emergencies." The present mode of Turkish authoritarianism, the erosion of the rule of law, and the increasingly blurred distinction between the judiciary and the executive necessitate a critical review of the relationship between law and politics historically and in the present. Such reviews need to go beyond listing chronologies of reform and their backsliding, and calls for an attentive eye on how waves of reform and repression get traction (or not) in the peripheral courthouses, district police stations, public squares, distant villages, refugee camps, and women guesthouses.

Fortunately, a number of new critical works on Turkey help us better identify the coinciding processes of reform and repression by pointing out the interplay between legality and extra-legality in legal ambiguities, loopholes, partial modifications and discriminatory applications of legal

of the KCK (Kurdistan Communities Union), according to the state, a dual-state organization founded with the ultimate intention of forming an independent Kurdish State.

codes. Tracing these irregularities, exceptions and ambiguities in and through institutions shows that instead of being two different, hence irreconcilable modes of government, repression and reforms coexist and reinforce each other. Based on some of that research, we explain below how reform failed to arrive at the margins of society occupied by disadvantaged groups such as women, sexual minorities, and ethnic and religious minorities, how urban and environmental disputes are left out as zones of exception of the reform era, and how the instances of reform entangled with repression.

Reform, Discrimination and Violence at the Margins

One of the ambivalences of the AKP's fifteen-year rule is that the government rarely shied away from undertaking reform in social and cultural rights only to hijack the momentum with an alternative conservative agenda. This tendency crippled reform in execution by unevenly implementing it across space and social strata, or rolling it back relatively quickly through regressive legislation. A quick review of the state of women's rights in this period epitomizes how most progressive changes in law were accompanied by discriminatory if not repressive practices implemented to maintain hierarchical gender roles. After its electoral ascendancy in the early 2000s, the AKP responded to the demands of the women's movement by making important legal changes. The penal code was amended to recognize marital rape and harassment at the work place as punishable crimes, to stipulate sexual crimes as "crimes against individuals" rather than as "crimes against public morality," to drop the deferred punishment if a rapist was married to his victim, and to increase sentences for sex crimes and domestic violence. The AKP governments also collaborated with feminist women's organizations to issue a roadmap to tackle gender-based violence, tasking all relevant government institutions to eradicate violence against women. The constitutional amendment of 2010 and other changes in civil and penal codes further inscribed the state's responsibility to tackle gender inequality and gender-based violence, as Turkey contributed to the drafting of the 2011 Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul), and became the first country to ratify it in its parliament.

Concomitant with its promotion of a progressive rights agenda, the AKP supported the establishment of new government and non-governmental institutions such as *Family and Guidance Bureaus*, *Women, Family and Youth Center (KAGEM)* and *Women and Democracy Association (KADEM)* to advance the conservative gender policies that promote the vague idea of "gender

justice” based on the concept of the “complementarity” of sexes.¹² These organizations aim to weaken the power of feminist women’s organizations in shaping reform agendas in line with the principle of achieving gender equality by improving women’s rights and opportunities. Notwithstanding, the AKP reforms helped the party consolidate its power by soothing secularist fears about “Islamization” for a moment and clouded over anti-democratic measures, such as the judicial changes that furthered the erosion of the independence of justices and courts.¹³ Meanwhile, despite the improvements in women’s legal rights, everyday violence and discrimination against women soared throughout the last fifteen years.¹⁴

LGBTQ rights also suffered from a similar fate under the AKP. Despite the enactment of the long awaited Hate and Discrimination Article (no. 122 of the Criminal Code), it did little to nothing to deter crimes committed against LGBTQ individuals. Transgender individuals remained easy targets of police discrimination and transgender murders continue to receive lesser punishments on the grounds of undue provocation.¹⁵

