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Populism at the Limits of Democracy:  
The Case of Turkey

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Thesis Submitted for the Degree of Doctor of Philosophy (PhD), 2019

## Declaration

I hereby declare that the work presented in this thesis is entirely my own.  
Wherever contributions of others are involved, these are clearly acknowledged.

Irem Taşcıođlu

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I dedicate this thesis to my grandfather who passed recently. I remember him with gratitude and respect.

## Abstract

Populism's polemical nature makes it susceptible to negative and positive attributions, based on the interpreter's stance with regards to the question of liberalism and democracy. The problem in both pejorative and emancipatory readings of populism lies in presupposing the 'liberal' and 'democratic' pillars as separate, contradictory or, at best, 'paradoxically combined'. The theoretical departure point of this thesis is that liberalism cannot be strictly separated from democracy, as both rely on and presuppose the modern imaginary of 'the people' and popular sovereignty. This thesis argues that populism shares this imaginary with liberalism and democracy, but contains a more expansive agenda aimed at 'stretching' the limits imposed by the representative and constitutional dimensions of liberal democracies. To contextualise and substantiate this perspective on populism, this thesis deploys the Gramscian concept of passive revolution to critically analyse the trajectory of populism in Turkey, specifically in terms of the Justice and Development Party (AKP)'s policies and discourse in the period before and after the 2010 Constitutional Referendum. The thesis argues that the concept of passive revolution makes possible a contextual analysis that not only fits the Turkish case historically but complicates the question of populism's relation with liberal democracy. Turkey's recent political history offers a unique and controversial testing ground for a novel interpretation of populism, especially insofar as it exceeds the normatively-infused Western imaginary linking together populism, liberalism and democracy. Bridging the historically-sensitive analytical framework of passive revolution and a strictly theoretical understanding of populism as an internal periphery of democracy, this thesis seeks to elucidate the intricate ways in which populism plays itself out in the context of the AKP's rule in Turkey, specifically focusing on the AKP's antagonistic use of the 'empty-signifier' of the *coup*, first in the 2010 Constitutional Referendum and later in the political trials against the junta that had ruled over Turkey in the early 1980s. These two cases reveal the AKP's populist constitutional and legal politics but also mark a particular moment in the continuum of populist expansionism, which paradoxically unfolds through the rhetoric of upholding the 'rule of law'.

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## Abbreviations

### **AKP**

Adalet ve Kalkınma Partisi  
Justice and Development Party

### **AYM**

Anayasa Mahkemesi  
Turkish Constitutional Court (TCC)

### **BDP**

Barış ve Demokrasi Partisi  
Peace and Democracy Party

### **CHP**

Cumhuriyet Halk Partisi  
Republican People's Party

### **DP**

Demokrat Party  
Democrat Party

### **DTP**

Demokratik Toplum Partisi  
Democratic Society Party

### **FP**

Fazilet Partisi  
Virtue Party

### **HSYK**

Hâkimler ve Savcılar Yüksek Kurulu  
Supreme Board of Judges and Prosecutors

### **KCK**

Koma Civakên Kurdistan  
Kurdistan Communities Union

### **MSP**

Milli Selamet Partisi  
National Salvation Party

### **ÖYM**

Özel Yetkili Mahkemeler  
Specially Authorized Courts

### **RP**

Refah Partisi  
Welfare Party

### **DGM**

Devlet Guvenlik Mahkemeleri  
State Security Courts

### **ITC**

Ittihat ve Terakki Cemiyeti  
Committee of Union and Progress

### **MGK**

Milli Guvenlik Kurulu /National Security Council

## Chapter 1

### Introduction

There are two points of departure that have inspired the writing of this thesis, one strictly theoretical, the other related to the present political conjuncture in Turkey. Let me start with the latter. If one were to consider the current Turkish political climate and express its dominant atmosphere in one or two words, it would definitely be something like ‘times of turmoil’. After the coup attempt in 2016, organized and orchestrated by a faction within the military allegedly associated with the Gulenist movement, a religious community well-known for its moderate-Islamist stance as well as its success in infiltrating the offices of the state, failed, the popular energy unleashed via the mass mobilization in the successful suppression of the armed upsurge proved advantageous for the Justice and Development Party (AKP) government to move in even more authoritarian directions. The failed coup attempt not only resulted in the solidification of the already current strong bond between popular masses and the AKP leader Recep Tayyip Erdogan but also, unleashed a huge wave of purges and ‘exceptional measures’ condensed in the declaration of state of emergency and consolidation of state power through the resurgence of the discourse of *raison d'état*.<sup>1</sup> The still-ongoing ‘state of exception’, together with President Erdogan’s push towards a model of ‘hyper-presidentialism’ – which effectively moves towards an unprecedented monopolization of power by the executive – has created an overwhelming political atmosphere, riven with indeterminacy and confusion, triggering what one would almost call a frenetic activity to define and label the regime in Turkey. However, it should be noted that since the democratic backsliding was already under way even before the coup attempt, and this general authoritarian move contradicted the AKP’s self-presentation as the ‘victor of democracy and rule of law’, the scholarly effort to understand and delimit the characteristics of the political transformation was already present throughout the second

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<sup>1</sup> See Banu Bargu, “Year One: Reflections on Turkey’s Second Founding and the Politics of Division,” *Critical Times* 1, No. 1 (2018), 23-48 and Cihan Tuğal, “Turkey Coup Aftermath: Between Bonapartism and Neofascism,” *Open Democracy*, 18/07/2016, <https://www.opendemocracy.net/cihan-tugal/turkey-coup-aftermath-between-neo-fascism-and-bonapartism>

decade of the AKP's rule. Thus, the state's consolidation of power in the aftermath of the failed coup attempt proved what was already under way. But it did so in such unprecedented ways that it led to further efforts by political scientists, sociologists, journalists, political activists and others to understand and comprehend 'what is going on in Turkey'.

Starting from the beginning of the second decade of the century, as authoritarianism made its overwhelming presence increasingly felt, political scientists have been eager to define and delimit the regime in Turkey. The differences between these accounts notwithstanding, what catches the eye is their shared diagnosis of a rather confusing amalgam of democracy and authoritarianism when it comes to the AKP's rule. Cast in different theoretical frameworks and concepts like 'illiberal democracy'<sup>2</sup>, 'electoral authoritarianism'<sup>3</sup>, competitive authoritarianism<sup>4</sup>, delegative democracy,<sup>5</sup> or in formulations that are much more attuned to the new post-coup period – like the second founding<sup>6</sup>, neo-fascism<sup>7</sup> and sovereign dictatorship<sup>8</sup> – these accounts all share a vision that there is an immanent *indeterminacy* within the system with regards to its dual character, its oscillation between democratic credentials and authoritarian rule. As we cannot do justice to all these frameworks, which focus on different aspects of the amalgam between democracy and authoritarianism, we can pick out what is most relevant for the analysis that will be pursued throughout this thesis. What is common to the accounts that depict the regime as illiberal democracy, competitive or electoral authoritarianism and delegative democracy is that the democratic

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<sup>2</sup> See Fareed Zakaria, *The Future of Freedom: Illiberal Democracy at Home and Abroad* (New York: W.W. Norton, 2003) and Dimitar Bechev, "Turkey's Illiberal Turn", *EFCR* 108 (July 2014): 1-8

<sup>3</sup> See David White & Marc Herzog, "Examining state capacity in the context of electoral authoritarianism, regime formation and consolidation in Russia and Turkey", *Southeast European and Black Sea Studies* 16, No.4 (2016): 551-569

<sup>4</sup> Berk Esen & Sebnem Gumuscu, "Rising competitive authoritarianism in Turkey," *Third World Quarterly* 37, no.9 (2016): 1581-1606

<sup>5</sup> Hakkı Taş, Turkey – from tutelary to delegative democracy, *Third World Quarterly* 36, No.4(2015): 776-791

<sup>6</sup> See Bargu, "Year One: Reflections on Turkey's Second Founding"

<sup>7</sup> See Tuğal, "Turkey Coup Aftermath". See Cihan Tuğal, "In Turkey the regime slides from soft to hard totalitarianism", *Open Democracy*, 17.02.2016 <https://www.opendemocracy.net/cihan-tuğal/turkey-hard-totalitarianism-erdogan-authoritarian>

<sup>8</sup> See Deniz Yildirim, "Diktatorlugunuzu Nasil Alirsiniz?", *ABC newspaper*, 12.01. 2016 <http://www.abcgazetesi.com/yazar-arsiv/diktatorlugunuzu-nasil-alirsiniz/haber-5914>,

institutions coexist with emergent authoritarian elements.<sup>9</sup> While the accounts that still insist on the subtype of a defective democracy (illiberal, delegative) stress the coexistence of the electoral playing field with illiberal assaults on civil liberties, the ones that stress the authoritarian retreat more (competitive and electoral authoritarianism) tend to underline the skewing of the electoral playing field in defining the authoritarianism of the regime as well. Thus, for the latter accounts, in the authoritarian political context of the AKP's rule, the democratic institutions are hollowed out to such an extent that the elections – which are fundamental to the legitimacy claimed by the regime – are themselves controlled, manipulated or skewed by the state. In this latter account, the fusion of the state and the party under the AKP's rule, which has generated deeply politicized state institutions, does not provide even the minimal conditions for electoral democracy, not least because the state obstructs 'the freedom, fairness, inclusiveness, and meaningfulness of elections'.<sup>10</sup> More recent assessments are more pessimistic in tone as they react to the AKP's relatively late dictatorial tendencies. In this cluster of approaches, we see the common argument that there is a regime change, either in the direction of neo-fascism, a Schmittian sovereign dictatorship or a '*second*' founding based on a new interpretation of the 'constituent power'.<sup>11</sup> Resting their political analysis on the AKP's success in mobilizing the masses in a direction that destroys the old constitutional-legal framework, these accounts are often inclined to associate the AKP's late period with an *interregnum* in its Gramscian sense – a situation of crisis where the old is dying and the new cannot be born and great variety of morbid symptoms appear.<sup>12</sup> The great variety of symptoms enter into these accounts through concepts and analyses such as: 1) the *dual state*, which refers to a transitional phase of confrontation between the old