The repression of political dissent continued in the height of democratic reforms. Important progressive amendments in law such as the prevention of torture and ill-treatment by security forces, the abolishment of the death penalty, strengthening of the rights of association, the lift of bans on broadcasting, publishing and political campaigning in languages other than Turkish went hand in hand with tactics that curtailed citizens’ rights. Thus, long before the declaration of a nation-wide emergency, the government was effectively controlling the streets and protecting itself from political opposition through a variety of emergency-like measures employed to suspend the constitutional rights of citizens. For instance, the contentious Anti-Terror Law (Act 3713), amended several times (2006, 2010, 2012, 2013, 2016, 2017) broadened the range of crimes that can be counted as terrorist offences, extended lengths of punishment, and allowed serious challenges to the right to fair trial. The government actively used this law to go after

¹² Yeşim Arat, “Liberal Means to Conservative Ends: The Gender Perspective on the AKP’s Authoritarian Trajectory from Reform to Emergency,” paper presented at “Law and Politics in Turkey: Reform, Authority and Emergency,” 2017 Keyman Annual Conference, Northwestern University, Chicago: 26–18 October, 2017. Hereafter Keyman Conference.

¹³ Arat, “Liberal Means”; İdil Elveriş, “Seven Years of Reform, Capture and Control: The Council Of Judges and Presecutors in Turkey,” paper presented at Keyman Conference.

¹⁴ Arat, “Liberal Means.”

¹⁵ Aslı Zengin, “Mortal Life of Trans/Feminism Notes on “Gender Killings” in Turkey,” *Transgender Studies Quarterly* 3, no. 1–2 (2016): 266–71; Esen Ezgi Taşcıoğlu, “States of Exception: Legal Governance of Trans Women in Urban Turkey,” paper presented at Keyman Conference.

political dissidents, ethnic and religious minority groups, and members of the media, as well as students and human rights activists,¹⁶ raising the number of “terror” convicts from 273 in 2005 to 12,897 in 2011.¹⁷ While the declaration of a nationwide state of emergency in July 2016 marked the most direct curtailment of constitutional liberties in Turkey, it by no means was a break from the judicial and security processes that target political opposition in the country. Likewise, the AKP government has consistently undermined constitutional rights in dealing with democratic peaceful protests. Local authorities frequently executed emergency rules banning or forcefully moving protests and restricting access to parts of cities. The suspension of constitutional rights—albeit temporary and localized—was made possible by “mobile emergency rule,” an overstretched use of administrative power by local authorities.¹⁸ While most bans targeted Kurdish opposition, others were aimed at groups who oppose government policies on a range of issues including the environment, justice, livelihood, secularism, gender and sexuality, and civil liberties.

Although some taboo crimes of the past such as torture, actor unknown killings, abductions, and forced disappearances came under public scrutiny under AKP rule, only a handful of military and state personnel have faced criminal trials. For instance, about 70 percent of investigations into forced disappearances in the 1990s in Turkey’s Kurdish region languished in the process, and only 1 percent of all the investigated cases resulted in a guilty verdict.¹⁹ While these investigations brought attention to the issue of extrajudicial punishment, the continuing impunity of the perpetrators in the presence of evidence indicated that there is no possibility of justice for the oppressed.²⁰ Meanwhile, throughout the 2000s, the judicial and the law enforcement institutions of Turkey have gone through comprehensive human

¹⁶ Serra Hakyemez, “Margins of the Archive: Torture, Heroism, and the Ordinary in Prison No. 5, Turkey,” *Anthropological Quarterly* 90, no.1 (2017): 107–38; Deniz Yonucu, “The Absent Present Law: An Ethnographic Study of Legal Violence in Turkey,” *Social & Legal Studies* (2017), doi.10.1177/0964663917738044; Firat Bozcalı, “The Unresolved: Killings, Criminal Investigation and the State Illegibility across Turkish-Iranian Border,” paper presented at Keyman Conference.

¹⁷ Yonucu, “The Absent Present.”

¹⁸ Mert Arslanalp and Deniz Erkmen, “Mobile Emergency Rule: Protest, Law, and Authoritarian Consolidation in Contemporary Turkey,” paper presented at Keyman Conference. For further elaboration of the term “mobile emergency rule,” see Deniz Erkmen “When Extraordinary Is the New Ordinary: Protests, Law and Authoritarian Consolidation in Turkey,” *The Blue Review*, 28 August 2017, <https://thebluereview.org/extraordinary-new-ordinary>.