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<sup>9</sup> Berk Esen & Sebnem Gumuscu, "Rising competitive authoritarianism in Turkey"

<sup>10</sup> Ibid, 1583

<sup>11</sup> In the Schmittian account, sovereign dictatorship is a form of political rule that founds a new regime and supplants the old regime. He differentiates it from commissarial dictatorship. The commissarial dictatorship is limited in its exercise, aiming for making itself superfluous: it has 'allotted time, specified task and the dictator has to restore the previously standing political-legal order that had authorized the dictatorship'. See John P. Mormick, "From Constitutional Technique to Caesarist Ploy: Carl Schmitt on Dictatorship, Liberalism, and Emergency Powers", in *Dictatorship in History and Theory: Bonapartism, Caesarism and Totalitarianism*, ed. Peter R. Baehr and Melvin Richter, (Washington, DC: German Historical Institute, 2004), 198

<sup>12</sup> See Banu Bargu, "Year One: Reflections on Turkey's Second Founding"

and the new where both co-exist until the latter triumphs<sup>13</sup>; 2) a creative and revised version of *fascism*, now carried out by a once conservative-democratic party that was once highly praised in the West<sup>14</sup>; and 3) the contradictory amalgam of democratic and authoritarian elements in a period of transition.<sup>15</sup>

All in all, there are two important points that should be derived from these approaches. First, even though these three clusters of approaches (defective democracy, authoritarianism, and *dictatorship*) oscillate between associating the AKP's regime in the 2010s with defective democracy, authoritarianism and fascism, they broadly share a common view that is very illuminating for our thesis, namely the contradictory co-existence of democratic institutions in some 'hollowed out' form with the authoritarian character of the state and the AKP. As Banu Bargu puts it:

It is true that the regime has shed some of its democratic credentials, such as accountability for elected officials and an independent judiciary; however, it formally retains other elements: the parliament, even if in hollowed out form; oppositional political parties, even if they are operating under great constraints; and the possibility of future elections, even if there is no guarantee that they will take place without electoral fraud or at all.<sup>16</sup>

Second, if we take a look at the publication dates of the articles which advance these conceptual and analytic frameworks, we see that scholars have increasingly tended to stress authoritarian excess as the AKP has further consolidated its grip on state power. Actually, this change of tone is neither a minor point nor a reflection of authors' different opinions or frameworks. It is a major sign of what we consider as a constitutive historical dimension of the AKP regime, namely its gradual *expansionism*, aimed towards colonizing the state and stretching the limits of democracy.

Taking its practical motivation from the vigour and confusion that surrounds the scholarly attempts to pin down the AKP regime's characteristics at present, this study reintroduces populism as a concept that offers a broader historical vision which can help us to inscribe the present turns to

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<sup>13</sup> Deniz Yildirim, "Diktatorlugunuzu Nasil Alirsiniz?"

<sup>14</sup> Cihan Tuğal, "In Turkey the regime slides from soft to hard totalitarianism," *Open Democracy*, 17.02.2016, <https://www.opendemocracy.net/cihan-tugal/turkey-hard-totalitarianism-erdogan-authoritarian>, accessed on 26.07.2017

<sup>15</sup> Banu Bargu, "Year One: Reflections on Turkey's Second Founding", 23-48

<sup>16</sup> Banu Bargu, *Ibid.*, 25-26

authoritarianism within the continuum of the governing logic of the AKP. In our view, there are two major points that are to be underlined when assessing the AKP rule and its populist logic. These are the co-existence of democratic and authoritarian elements and the gradual intensification of the authoritarian elements to the detriment of the democratic ones. Populism, which most scholars admit is a vague and elusive concept, can be defined as a form of majoritarianism that builds upon a statist vocation to conquer power and to stretch the limits of (liberal) democracy in an expansionist manner without necessarily transcending the boundaries of the representative-electoral rules of the game. Its two defining characteristics are, on the one hand, the exclusionary nature of marginalizing its opponents by associating them mostly with elites and on the other hand, its majoritarianism that builds upon a sacralised leader-people nexus. Thus, both dimensions, namely the exclusionary-antagonistic discourse against the elites and the sacralisation of majoritarianism in the form of a leader(ship)-people nexus are ‘excesses’ with regard to ‘liberal-representative-democratic’ limits. Yet, populism does not necessarily destroy these limits and boundaries but parasitically attaches itself to representative and constitutional democracy, negotiating and stretching these limits to allegedly *reintegrate the forgotten voice of the people*.

My core argument is that populism is a concept that can be revitalized to grasp the temporality of incremental growth of authoritarianism, stressing the persistent and continuous efforts on the side of the populist ruling power effectively to marginalize its opponents and to sacralise majoritarianism in the form a nexus between the people and the leader(ship). Thus, building up my analysis on the continuity of populist expansionism as part of a broader and *sui generis* logic of power, I offer a new analysis of the trajectory of the AKP’s rule in terms of populism. This analysis retrospectively excavates the elements of the authoritarian turn in the historical period that covers the 2010 Constitutional Referendum, and its aftermath. A watershed moment in the history of Turkey, the 2010 Constitutional Referendum resulted in the passing of a constitutional amendment package that mainly targeted the high judiciary and the military, who were identified as the main agents that continued the legacy of the 1980 coup with their historically granted and

constitutionally guaranteed privileged positions in the Turkish political scene. What makes this historical period relevant for an inquiry into the question of populism in Turkey is the AKP's unique garnering of massive support from both the electorate and the liberal-democrats, left-liberals and some left-wing activists in the formation of a populist bloc against the secular Republican elites (military and high judiciary). Thus, it entails a historically-unique scene of populist power's incorporation of liberals along with huge numbers of electorate in its confrontation with the secular elites who were deemed as representatives of the 1980 coup and its legacy in Turkey. Exploiting the tensions and fault-lines in Turkish history that are condensed in the continuing authoritarian mind set of the unelected guardians of the founding principles of Kemalism, the AKP turned out to be a major and transformative political actor that could combine the rhetoric of rule of law, constitutional democracy and so on with the populist ideas of anti-elitism and 'majoritarianism'. More importantly, the AKP could disguise its particular populist agenda to effectively fuse the 'will of the people' and the state and to consolidate and concentrate power, presenting itself as the triumphant bearer of the amalgam of democratic rule and rule of law. Thus, a retrospective account that excavates the populist logic in the very moment of the AKP's self-presentation as liberal-democratic is not only interesting for its own sake but also offers us a novel perspective to avoid the pitfalls of a political-scientific approach that is mainly concerned with delimiting and defining the characteristics of a type (electoral or competitive authoritarianism) or subtype (defective democracy) of a regime at a particular moment. It does this by introducing the temporal dimension of gradual expansion of power. Simply put, the approach explored in this thesis can provide us with a sense of continuity, making visible the overall populist logic that unfolds in different ways at different times across the AKP's near-two decades of rule.

Besides my desire to capture the current conjuncture of Turkish politics the other motivation behind the writing of this thesis was strictly theoretical – though I eventually came to discover that my effort to get to grips with the debates around populism in political and social theory were inseparable from my practical concerns regarding the literature on the nature of the

AKP's regime and the present moment in Turkey. When one engages with different perspectives on populism in intellectual debates and academic circles concerned with the fate of democratic theory and practice in the West, one is struck by the polemical appropriation of the concept in diverse ways, which more often than not express the political stance of the scholars more than a quest for analytical clarity. That said, I am not concerned here with whether the polemical and intrinsically political nature of debates around populism undermine the concept's analytical clarity. My concern is mostly with the presumptions that play themselves out in determining the polemical space that is constructed between those who denigrate populism for its illiberal stance and use it as a 'pejorative' label and those who admire, embrace and address its 'democratic' qualities for an emancipatory or at least, a 'corrective' politics. It is as though we were stuck in a polemical space between those who condemn populism as the enemy of constitutionalism and rule of law and those who attest to its emancipatory potential as part of the democratic imaginary.