¹⁹ Onur Bakiner, “Sources of Impunity in Turkey,” paper presented at Keyman Conference.

²⁰ Özgür Sevgi Göral, “Failed Reconciliation, Impossible Justice: The Case of Temizöz and Others,” paper presented at Keyman Conference; Jessica Mecellem, “Human Rights Trials

rights trainings and good governance reforms.²¹ But these attempts have changed little in the way in which judges side with the government in crucial cases, how prosecutors see dissident groups, and how easily police resort to violence to end public demonstrations.²² Furthermore, the exposure to the repertoire of reform, human rights, and good governance equipped state employers with administrative and discursive tools that have enhanced their capacity to govern (and control) more effectively if not more democratically.

Urban and Environmental Politics: The Early Sites of an Emerging Authoritarianism

Recently, an accomplished US-based academic concerned about the direction of Turkey, tweeted: “In 2012, Istanbul was #1 out of Europe’s top 30 cities in real estate investments. In 2017, it is #28. Consequence of lawlessness, regional instability.”²³ The professor, like many observers of the democratic downslide in Turkey do, makes a case that the economy is inevitably hurt when the rule of law is corroded. Missing in such statements, however, is the recognition of the already problematic entanglement of law, economy, and land-use disputes under the AKP. In fact, Istanbul’s real-estate boom in the early 2010s was precisely due to a series of legal and policy changes that facilitated lucrative urban transformation projects at the expense of the systematic displacement and dispossession of urban poor and middle classes in the mega city. While the AKP received international support as a good business facilitator, its success story masked the violence of forceful evictions, the displacement of the working class away from working class jobs, the lack of democratic governance, aggressive gentrification, rent-unfriendly policies, and the destruction of cultural heritage embedded in the party’s urban policy, along with the massive wealth transfer this policy triggered through state-led real-estate creation and speculation.²⁴

in an Era of Democratic Stagnation: The Case of Turkey,” *Law & Social Inquiry* 43, no. 1 (2016), doi. [10.1111/lsi.12260](https://doi.org/10.1111/lsi.12260).

²¹ Babül, *Bureaucratic Intimacies*; Şerif Onur Bahçecik, “The Power Effects of Human Rights Reforms in Turkey: Enhanced Surveillance and Depoliticisation,” *Third World Quarterly* 36, no. 6 (2015): 1222–36.

²² Bakiner, “Sources of Impunity”; Babül, *Bureaucratic Intimacies*; Hayal Akarsu, “Proportioning Violence: Ethnographic Notes on the Contingencies of Police Reform in Turkey,” paper presented at Keyman Conference.

²³ Timur Kuran (@timurkuran), 10 December 2017, 10:54 pm. Tweet: “In 2012, Istanbul was #1 out of Europe’s top 30 cities in real estate investments. In 2017, it is #28. Consequence of lawlessness, regional instability. <http://www.hurriyet.com.tr/zirvedeki-istanbul-son-siraya-indi-40674165> ... #Hurriyet via @Hurriyet.”

²⁴ Ozan Karaman, “Urban Pulse—(re) Making Space for Globalization in Istanbul,” *Urban Geography* 29, no. 6 (2008): 518–25; Tuna Kuyucu ve Özlem Ünsal, “Urban Transformation

Revaluation of land and its seizure from its rightful owners for speculative investments has been key to the AKP's economic policies. This wealth transfer is not only limited to the urban setting. The countryside, too, has become a site of disputes over land as a series of mostly private energy, infrastructure, and mining investments have turned rural landscapes into construction sites. The result has been the emergence of an unprecedented grassroots mobility in the form of provincial protectionist platforms fighting against large scale energy and extraction investments across the Anatolian countryside.²⁵ This countryside mobilization, in turn, helped transform the middle-class and issue-based scope of the environmentalist movement and inspired the 2013 Gezi uprising.²⁶ The legal tools of land appropriation of the government also had comprehensive and long lasting effects. Well before its authoritarian character became visible to international observers, the AKP government had garnered immense power over both small-commodity producers and the burgeoning infrastructure industry. It effectively transformed the countryside by putting rural livelihoods and land at the service of the extraction/infrastructure industry through various mechanisms: deregulating environmental directives such as the Environmental Impact Assessment procedures fifteen times;²⁷ suppressing local resistances;²⁸ abusing and stretching land expropriation procedures for private companies;²⁹ and leaving rural development to the will of extractive industries.³⁰

as State-Led Property Transfer: An Analysis of Two Cases of Urban Renewal in Istanbul," *Urban Studies* 47, no. 7 (2010): 1479–99; John Lovering and Hade Türkmen, "Bulldozer Neo-liberalism in Istanbul: The State-Led Construction of Property Markets, and the Displacement of the Urban Poor," *International Planning Studies* 160, no.1 (2011): 73–96.

²⁵ Murat Arsel, Bengi Akbulut, and Fikret Adaman, "Environmentalism of the Malcontent: Anatomy of an Anti-Coal Power Plant Struggle in Turkey," *Journal of Peasant Studies* 42, no. 2 (2015): 371–95.

²⁶ Sinan Erensü and Ozan Karaman, "The Work of a Few Trees: Gezi, Politics and Space," *International Journal of Urban and Regional Research* 41, no.1 (2017): 19–36.

²⁷ Ayşen Eren, "The Political Ecology of Uncertainty: The Production of Truth by Juridical Practices in Hydropower Development," *Journal of Political Ecology* 24 (2017): 386–405.

²⁸ Erdem Evren, "The Rise and Decline of an Anti-Dam Campaign: Yusufeli Dam Project and the Temporal Politics of Development," *Water History* 6, no. 4 (2014): 405–19.

²⁹ Alp Yücel Kaya, "Sermaye-Emek Kutuplaşmasının Yeniden Üretimi: Acele Kamulaştırma Kararlarında HES'ler," in *Sudan Sebepler: Türkiye'de Neoliberal Su-Enerji Politikaları ve Direnisler*, eds. Cemil Aksu, Sinan Erensü and Erdem Evren (Istanbul: İletişim, 2016).

³⁰ Sinan Erensü, "Turkey's Hydropower Renaissance: Nature, Neoliberalism and Development in the Cracks of Infrastructures," in *Neoliberal Turkey and its Discontents: Economic Policy and the Environment under Erdoğan*, eds. Fikret Adaman, Bengi Akbulut, and Murat Arsel (London: IB Tauris, 2017).

This aggressive spatial transformation and the extensive land transfers it required started in the “reform days” of the AKP and progressed under the radar, mostly invisible to the gaze of international (and many national) observers until the Gezi uprising. The sense of urgency that fueled and legitimized these spatial transformations—namely the earthquake threat in cities and the trope of resource/energy independency in the countryside—has traceable marks on the current emergency rule. The ubiquitous use of immediate expropriation (*acele kamulaştırma*) procedure is a case in point. This infamous eminent domain procedure was enacted for national security purposes in the wake of World War II only to be discovered in the mid-2000s by the AKP so as to expedite urban and rural transformation; it was also used widely to tame insurgent Kurdish cities under the emergency rule.

Concomitancy of Reform and Repression

Despite the corrosion of rule of law, the logic of reform does not cease to motivate legislative activity in contemporary Turkey. Although the content of reforms (that is, to what extent they live up to the improvement ideal embedded in the word “reform”) is up for discussion, comprehensive legal transformations in the name of good governance, Europeanization, professionalization, rationalization and/or liberalization continue in certain policy areas, often parallel to the government’s authoritarian agenda. One policy area that perhaps best exemplifies this is the governance of migration and asylum.³¹ Since 2013, Turkey’s management of vulnerable populations running from persecution and war has gone through a significant transformation. For the first time, the legal reforms passed between 2013 and 2015 stipulated the state’s responsibilities towards asylum seekers and refugees. The reforms increased institutional capacity by transferring the governance of asylum seekers from local police to the new Directorate of Migration Management, and recognized their social rights—allowing them the right to work and access to healthcare. As part of the EU harmonization processes and thanks to EU funds, the government also took serious steps to overhaul border control and detention management.