There are two major problems with the very premises that undergird the confrontation between the liberal critics and democratic enthusiasts of populism. First, as Jason Frank puts it wonderfully, the radical democratic affirmation of populism echoes liberal critics, and vice versa, as the liberals objections against populism are embraced and affirmed by its democratic admirers.<sup>17</sup> In the last instance, both sides associate populism with popular identification, which transcends the legal/constitutional mediations so as to confirm the will of the constituent power, namely the people. While one condemns populism's anti-constitutionalist stance, the other confirms it as a way to reinvigorate the forgotten democratic foundations of the Western political landscape. Second, in the most abstract manner, both sides of the equation miss out the chiasmic exchanges between liberalism and democracy, as one is mediated by the presuppositions of the other in their particular historical articulation. While liberal-constitutionalism relies on the imaginary of popular sovereignty historically and mediates it with the rule of law, the democratic ideal of popular sovereignty never arrives in

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<sup>17</sup> Jason Frank, "Populism and Praxis," in *The Oxford Handbook of Populism*, ed. Cristobal Rovira Kaltwasser, Paul A. Taggart, Paulina Ochoa Espejo, Pierre Ostiguy, (Oxford: Oxford University Press, 2017): 632-33



pure form but is constitutively altered by the constitutional/legal mediations.<sup>18</sup> The chiasmic exchange between liberalism and democracy gives us a new way to conceptualize populism which overcomes the shortcomings of both the liberals' denigration and the radical-democrats' affirmation of populism. First, populism relies on the modern democratic imaginary of the people which grounds it on the same register with liberalism and democracy both. On the one hand, its references to the democratic ideal of popular sovereignty are indisputable. On the other, populism does not have to condemn the liberal institutionalized setting and disqualify the latter as a scam but can partake from its logic of representation in order to approximate it to the ideal of the rule of the people. Thus, in its historical articulation, it arises as a contentious political logic within the very limits of liberal-representative democracy that make its so-called parasitical nature apparent.<sup>19</sup> At a minimal level, it acknowledges the very reflexive nature of representative-liberal democracy as it legitimizes its political stance via the idea(l) of free and fair elections (majoritarian rule). The ideal of free elections relies on this minimal level of liberal/constitutionalist institutionalization and representation which impedes any legitimate party from occupying and conquering power, at least in the Lefortian sense of keeping the place of power empty.<sup>20</sup>

However, populism's unique nature arises precisely in the ways it acts within the limits of liberal democracy. In our theoretical framework, which is influenced in this regard by the work of Benjamin Arditi, populism is an 'internal periphery of democracy'. In other words, populism operates within (liberal) democracy's limits but gradually moves to stretch these limits and expand its own agenda to the detriment of what these limits stand for: representative democracy, constitutionalism, rule of law and so on. In this regard, the second, theoretical motivation behind this thesis, namely the

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<sup>18</sup> See Stefan Rummens, "Populism as a Threat to Liberal Democracy," in *The Oxford Handbook of Populism*: 554-569

<sup>19</sup> For this kind of an approach, see Nadia Urbinati, "Populism and the Principle of Majority" in *the Oxford Handbook of Populism*: 571-587

<sup>20</sup> Lefort's idea of the symbolic emptiness of power refers to the gap of authorization in representation such that the will of the majority cannot be identified with the will of the people as a whole. In Lefort's words, 'Power belongs to no-one, those who exercise power do not possess it; that, they do not indeed embody it, the exercise of power requires a periodic and repeated contest.' Claude Lefort, *Democracy and Political Theory*, trans. David Macey (Minneapolis: University of Minnesota Press, 1988), 225

desire to explore the shortcomings of a liberal and democratic polemic around populism, led me to investigate populism in a different way, one that is hopefully more attuned to its ambiguous encounters with liberal democracy.

But these two distinct aims – 1) to reframe the question of the AKP’s authoritarianism in terms of populism in a wider historical vision and 2) to reconsider populism as a political question attuned to its excess from and containment within liberal democracy – are not isolated from one another. They speak to each another in intricate ways that have complicated the process of writing this thesis. The theoretical framework embedded within the Western democratic imaginary around populism, liberalism and democracy inevitably invites tensions when a contextual reading is put forward that concerns the AKP’s political modality of power in Turkey. My argument is that when approaching the populist question in the Turkish context, one can neither simply ignore the theoretical framework that offers a unique lens to interrogate populism’s intricate relations with liberal-democracy nor simply apply it to the context at hand. While ignoring the discussions on populism and liberal-democracy would imply ‘exceptionalism’ regarding the Turkish context, the stark assertion that it cannot be contemplated through Western categories, the other would simply evade the singularity of the Turkish case, addressing it as yet another replica of what is addressed by discussions of populism in the West. Thus, in order to avoid both temptations, I pursue a reading and investigation 1) that still addresses the AKP’s populism as a political modality of power that can be construed along the lines of the theoretical framework of ‘internal periphery of liberal-democracy’, yet which substantiates this claim by 2) proposing an analytical device, namely Gramsci’s concept of ‘passive revolution’, which keeps us attuned to the complexities and particularities of the Turkish context and its historical background. While I concede that the investigation pursued here does not give a detailed account of a Gramscian class analysis or bases its argument on the class dimension, it nonetheless argues that passive revolution is a concept that can be deployed to decipher the trajectories of populism in the Turkish context.

My claim is that even though the Turkish legal/constitutional/political system cannot be designated as a full-fledged liberal-democracy, the ideas and formal institutions associated with constitutional/liberal and representative democracy have been persistent, at least with respect to the multi-party electoral system, since the end of WW2, namely in the form of a constitutional system based on checks and balances and the existence of an independent judiciary. Here, I adopt a view, drawing from the work of Claude Lefort, which does not distinguish representative democracy from constitutionalism, as the latter provides the institutional guarantees and fundamental liberty rights necessary to keep the democratic-process open ended, meaning that the will of the people remains elusive and fragmented.<sup>21</sup> At this very basic level, one can call the Turkish political system a *flawed* or *incomplete* liberal democracy and read the AKP's populist politics along the lines of the proposed internal periphery of liberal democracy. When we come to the second dimension, I argue that Gramsci's concept of passive revolution provides us with a framework that keeps us attuned to the particular ways the AKP's populism unfolds in the Turkish context. I seek to reinvigorate the concept of passive revolution for three reasons. First, it is a theoretical concept that is widely deployed in the scholarship that studies the AKP and my intention here is to go beyond existing discussions to articulate a new way to understand passive-revolution in Turkey.<sup>22</sup> Second, it gives us a unique perspective in analysing what we mentioned as the populist incorporation of the liberal intellectuals along with the people in the 2010 Constitutional Referendum. Third, it can be used to address a broader historical period that dates back to the authoritarian origins of the Turkish Republic, namely the Kemalist modern nation-state formation that unfolded in the second and third decades of the 20<sup>th</sup> Century. These last two points actually substantiate and complicate our theoretical point regarding the relation between populism and liberal democracy. While the continuum of passive revolution reveals the enduring

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<sup>21</sup> For this kind of an approach, see Stefan Rummens, "Populism as a Threat to Liberal Democracy," 558

<sup>22</sup> There is a vast body of literature that interprets the AKP rule in terms of passive revolution, the most prominent one being Tuğal's book. Cihan Tuğal, *Passive Revolution: Absorbing the Islamic Challenge to Capitalism* (Stanford, California: Stanford University Press, 2009)

legacy of the lack of *popular* politics and the persistence of authoritarianism in Turkey, the AKP's response to the hegemonic failures of Kemalism brings forward the particular way(s) *the AKP's passive revolution combines with populism and incorporates liberals along with 'people' to its agenda*. So, on the one hand, passive revolution refers to Kemalist modern nation-state formation at the second and third decades of the 20<sup>th</sup> century the effects of which continue through the persistence of authoritarian politics in Turkey but on the other hand, it also refers to the AKP's *particular* reactions to Kemalism which introduce yet another moment of passivity for the people in the pretension of embodying the 'will of the people'.

In the second chapter, I engage with the above-mentioned theoretical discussion on the relation between populism and liberal-democracy. I foreground what I call the polemical nature of populism and argue against both liberal critics and the radical-democratic affirmation of populism. I see these two positions as mirroring one another in identifying populism with an anti-liberal and anti-institutionalist stance, and thus overlooking a very important dimension of populism. In brief, populism's 'people' already partakes in the liberal-democratic gap of representative politics, which makes the latter dependent on the distance between 'the will of all' (majoritarian rule) and the will of people (popular sovereignty). To clarify my general take on the populist question, I take one of the most elaborate theoretical studies on populism, namely Laclau's *On Populist Reason*, as a critical vantage point.<sup>23</sup> My engagement with Laclau's work is not just concerned with its unique and significant place in the debates around populism; it also tackles his admittedly polemical affirmation of populism as a radical-democratic configuration of the people as a political agent. I criticize his approach in two ways. First, I note that Laclau associates populism with (emancipatory) politics to the extent that he opposes it to liberalism, which in his perspective attests to a *universalistic* foreclosure of the political imaginary. As the reader should have already sensed by now, my particular reading of populism does not share such an opposition between (*political*) populism and (*apolitical*) liberalism. Second, Laclau's theory of hegemony introduces the elusiveness of people but does not

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<sup>23</sup> Ernesto Laclau, *On Populist Reason* (London and New York: Verso, 2005)

interrogate it at the level of the representational gap that pervades liberal-democratic regimes founded upon the amalgam between democratic self-rule and rule-of-law. I introduce Claude Lefort's conceptual framework to rethink and critically engage with Laclau's understanding of populism. My aim is to relocate populism within the liberal-democratic gap of representational authorization, which Lefort studies through his famous concept of the 'empty place of power'. The latter directs our attention to an overarching political transformation in which power is an empty place and cannot be occupied, in which the nature of power is such that no individual or group can be consubstantial with it. I read the Lefortian take on the representational gap of authorization alongside the literature on paradox of constitutionalism and democratic peoplehood. This leads me to argue that these paradoxes can in fact be reinterpreted as markers of the gap between popular sovereignty and representation. This particular dialogue between Lefort's empty space of power, the paradox of constitutionalism and the paradox of democratic peoplehood provides us with a unique framework to understand populism in its encounters with this gap that pervades the modern democratic imaginary. Thus, at the end of the chapter, I introduce two important interlocutors, Benjamin Arditì and Bonnie Honig, to clarify my argument on populism and its immanent yet excessive place with regards to liberal democracy. I adopt Arditì's concept of 'internal periphery of democracy' and Honig's interpretation of the paradox of politics in order to address populism's unique nature.<sup>24</sup> I argue that both accounts give us clues to how we can posit populism in the interstices of liberal-democracy, as a particular political logic that exploits the ontological gap of authorization in *excessive* ways. I finalize the chapter by arguing that the Lefortian interrogation of the empty place of power, i.e. gap of authorization, gives us a unique chance to investigate the AKP's different populist power strategies that dwell in negotiating with and exploiting the

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<sup>24</sup> Here, I am referring to Benjamin Arditì, "Populism as an Internal Periphery of Democratic Politics", in *Politics on the Edge of Liberalism: Difference, Populism, Revolution, Agitation* (Edinburgh: Edinburgh University Press, 2007):54-87 and see Bonnie Honig, "Beginnings," *Emergency Politics: Paradox, Law, Democracy* (Princeton and Oxford: Princeton University Press, 2009) :12-39

gap that pervades the democratic imaginary in excessive ways. These excessive ways will be further elaborated on in the fourth chapter.

In the third chapter, I consider the Turkish political scene under the AKP's rule and interrogate the latter's populism within the theoretical framework of passive revolution. In the first section, I provide a general understanding of one of the most influential approaches in Turkish scholarship, the one that interrogates the AKP's first years in power in terms of passive revolution. In the wake of Cihan Tuğal's ground-breaking work, *Passive Revolution: Absorbing the Islamic Challenge*, the concept of the passive revolution became a common reference point to explain the absorption of anti-systemic Islamic movements into the process of neoliberal transformation in Turkey in the beginning of the 2000s.<sup>25</sup> Tuğal's major emphasis on the AKP's rearticulation of Islam and neoliberalism in understanding passive-revolution was both echoed and enriched by another set of scholarly discussions, which associated the AKP's policies with neoliberal populism.<sup>26</sup> I use the latter approaches emphasizing neoliberal populism in order to provide a better understanding of Tuğal's work on passive revolution. I argue that the resonance between these two accounts, namely one that analyses the AKP rule in terms of passive revolution and the other in terms of 'neoliberal populism', indicates the close relation between these two concepts in the context of Turkey. Based on this resonance, I formulate my own understanding of the nexus between passive revolution and populism to analyse the first stages of the AKP's rule. I coin the expression *passive revolution from below* with reference to Stuart Hall in order to understand the AKP's orchestration of the frustrations of the electorate in the aftermath of an organic crisis. After delineating the AKP's initial passive-revolutionary stage through a reading of populism, in the second part of the chapter I extend my analysis and offer a reading of the

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<sup>25</sup> Cihan Tuğal, *Passive Revolution: Absorbing the Islamic Challenge to Capitalism* (Stanford, California: Stanford University Press, 2009)

<sup>26</sup> I mainly refer to a vast body of literature some examples of which are the following. Deniz Yildirim, "AKP ve Neoliberal Populizm," *AKP Kitabı: Bir Donusumun Bilancosu*, ed. Ilhan Uzgel and Bulent Duru (Istanbul: Phoenix Yayınevi, 2009): 66-107. Baris Alp Ozden and Ahmet Bekmen, "Rebelling against Neoliberal Populist Regimes," *Everywhere Taksim: Sowing the Seeds for a new Turkey at Gezi* ed. Isabel Davis (Amsterdam: Amsterdam University Press, 2015): 89-101, Ismet Akca and Baris Alp Ozden, "AKP ve Türkiye'de Neoliberal Otoriterizmin Sinifsal Dinamikleri", *BaslangicDergi*, <http://baslangicdergi.org/akp-ve-turkiyede-neoliberal-otoriterizmin-sinifsal-dinamikleri/>

second stage of the AKP's passive revolution which takes place after 2007. I argue that throughout the first decade of its rule, the AKP had shifting hegemonic strategies that manifested different gradations and nuances of passive revolution. In fact, these shifts indicate ruptures and continuities in the AKP's rule which designate different strategies of contestation and struggle with the antagonistic bloc, namely the Kemalist-Republican elites within the continuous schema of passive revolution. I read the shift in these hegemonic strategies by undertaking a Gramscian analysis of 1) the change from *war of position* to *war of manoeuvre* within the state, and 2) the change from passive revolution in its *defensive* phase to its *offensive* phase. While the former renders the gradual intensification of the AKP's populism's confrontational discourse against the Republican elites visible, the second emphasizes the AKP's move towards a more explicit strategy of *inter-class hegemony* that culminates in a more assertive strategy of incorporating the people to its anti-Kemalist bloc along with liberal-democrats, left-liberals and some left-wing radicals.

After analysing the AKP's passive revolution in two different stages and underlining the escalation of the populist confrontational stance in the second stage, I expand the scope of my analysis and offer a general account of 'who the people are' in the AKP's general populist imaginary. I claim that the AKP articulates the people based on three discursive legacies, namely the state-centric discourse, Islamism and conservative-right wing politics. The articulation of the three discursive legacies becomes an overall sign of the AKP's populist politics as it rises upon the latter's deliberate and strategic choice to merge *anti-statism* with Islamism's/ right-wing conservatism's *statist agendas* to conquer the state. I also argue that if there is one constitutive component that undergirds the AKP's success in articulating these three discursive legacies, it is the hegemonic crisis of Kemalism. Put simply, the AKP's populist success relies on merging these three discourses in the service of constructing the people against the 'antagonistic' bloc of the Kemalist-Republican elites and the hegemonic failure of Kemalism proves advantageous to the AKP to further passive revolution from below. As the AKP's success is intimately linked with the hegemonic failures of Kemalism, I revisit the question of Kemalism and

offer an interpretive framework that would link the failures of Kemalism with the AKP's populist success. At this point, I revitalize passive revolution as a concept that offers us a broader historical framework which does not simply cover the period of AKP rule but also Kemalism itself, especially its roots in the origins of the Turkish Republic – in the guise of the Kemalist modern nation-state formation that unfolded in the second and third decades of the 20<sup>th</sup> Century. In a nutshell, I argue that the complexities and intricacies that determine the relation between the AKP and Kemalism can in fact be interrogated via the more expansive historical periodization of passive revolution in Turkey.

Countering the AKP infused historiography that equates Kemalism solely with *modernization from above*, I deploy a particular understanding of passive revolution and lay out the trajectories of Kemalist Revolution that date back to the *Young Turk legacy* in the 1900s. My intention is to offer a new perspective which is context-sensitive and hence, to grasp the hegemonic failures of Kemalism without losing sight of its historical emergence. Thus, just like in the case of the AKP, I delineate different periods of Kemalism and argue that its hegemonic failures and deficits become most visible in the 1930s with the Kemalist state/party's implementation of an official ideology, namely *Kemalism (Six Arrows)*.

In the last section of the third chapter, I claim that the AKP's passive revolution is both continuous and ruptural with Kemalism and the hegemonic failures of Kemalism are used as leverage points to fuel the AKP's populist power strategy and to solidify its base. All in all, this chapter demonstrates that the concept of passive revolution is highly relevant to understanding the modern Turkish political landscape and offers us a broader historical lens in order to understand the AKP's populism and its hegemonic strategy to antagonize Kemalist elites.

In the first section of the fourth chapter, I argue that the AKP's aforementioned overall shift in the hegemonic strategy becomes most explicit at the moment of the 2010 Constitutional Referendum. I address the AKP's populist politics at that moment as part of a broader hegemonic strategy and interpret it as a confrontational one which signifies a particular



instance of the ‘radicalization’ of passive revolution in the limits set by the Turkish constitutional/legal framework. To summarize briefly, Turkey went through an important referendum on 12 September 2010, the date marking the 30<sup>th</sup> year of the military take-over. This served to heighten the referendum’s symbolic value as a contestation of the ‘past’ anti-democratic assaults against the parliament, the major one being the 1980 *coup d’état*. However, the AKP’s main agenda in the Referendum was to remove the obstacles that hindered its claims for sovereignty, namely the tutelary power of the military and the high judiciary. The ‘anti-tutelary’ measures proposed by the constitutional reform package resulted in massive support from the electorate and a broad populist coalition around the empty signifier (*anti*)*coup*. What made this case even more interesting was the AKP’s success in incorporating liberal democrats, left-liberals and some radical leftists to its populist coalition through its antagonistic rhetoric against the coup. Broadly, this rather uneasy *co-optation* of the liberals along with some left-wing radicals signalled what Gramsci conceived in terms of the second phase of passive revolution, where the figures of opposition were incorporated into the ‘power-bloc’ in massive numbers. In the Turkish case, these groups had their own motivations, stemming from a teleological expectation of the realization of ‘rule of law’ through the removal of the vestiges of the past that were rooted in the military coup(s) and its legacy.

In the Turkish historical context around 2010s, the AKP’s passive-revolution’s second stage was directly correlative to its authoritarian tendencies, i.e. its agenda to conquer the institutions of the state that might be obstacles to its gradual monopolization of power. In fact, one can read the AKP’s second passive revolutionary stage and the concomitant striving for ‘inter-class’ hegemony in terms of the ‘gradual’ move to *stretch* the limits of liberal democracy. The Constitutional Referendum was such a historical moment disclosing the immanent relation between these two aspects as 1) the empty signifier ‘coup’ functioned as a nodal point which helped subordinate the particular demands under the sovereign agency of the AKP, and 2) the AKP’s confrontational discourse against the elites exemplified populism’s expansionist agenda aimed at conquering the state and stretching the limits of liberal democracy. Thus, in order to put forward

a more in-depth understanding of these correlative practices , I revisit Laclau’s ground-breaking work, *On Populist Reason* in this chapter.<sup>27</sup> I argue that his analysis, while endorsing and laying down a general understanding of left-wing populism, can be contributory to interrogating an example of right-wing populism, like the case of the AKP, on the *descriptive* level.

Based on these insights, in the second part of the chapter, I substantiate my claim about the conceptual affinity between passive revolution and populism by turning to Laclau’s general theory regarding the empty signifier. I argue that in Laclau’s account of populism, the priority of the *representative* instance of the empty signifier ends up reproducing the political *inertia* of the people. I argue that the AKP’s populist articulation of the empty signifier ‘coup’ subordinates the particular demands of the people under the agency of the sovereign in a similar way. On the other hand, the shift in the AKP’s modality of passive revolution, which marks a change from a defensive stance to an offensive one, nicely captures our point about populism’s expansionist agenda.