What exactly these reforms improved, however, remains controversial given that their execution is crippled by factors such as the failure to pass bylaws that would make the reform law effective and the government’s use of the refugee crisis as a bargaining chip in dealing with the EU. Moreover, the expanded state control by way of reforms has not led to obvious improvement

³¹ Elif Babül, “Managing Reform through Emergency: Politics of Hospitality in Turkey,” paper presented at Keyman Conference.

in the everyday lives of asylum seekers, nor has it minimized their uncertainty.³² Despite these failures, the government's increased capacity to contain asylum seekers and the consequent Readmission Agreement signed between the European Union and Turkey in 2016 largely hushed the critical voices of the international community. The agreement recognized Turkey as a critical partner of a humanitarian crisis and identified it as a "safe country" at a time when the country's human rights record hit rock bottom, suggesting another twisted correlation between reform and repression.³³

Conclusion

This analysis, along with other recent scholarship, has now highlighted the repressive character of the regime in Turkey that paralleled its early reformist agendas. A new focus on intellectual responsibility has now emerged and provoked heated discussions with highly divisive consequences. What has the role of intellectuals been in the deterioration of Turkey's democratic experience into an authoritarian quagmire? How could this deterioration not have been known [earlier in the process]? Why did scholars and intellectuals fail to predict this deleterious outcome? Or worse, was it a matter of complicity?³⁴ Why did many scholars fail to call out the government at earlier "turning points"? In their support for reform and democratization, have they willy-nilly legitimized a repressive mechanism? What lies underneath this finger pointing is undoubtedly the fact that the reform wave of the early AKP heavily relied on expert knowledge and intellectual support in the drafting of the reforms and in their promotion.

While such questions understandably turn eyes toward the broad hegemonic coalition of the AKP throughout the 2000s and the role of intellectuals in it, reducing the crucial analytical question to a hunt for complicity not only proves to be counterproductive but also thwarts much needed critical inquiries. Questioning the support lent to the AKP's reforms despite its repression may constitute a valid moral point, yet it distracts from the ongoing dialectics of reform and repression and

³² Özgür Baklacioğlu, "From 'Guesthouses' to Removal Centers: Europeanization of Immigrant Detention in Turkey," in *Detaining the Immigrant Other: Global and Transnational Issues*, eds. Rich Furman, Douglas Epps, and Greg Lamphear (Oxford: Oxford University Press, 2016). Aslı İkizoğlu-Erensi, "Notes from a Refugee Protest: Ambivalences of Resisting and Desiring Citizenship," *Citizenship Studies* 20, no. 5 (2017): 664–77.

³³ Orçın Ulusoy, "Turkey as a Safe Third Country?" *Border Criminologies Blog*, 29 March 2016, <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/03/turkey-safe-third>.

³⁴ Aslı Bali, "From Reform to Emergency: The Use and Abuse of Constitutionalism in Turkey's Political Trajectory," paper presented at Keyman Conference.

the ways in which the AKP reinforces its hegemony. Calling for urgent attention is the need to advance our understanding of the ways in which reform coexists with repression, and furthermore, how reform enhances the government's capacity to suppress further.³⁵ The snippets offered here from recent scholarship exemplify the importance of reflection on the mutually constitutive moments of reform and repression that simultaneously paved the way to Turkey's current authoritarian surge. Such reflection on the scholarly endeavor is especially important considering that the Turkish example is not an exceptional case, but in fact epitomizes a global pattern. Hence, its careful analysis promises a valuable perspective on the dynamics of the rise of populist authoritarianism around the globe in this perplexed historical moment.

³⁵ In fact, our critique is valid for some of those who saw the AKP government as having a hidden agenda from the very first day as most of those early opponents, too, refused to take the interplay between reform and repression seriously by casting reform merely as window dressing and denying their political role.