In the final part of the chapter, I revisit my theoretical discussion in the second chapter which concerns populism’s *expansionist* agenda and substantiate it through another critical engagement with Laclau. I isolate three important characteristics of populism through a critique and reinterpretation of Laclau’s general account of antagonization and the empty signifier. First, I build on the second chapter to advance a Lefortian interpretation of Laclau, arguing that populism is predicated on the political imaginary of popular sovereignty as the absent ground which is inaugurated by the democratic revolution. Based on this framework, I investigate two major features that distinguish the populist politics. First, I investigate how antagonization is a major source of populism’s expansionist agenda when the latter is backed by the state and formulated in terms of the substantial identity of the people. My preference for the concept of antagonization over antagonism is no coincidence. It designates an ongoing process of the creation of a “we” by the delimitation of a “them”<sup>28</sup>, denoting the

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<sup>27</sup> Ernesto Laclau, *On Populist Reason* (London and New York: Verso, 2005)

<sup>28</sup> See Chantal Mouffe, *The Return of the Political* (London and New York: Verso), 2-3

Schmittian problematic of the political, i.e. deciding on who the enemy is.<sup>29</sup> Second, I argue that populism's other distinguishing feature resides in the populist leadership's expansionist tendencies to exceed the limits of the liberal-democratic rules of the game in favour of the 'people'. In the conclusion, I designate how these two presuppositions of populism, namely antagonization and leadership play themselves out in 2010 Constitutional Referendum, emphasizing their role in stretching the limits of liberal democracy.

In the fifth chapter, I offer an account of the AKP's constitutional/legal politics and its relation to constitutionalism. Based on the Lefortian theoretical premises of the second chapter, I put forward the claim that at a minimal level, constitutionalism accompanies representative democracy, providing the institutional guarantees that institutionalize the 'empty place of power' which representative democracy takes for granted. I argue that populism is parasitical on constitutional democracy just like it is parasitical on representative democracy. I argue that populism's parasitical nature turns destructive as it disfigures and hollows out the normative underpinnings of constitutionalism and rule of law by infusing constitution and law with the majoritarianist aspirations of the ruling power. Taking my cue from this general idea, I investigate, first, how the AKP's populism engaged with constitutionalism at the time of the Referendum, second, how the AKP instrumentalized law in the political trials, with special emphasis on the trials of the junta. While in the former, the AKP's majoritarianism disfigures constitutionalism by opening the high judiciary to political influences, in the latter, the AKP overdetermines both the content and form of the criminal proceedings such that law becomes an instrument in furthering the AKP's populist agenda. I pick out three political trials, namely the KCK, Ergenekon and junta trials and argue that, contrary to what one might expect, they were conducted employing similar criminal charges, similar populist rhetoric and similar criminal proceedings which unfolded through

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<sup>29</sup> See Mouffe, *Ibid.* For an analysis of Laclau's and Mouffe's different deployments of the concept of antagonism throughout their writings, one of which is the aforementioned Schmittian idea, see Mark Wenman, "Agonism and the Problem of Antagonism," *Agonistic Democracy: Constituent Power in the Era of Globalization*, 192

the exceptional spaces within jurisdiction, namely the specially authorized courts (*Ozel Yetkili Mahkemeler, OYMs*)

Finally, in the conclusion, I open up a theoretical discussion aimed at a political conceptualization of the people that goes beyond populism's representative modality. I argue for an emancipatory politics of the 'people as event' that challenges its capture by populist power and investigate the traces of this kind of a resistance in the very scene of the political trials of the junta in Turkey. Deploying Jacques Rancière's theoretical framework, I argue that certain phrases and words that were adopted by the litigants and interveners in the scene of the trials interrupted the populist overdetermination of the courtroom and began to function as markers of a division and separation that was predicated upon the political subjectivation of the people.<sup>30</sup>

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<sup>30</sup> Jacques Rancière, *Dis-agreement: Politics and Philosophy*, trans. Julie Rose (Minneapolis and London: University of Minnesota Press, 1999)

## Chapter 2

### Populism and Liberal Democracy: A Theoretical Framework

#### 2.1 Liberalism and Populism: Some Preliminary Remarks

It is no coincidence that Ernesto Laclau, in his famous book *on Populist Reason* (2005), suggests that the populist label is typically applied to political actors in denigrating fashion, with a negative connotation to dismiss mass-based politics in the name of liberal-democratic rationality. He argues that because it is inherently built on the legacy of the 19th century theories of ‘crowd psychology’ that associate the politics of the crowd with ‘aberrance’ (emotionality and irrationality), populism is put to use for “the discursive construction of a certain normality, of an ascetic political universe from which its dangerous logics had to be excluded”.<sup>1</sup> Laclau’s agenda is overtly political since he aims for the revitalization of both the concept of populism and its main signifier, the people, against the ‘sedimented’ forms of ‘liberal’ institutionalized politics: not only a call for the hegemonic articulation of the people, a counter-hegemonic attempt to ‘antagonize’ the political order *per se* but also, a call for (counter) polemicization to render visible the exclusionary logic pertaining to the post-political liberal imaginary.<sup>2</sup>

At this point, we can pose a simple question to clarify the point of departure this chapter takes: Should we take this polemical/counter-polemical exchange between populism and liberalism as a ‘pure’ political confrontation in which the two sides remain untouched by one another, untainted by the presuppositions of the ‘disqualified’ other? Today, is the liberal position ‘purely’ attached to ‘constitutionalist’/rationalist/moralist ideals of liberalism, which claim *both* that the supreme authority in the state

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<sup>1</sup> Ernesto Laclau, *On Populist Reason* (London and New York: Verso, 2005), 19

<sup>2</sup> Thus, in one way, he invokes the Schmittian insight on the nature of the political concepts and the concept of the political as such. For Schmitt, all political concepts, images and terms have polemical meanings but above all, the concept of the political has a polemical meaning as well. Whether the adversary is designated as apolitical, or as political in order to portray oneself as apolitical (in the sense of: purely objective, purely scientific, purely moral, purely juristic, purely aesthetic, purely economic, or on the basis of similar purities), the concept of the political is susceptible to polemicization. Carl Schmitt, *The Concept of the Political*, trans. George Schwab (London and Chicago: Chicago and London Press, 1996), 31-32

should reside with the law-the arbitrary exercise of power by the state needs to be constrained by means of an array of checks and balances in order to guarantee the individual rights- *and* that we can reach a ‘rational’ consensus on the political matters of dispute on a moralist conception of the universal good<sup>3</sup>. Asking the question in a different but similar vein, is today’s liberalism simply a disguise for neo-liberal triumphalism in which politics amounts to the extension and maintenance of human rights and the rule of (liberal) law, intrinsically linked to individualism and ‘economic rationality’.<sup>4</sup> Or, is populism simply an anti-liberal/ anti-representational pseudo-politics which is built on an irrational/emotional appeal to the people, calling for a ‘by-pass’ of the institutional ‘mediations’ of the liberal rule of law and representative system in order to ‘take over political power’ which equals to a quasi-totalitarian excess? I argue that contrary to these pure conceptions, there is most of the time an impurity, an entanglement between populism and liberalism: Most of the time, the liberal ideal of the rule of law partakes from the presupposition of populist politics, the sovereignty of the people and ‘addresses the question of how to reconcile legitimacy with rationality, sovereignty of the people with rationality’.<sup>5</sup> On the other side of the equation, populism does not essentially have to condemn the liberal institutionalized setting, disqualifying the latter as a scam but partakes from its logic of representation in order to approximate it to the ideal of the rule of the people.

In the literature on populism, the predominant take that emphasizes the level of ideas or organizational structures reproduces the binary of populism and liberalism. At the ideational level, the bifurcation of populism and liberalism is reinforced by some major prominent thinkers like Mudde who argues that populism is an ideology that conceives of society as being ultimately separated into two homogeneous and antagonistic groups, ‘the pure people’ versus the elite and which argues that politics should be an

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<sup>3</sup> See Chantal Mouffe, *The Democratic Paradox* (London: Verso, 2000) and Koen Abts and Stefan Rummens, “Populism versus Democracy,” *Political Studies* 55 (2007): 405-424

<sup>4</sup> For a critical assessment of the post-political in relation to Laclau’s theory on populism, see Donald Kingsbury, “Populism as Post-Politics: Ernesto Laclau, Hegemony, and the Limits of Democracy,” *Radical Philosophy Review* 19, No. 3 (2016): 569-591

<sup>5</sup> See Chantal Mouffe, “The Paradox of Liberal Democracy” in *The Challenge of Carl Schmitt* ed. Chantal Mouffe (London and New York: Verso, 1999), 45

expression of the general will of the people.<sup>6</sup> In a similar way, in Koen Abts' and Stefan Rummens' summary of its central components, populism revolves around an antagonistic relationship between the people and the elite, favours more direct forms of democracy, such as majority rule or referenda which should replace current intermediary institutions at the expense of constitutional guarantees, claims to *present*, not to *represent* the essentialist will of the people and accordingly, presumes the people to be a homogeneous entity who is united and indivisible.<sup>7</sup>

This level of analysis at the ideational level resonates with other approaches that engage with the populist question at the organisational level and as a style of politics. The idea is basically that in populism, we find a style of 'charismatic' leadership that 'results in systematic attempts to bypass intermediary groups' and directly links with the people. In a different fashion, populism is considered to be a mobilization of the masses against the inertia of the representative institutions, broadening the scope of political participation and challenging the liberal delimitation of the political space.<sup>8</sup> Also, in accordance with this general picture, populism is associated with a certain rhetoricality, a style of communication whereby the populists by-pass the difficulties associated with negotiations that concern complex problems and instead, offer simplistic solution in a tabloid-like language, appealing to the ordinary citizen and the common sense of the people.<sup>9</sup>

At both ideational and organizational levels, we encounter a constellation of images and words that reinforces the contrast between populism and liberalism. For, the general agreement on the populist impatience with the formalized procedures of liberal institutional politics or the invocation of the general will of the people as the ultimate source of political legitimacy reproduces the binary of populism and liberalism. However, this study

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<sup>6</sup> Cas Mudde, *Populism: A Very Short Introduction* (New York: Oxford University Press, 2017), 6

<sup>7</sup> Koen Abts and Stefan Rummens, "Populism versus Democracy," *Political Studies* 55, No. 2 (2007): 405-424

<sup>8</sup> See Kenneth M. Roberts, "Populism, Political Mobilizations, and Crises of Political Representation," in *Promise and Perils of Populism*, ed. Carlos de la Torre (Kentucky: Kentucky University Press, 2015): 140-158

<sup>9</sup> For a further discussion on the aspect of populist rhetoric, see Margaret Canovan, "Trust the People! Populism and the Two Faces of Democracy," *Political Studies* 47, no.1 (1999): 2-16

departs from such a dichotomization. I argue that there is no binary as such but an impure engagement whereby one side partakes from the presupposition of the other. But, does that simply mean we have come full circle to admit that populism is simply an ‘illusion’, that is deeply embedded within the liberal-democratic political imaginary while claiming to act on behalf of the people. Put in another way, is it simply the case that populism’s war against the liberal/technocratic elite is an already lost battle, simply re-inserting the ideals of representative democracy in disguise? Is there simply no ‘excess’ whatsoever pertaining to the populist reinvigoration of popular sovereignty? I will address these questions in the following pages.

## **2.2 The Populist Question:**

### **2.2.1 What Makes Populism Elusive?**

It is hardly surprising to find a scholarly discussion on populism that does not start by underlining the concept’s elusive and contestable nature. Benjamin Moffitt suggests that this acknowledgement which has become such an axiomatic feature of the discussions of populism that it nearly turned into a cliché can mean either of two things: It is either that it has become so widely used that one should dethrone it as an analytical concept altogether or it indicates that there is something important about it that it keeps circulating in the academia. This chapter agrees with the latter argument and follows the footsteps of Worlin’s suggestion that ‘since the word has been used, the existence of verbal smoke might well indicate a fire somewhere.’<sup>10</sup> But, why is there a verbal smoke around the concept to begin

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<sup>10</sup> Peter Worsley cited by Ernesto Laclau, “Towards a Theory of Populism,” in *Ernesto Laclau: Post-Marxism, Populism and Critique*, ed. David Howarth (London and New York: Routledge, 2014), 113. Thus, one might as well read this last statement in two ways: First, the fire might indicate the empirical wealth of the populist ‘phenomena’ that the ‘political-scientific’ analytical tools are not ready to accommodate at the present moment. This anticipationist mode of approaching populism is flawed to the extent that it relegates the conceptual ‘impurity’ of the concept to epistemological obstacles that are anticipated to be overcome. However, a possible second reading might suggest that the fire signals some kind of a ‘crisis’ elsewhere which populist smoke is a symptomatic *expression* of, a ‘negative’ indicator that something is not going well in the ‘order of things’ as usual, namely the liberal-democratic representational politics. One can even further this last statement and argue that ‘crisis’ is also a crisis of meaning, a fundamental ‘deadlock’ of the liberal epistemic order to pin down the populist phenomena, to render it clear as a conceptual category and this explains its ‘spectral’ presence and elusiveness, an excess that cannot be ‘properly’ put into its place. Thus, in this second reading, populism renders



with? Is it simply a result of its imprecision, vagueness or mere rhetoricality that one way or another relegates it to the peripheries of analytical rigor? As mentioned earlier, according to Laclau, these ‘negative’ attributes are directly a result of the liberal-rationalist denigration of populism. In his view, it is precisely the vagueness and undetermined nature of the social reality as such that populism expresses and hence, these claims should be taken at face value and turned into weapons against the liberal de-politicization. However, one should also claim that populism is elusive because the central signifier around which it is constructed, namely the people is structurally elusive and hence, in a Laclauian fashion, open to different articulations.<sup>11</sup>

Thus, I argue that the elusiveness of populism is directly a result of the elusiveness of the concept of the people, and populism is unlike other thick ideologies like socialism and liberalism, restricted to the core notion of the people and hence, denies any identification with or classification into the Right/Left or democratic/authoritarian dichotomy.<sup>12</sup> As Worsley argues, the term is wide enough to encompass right and left-wing variants, to appear in advanced and developing countries, in towns and in the country-side and amongst workers and the middle-classes as well as peasants.<sup>13</sup> It has been linked to rural-based movements in the United States, the labour-based movements of Peronism in Argentina, or even the anti-communist fascist regimes of Europe.

### **2.2.2 Laclau and *On Populist Reason*: A Critical Assessment**

Laclau’s theoretical intervention in order to elevate populism to a theoretical concept comprises of a formal move. He displaces the populist identification of people from ‘contents to form’ whereby the relations of representation

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visible a ‘crisis’, a crisis that expresses itself in populism’s excessive intrusion in the order of things, introducing a fundamental ambiguity, a dis-location into the hegemonic political imaginary.

<sup>11</sup> See Laclau, *On Populist Reason*, 18. For Laclau, the vagueness and elusiveness of populism is a result of its own operation, or in Laclau’s words, its own performativity in signifying the concept of the people rather than a result of its clumsiness.

<sup>12</sup> Cas Mudde *Populism: A Very Short Introduction* (New York: Oxford University Press, 2017), 6

<sup>13</sup> Peter Worsley, “The Concept of Populism,” in *Populism*, ed. G. Ionescu and E. Gellner. (London: Weidenfeld & Nicolson, 1969), 242-243

are ontologically constitutive. Simply put, if a movement articulates itself as populist, it constitutes itself as a populist movement, but only then, not because of any intrinsic tendencies of the movement. The multiplicity of meanings associated with populism is a result of its form, its own performative operation in articulating some group or community as the people which opens the latter to different meanings and articulations. We might simply point out that this ‘performative’ nature of the articulation of a group as *people* is symptomatic of something else: the elusiveness of the people. We have no *proper* content, no measure of authenticity or objective criteria as to define an entity as people/People.

But, what exactly does this structural elusiveness mean? There are ways to address this problem of structural elusiveness that will provide ways to assess the question of populism at a more profound level. For Laclau, the structural elusiveness of the people is not inherent to the category of the people as such but is precisely a result of ‘producing emptiness out of the operation of hegemonic logic.’<sup>14</sup> Laclau’s formal account of populism is based on the ‘hegemonic’ operation in which the ‘democratic’ demands that are not absorbed differentially by the institutional channels coalesce around an equivalential articulation of demands, making the emergence of people possible against an antagonistic other. The idea is basically that when a series of particular democratic demands are, as a result of their dissatisfaction, articulated as popular demands in an opposition to the ‘power structure’, the people emerges as a political subject *par excellence*. However, for this operation to succeed, one needs the ultimate hegemonic operation of the emergence of the empty signifier: That is, the equivalence of the demands is possible whenever an internal ‘demand’ in the differential chain of particular demands assume the representation of the whole which integrates them in a coherent system, condensing the particularisms and steering the division ‘us and them’ by erecting antagonistic frontiers.<sup>15</sup> The signifier of an impossible totality/absent fullness of the community as such, the empty signifier emerges as a *production*, an hegemonic operation in which a ‘particularity’ gradually detaches from its content, empties itself to

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<sup>14</sup> Laclau, *On Populist Reason*, 166

<sup>15</sup> Laclau, *Ibid.*, 74

signify universality. ‘People’ is an empty signifier that exemplifies the populist hegemonic operation in its purest: The struggle over the expansion of a chain of equivalence at the expense of the field of difference (democratic demands coalescing around popular demands), and concomitantly over the emptying of the signifier.<sup>16</sup> One important thing to remember is that its hegemonic operation is simultaneously counter-hegemonic in introducing a disruption into the ‘hegemonic constellation of power’, which materializes in disclosing the internal split of the People between *populus* and *plebs*, the whole and the part. For Laclau, populist production of the people requires an operation that presents the *plebs* as the totality of the *populus*.<sup>17</sup> Thus, the antagonistic frontier between us and them is a precise result of claiming to be the People while antagonizing the Other as ‘status-quo’ or elites who are ‘not’ part of the People.

Laclau gives us a way to challenge the normativist liberal framework that denigrates populism as a kind of irrationality and ultimately disrupts the imaginary around the People-as-One: Laclau introduces a split within the very notion of the People and offers us ways to scrutinize the structural elusiveness of the People which is intrinsic to the hegemonic operation as such, making the signifier of the People open to different articulations.<sup>18</sup> In this argumentative mode, there is not one People but always struggling operations to ‘hegemonize’ the people, to ‘name’ the people around a central nodal point that hinges on ‘politicization’.<sup>19</sup> However, and this is one of the central arguments of this chapter, his invocation of populism as the formal political articulatory logic of articulating the people *per se* seems to evade the tension-ridden yet intrinsic relation between populism and liberal-democratic imaginary. His attempt to politicize populism to the extent that the latter becomes identical to politics and hegemony as such, diminishes our capacity to interrogate populism as a problem inherent to ‘liberal-democracy’. He argues that precisely by way of de-linking populist

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<sup>16</sup> For an elaborate discussion on this topic see Benjamin Arditi, “Populism is Hegemony is Politics? On Ernesto Laclau’s *On Populist Reason*,” *Constellations* 17, no.3 (2010): 488–497.

<sup>17</sup> Laclau, *On Populist Reason*, 93

<sup>18</sup> See Oliver Marchart, “In the Name of the People: Populist Reason and the Subject of the Political,” *Diacritics* 35, no.3(2005): 3–19.

<sup>19</sup> See Laclau, *On Populist Reason*, 101-105 and Laclau, “Why do Empty Signifiers Matter to Politics,” *Emancipation(s)* (London and New York: Verso, 1996), 37-45

antagonistic articulation of the people from 'liberal-democratic' imaginary, he 'liberates' the term from its conceptual and political de-limitation by liberalism. Following Chantal Mouffe, he suggests that the articulation between democracy and liberalism is totally contingent, and hence, for him, populism attests to the 'possible' way to re-activate the democratic side of the equation without getting entangled in the straightjacket of the liberal-democratic framework.<sup>20</sup> While it is true that he does not leave out the possibility of a particular articulation of the liberal principles as popular demands, giving the example of civil rights and liberties becoming part of popular demands in Latin America in the 1970s, he does not think of this relation as an intrinsic one but one through which 'populist' articulatory logic hegemonizes the 'liberal' ideals. The initial premise is one that posits 'exteriority' between liberalism and populism, escalating the latter to the *a priori* level of a formal/transcendental logic of the political while de-politicizing the former.<sup>21</sup> In this model, liberal 'universalistic' rationalism and ideals associated with it can only be politicized, made part of a democratic constitution of the people via the populist intervention. Thus, in the Laclauian framework, without a popular intervention, the universalistic ideals of liberalism approximate what he calls institutionalist totalization, an ideal of 'humanity' ('one community') assembled differentially under the rule of law. Thus, in the last instance, for Laclau, liberalism is wrapped within a 'differential'- institutional logic.<sup>22</sup> Populism is the political logic *per se*, while liberalism is the a-political 'institutional' one. Hence, we return to where we started; Laclau's theoretical project is inherently (counter)polemical, a 'political' intervention to name, constitute and arm a populist project not only against the neo-liberal triumphalism of the new age but also, the de-politicizing tendencies of 'liberal' universalistic ideals.

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<sup>20</sup> See Chantal Mouffe, *The Democratic Paradox*, 2 and Laclau, *On Populist Reason*, 167

<sup>21</sup> When referring to Laclau's general hegemonic theory on the 'particular' content hegemonizing the universal form, one should also remember that in Laclau's thought 'liberalism' simulates a form of collapse between the particular and the universal, the Universal transparent to itself and this aspect reveals its a-political nature.

<sup>22</sup> Laclau, *On Populist Reason*, 81

### 2.3 People, Democracy and the Empty Place of Power: A Lefortian Interpretation

One can challenge Laclau's approach by taking a different stance on the question of the structural elusiveness of the people. In fact, Laclau himself inadvertently invites the reader to this kind of a scrutiny when he positions his approach as critical of Lefort's famous thesis on the 'empty space' of power. He argues that for Lefort, the place of power in democracies is empty and it is a structural location that forever eludes the grasp of one substantial identity to 'naturally' claim it. For Laclau, his own approach differs from Lefort precisely because the latter concentrates exclusively on liberal-democratic regimes while he himself pays attention to the popular-democratic subjects.<sup>23</sup> As far as the discussion concerns political subjectivation and eventual capacity of the people, one can agree with Laclau's critique that Lefort remains within liberal-democratic representation and avoids an alternative thinking of the people. But maybe, that is precisely the reason why one should start from Lefort's theory when engaging with the question of populism. Lefort's analysis gives us a chance to interrogate populism precisely as an 'inherent' product of liberal-democratic imaginary, exploiting the tensions and the 'vulnerability' of the latter to claim 'power to the people'. To clarify this statement, let me go back to the discussion on the structural elusiveness of the people and show how his idea challenges Laclau's schema in a profound way, offering us a new historical and ontological lens to tackle the problem. Claude Lefort famously argues that democratic revolution instigated a process whereby the king no longer embodied the place of power and thus, emptied it:

Power was embodied in the prince, and it therefore gave society a body. And because of this, a latent but effective knowledge of what one meant to the other existed throughout the social. This model reveals the revolutionary and unprecedented future of democracy. The locus of power becomes an empty place... This phenomenon implies an institutionalization of conflict. The locus of power is an empty place, it cannot be occupied – it is such that no individual and no group can be consubstantial with it – and it cannot be represented.<sup>24</sup>

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<sup>23</sup> Laclau, *On Populist Reason*, 166

<sup>24</sup> Claude Lefort, *Democracy and Political Theory*, trans. David Macey (Minneapolis: University of Minnesota Press, 1988), 17

Here, the structural elusiveness of the people does not amount to a contingent articulation of the concept by different political actors but refers to the fundamental ‘ontological’ constitution of modern democratic imaginary. The people are elusive because they have to remain ontologically ‘absent’ from the political scene as such, at least since the democratic revolution that infused the ideal of popular sovereignty with representation. The idea is a Lefortian one which addresses the fundamental question of the sovereignty of the people. For the moment, I will limit myself to one ramification of his thesis on the democratic revolution. In Lefort’s view, within the democratic horizon people will be constitutively split such that on the one hand, the people have to take up the classical function of sovereignty, and on the other hand this function will be more than precarious, since they cannot resort to any transcendent ground of legitimation. In his historical and simultaneously ontological account, the transcendental space once occupied by the king is ‘emptied’ and no political force can claim to ‘embody’ the people as such, which means that the people have to remain an ‘absent centre’ around which political competitors contest one another’s legitimacy without claiming a ‘transcendental’ source of legitimacy.<sup>25</sup>

In his assessment of the Lefortian take on the question of the mutual chiasmatic and circular relation of the ontological and the historical, Oliver Marchart makes a wonderful point that without the democratic revolution there is no expansion of the name of the people into the imaginary horizon of all politics. But, he adds apropos Lefort that one needs to pay a certain price for it. The price is one that touches upon the constitutive role of representation in modern political imaginary: “The people as sovereign necessarily remain absent in democracy and still have to assume some sort of sovereign presence.”<sup>26</sup> Or, put in another way, the name of the people assumes the functions of sovereignty without a sovereign. This internal gap between ‘sovereignty’ and the sovereign or better put, the preceding ‘ground’ (‘absent presence’) of sovereignty that no particular sovereign claims to embody is what essentially defines the ‘empty place of power’ in

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<sup>25</sup> See Oliver Marchart, *Post-Foundational Political Thought* (Edinburgh: Edinburgh University Press, 2007), 92-96

<sup>26</sup> Oliver Marchart, “In the Name of the People,” 14

modernity. But, what does this mean? Lefort attributes the symbolic framework a constitutive role. Power works within the symbolic order and it institutes/forms the society precisely within the latter: it forms, gives meaning and simultaneously, stages the ‘society’ as a unity which makes ‘representation’ essential. Thus, the mutation at the symbolic level of power actually affects the whole formation of society in an ontological way: it constitutes the society as such in a totally different way.<sup>27</sup> For Lefort, the democratic revolution instigated a historically irreversible event such that the transformation of the symbolic place of power elevated the ‘event’ into a transcendental horizon. From that point on, no politics on the ontic realm is unaffected by the new ontological constitution of the political, populism included. In fact, what one sees is a proliferation of different forms of politics as both a reaction to and expression of the fundamental transformation of the political. What underlies the fundamental break in modernity with the advent of the democratic revolution is the installation of an unbridgeable gap between *the Symbolic* and *the Real* and the accompanying acknowledgement of this constitutive gap. This gap is indicative of an overarching political transformation in which the power is an empty place and it cannot be occupied; it is such that no individual or no group can be consubstantial with it.<sup>28</sup> ‘Democratic revolution’, as Stavrakakis puts it, marks a discontinuity from the heteronomous legitimacy of the pre-modern *ancien régime* to a new form of the political institution of the social, a society becoming aware of its own historicity, its own limits.<sup>29</sup> Thus, power detaches itself from fixed markers of certainty, including the body of the sovereign: it is now open to different contestations from different actors in the de-limited field of politics, ‘a field of competition between protagonists whose mode of action and programmes explicitly designate them as laying claim to the exercise of public authority’.<sup>30</sup> The conflict is institutionalized *per se*, that inscribes ‘lack’ into the very

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<sup>27</sup> Oliver Marchart, *Post-Foundational Political Thought*, 94

<sup>28</sup> Claude Lefort, *Ibid.*, 17

<sup>29</sup> Yannis Stavrakakis, “Democracy in Post-Democratic Times,” *The Lacanian Left: Psychoanalysis, Theory, Politics* (Albany: State University of New York Press, 2007), 262

<sup>30</sup> Claude Lefort, *Ibid.*, 226-227

structuration, the very ‘form’ of the society such that everything is open to contestation, ‘even the identity of the sovereign people’:

Power belongs to no-one, those who exercise power do not possess it; that, they do not indeed embody it, the exercise of power requires a periodic and repeated contest.<sup>31</sup>

The indeterminate nature of the modern democratic regime and the dissolution of a ‘transcendental’ guarantee does not necessarily mean though Lefort adds, the subsequent immanentization of power: “We would be wrong to conclude that power now resides in society on the grounds that it emanates from popular suffrage.”<sup>32</sup> For Lefort, transcendence, which he discovers via political theology, persists but with such a profound mutation that there is no transcending entity that could be imagined as a body, the body of the ‘popular sovereign’ included.<sup>33</sup> The transcendental dimension of power is left intact, meaning that ‘it remains the agency by virtue of which society apprehends itself in its unity and relates to itself in time and space.’<sup>34</sup> Thus, the symbolic emptiness of power does not simply indicate a ‘negative’ limitation of the contestants’ claims to ‘occupy’ this emptiness but also, refers to an ‘absent’ unity, the unity that is invoked precisely in its ‘absence’. At one level, one can claim that this means that ‘unity’ is simply the ‘unity of disunity’, an institutionalization of conflict on a procedural level. But that does not really give us the role, however absent it may be, the role of the central signifier of the People in forging democratic politics. Instead, I put forward a complementary but a nuanced reading that the idea of popular sovereignty functions as this kind of an ‘impossible unity’ that no form of politics is capable of monopolizing and hence, the impossibility of

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<sup>31</sup> Lefort, *Ibid*, 225

<sup>32</sup> *Ibid*.

<sup>33</sup> He marks the discontinuity in the register of the symbolic power through the idiom of the political-theology doctrine of the two bodies derived from the Kantarowicz’s famous work. What Kantarowicz’s famous work brings forward is the doctrine of the ‘two bodies of the king’: one earthly, mortal body subject to fate and the other immortal and collective, incarnating the unity of the kingdom, whose representational or official corporeality gives quasi-divine legitimacy, presence, and enduring substance to governmental authority across the succession of generations. These two bodies are incorporated in one person, Kantaworicz adds and that is precisely what makes the king’s body an effective point of linkage between the transcendental and immanent, ‘transsubstantiating’ his body into a ‘magical entity’, blurring the lines between the symbolic and the bodily. Then, what democratic revolution brings is disincorporation, the dissolution of the bodily attachment to the (symbolic) power and the emergence of the emptiness of power. See Eric Santner, “Of Kings and Other Creatures,” *The Royal Remains: The People’s Two Bodies and the Endgames of Sovereignty* (Chicago and London: Chicago University Press, 2011), 33-62

<sup>34</sup> Lefort, *Ibid*, 17



its embodiment.<sup>35</sup> As Lefort argues, in modernity “the identity of the people remains latent and ... the people are dissolved into a numerical element at the very moment of the manifestation of their will.”<sup>36</sup>

In Lefortian framework, every invocation of the people falls short of the ‘absent’ People. This has important ramifications for our analysis.

Following Benjamin Arditì, we can claim that the absent centre and the fragmented body of the people offer a way to go beyond the metaphysical question of the being of the People and give us a chance to approach the people as a moving target, an object of contestation and therefore a constitutively impure entity.<sup>37</sup> On the ‘ontic’ level of the post-foundational democratic order, structural impurity means that political actors accept the rules of the game of never-ending contestation and simultaneously acknowledge and negotiate the gap between ‘absent’ (pure) People and the people they represent. It also means an ‘exposition’ of the ‘iterability’ in the prefix re of re-presentation. Re-presentation is not representation as it “involves a repetition whereby the people return through a substitute, and cannot be reduced to a mere expression of pre-constituted identities and interests of the people.”<sup>38</sup>

The constitutive gap of authorization that foregrounds Lefort’s work on the ‘empty place of power’ can be further construed along the lines of what the literature in constitutional and democratic theory names the paradox of 1) constitutionalism and 2) democratic ‘peoplehood’. I will briefly discuss these as they do not only offer an in-depth engagement with the aforementioned Lefortian gap but more importantly, provide us important points of discussion to further our comprehension of populism in the later chapters. My general argument will be that when we assess the paradoxes of democratic peoplehood and constitutionalism in dialogue with Lefort, we can indeed go beyond the reification that accompanies the binaries in

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<sup>35</sup> For an elaborate discussion on the intricacies of this position see Andrew Arato, “Political Theology, Populism and the Constituent Power”, in *Post-Sovereign Constitution Making: Learning and Legitimacy* (New York: Oxford University Press, 2016), 269-298

<sup>36</sup> Lefort, *Ibid*, 230

<sup>37</sup> Benjamin Arditì, “The People as Representation and Event”, in *The Promise and Perils of Populism*, ed. Carlos de la Torre (Kentucky: The University Press of Kentucky, 2015), 95

<sup>38</sup> Benjamin Arditì, “The People as Representation and Event,” 95

question and offer a new theoretical framework on the representational gap of authorization.

#### **2.4 Paradox of Constitutionalism and Democratic Theory: The Impurity of the People**

The modern discourse of constitutionalism is indissociably linked with the liberal-democratic imaginary and is riven with the same tensions that ultimately come down to the fundamental perplexing question of who the people are and how they can exercise their sovereignty, self-authorship and self-authorization.<sup>39</sup> Interestingly, both in constitutional theory and democratic theory, there has been a prominent approach to designate this tension as a paradox that cannot be resolved.<sup>40</sup> One needs to interrogate what is meant by this paradox that allegedly revolves around the tension linking constituent power and constitutional form, law and politics, popular sovereignty and institutional representation and finally, democracy and liberalism more deeply in order to clarify the theoretical ground for our scrutiny.

One recent study is an example of a theoretical engagement with the paradoxes mentioned above. In a recently published article, Luigi Corrias engages with what he calls populism's implicit constitutional theory consisting of three separate, albeit interrelated, claims that comprise the notions of constituent power, popular sovereignty and constitutional identity of the people. The main argument is that in each of these instances, populism puts forward a conception of the people that cannot cope with the novel theoretical underpinnings of the contemporary constitutional theory.<sup>41</sup>

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<sup>39</sup> For an elaborate discussion on this topic see Scott Veitch, Emiliós Christodoulidis and Lindsay Farmer, *Jurisprudence: Themes and Concepts* (London and New York: Routledge, 2012), 65 and, Martin Loughlin and Neil Walker, *The Paradox of Constitutionalism: Constituent Power and Constitutional Form* ed. Martin Loughlin, Neil Walker (New York: Oxford University Press, 2007)

<sup>40</sup> See Frank Michelman, "How can the People ever make the laws?" in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (Cambridge, Mass: MIT Press, 1997). For a broader framework in order to assess the question of 'paradox' in democratic theory, see Bonnie Honig, "Between Decision and Deliberation: Political Paradox in Democratic Theory," *American Political Science Review* 101, no.1 (2007): 1-17

<sup>41</sup> Luigi Corrias, "Populism in a Constitutional Key: Constituent Power, Popular Sovereignty and Constitutional Identity," *European Constitutional Law Review* 12, no.1 (2016): 6-26

The argument rests on the claims that people in the populist discourse are 1) constituent power, already existing prior to and independent of a constitutional order and absolute superior over the constitutional rules, 2) present as one, with one (common) interest, and one will and 3) identical to itself, a homogeneous entity with common interests. The second part of the argument develops a critique of these assumptions and disclose how they remain blind to contemporary constitutional theory's new approaches that stress the constitutive dimension of re-presentation in forging the identity of the people.<sup>42</sup> People are never as pure and homogeneous as they are claimed to be or temporally antecedent to the representative forms but are always already entangled with the constituted power and representation. Thus, in fact, in his view, these populist assumptions remain blind to the paradoxical entanglements between people and representation, constituent power and constituted power which determine not only constitutional theory but constitutional democracy as such. Let me further elaborate on this point in order to make my stakes clear on the question of populism. There are basically three questions that interest us here: What do we actually mean when we say 'paradoxical entanglements'? Is it possible to reinterpret them within the aforementioned Lefortian analysis on the 'empty place of power'? Do populists really remain blind to representation and constituted power as Corrias and other prominent scholars of populism argue?

In the context of modernity where in Claude Lefort's words, the absolute markers of certainty no longer exist and the democratic imaginary rests ultimately on a condition of reflexivity<sup>43</sup>, meaning that there is no transcendental source of legitimacy but a sense of self-authorship, the people are supposed to be the subjects of the founding act that brings the constitutions into existence and hence, they are the constituent power. However, this presumption of self-authorship is disrupted with the antagonistic imperative that resorts to the idea of constitutional rights, the rule of law that limit the expression of that power. In the very beginning of

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<sup>42</sup> Luigi Corrias, "Populism in a Constitutional Key"

<sup>43</sup> For a discussion on the aspect of reflexivity in Lefort, see Warren Breckman, "Democracy Between Disenchantment and Political Theology", in *Adventures of the Symbolic: Post-Marxism and Democracy* (New York: Columbia University Press, 2006): 139-183

their introduction to the edited volume of *Paradox of Constitutionalism*, Martin Loughlin and Neil Walker provide us a helpful pathway to engage with this question of the aforementioned paradox. They argue that modern constitutionalism is underpinned by two fundamental though antagonistic imperatives which on the one hand claim that governmental power is generated from the consent of the people while on the other hand, call for the division and constraint of this power through distinctive institutional forms. They refer to Maistre's famous phrase, 'The people are a sovereign that cannot exercise sovereignty' which meant that in modern constitutional democracy, the sovereign power that people possess can only be exercised through the constitutional forms already established. For Emiliios Christodoulidis, the paradox amounts to the inherently paradoxical entanglement of on the one side, the commitment to democracy and thus to the right of a sovereign citizenry to determine the terms of public life and on the other side, curtailing that right in the name of constitutional rights?<sup>44</sup> For both accounts, the irresolvable paradox is one that concerns positing limits to accommodate the otherwise unassimilable which is the constituent power of the people. Interestingly, Chantal Mouffe uses the same label, 'paradox' to scrutinize the historically contingent articulation of the democratic and liberal logics as in her view, they are incompatible and constitutively in tension with one another. To reiterate once more, in her words, the democratic and liberal logics belong to two different traditions that emphasize incompatible and most of the time, antagonistic values which revolve around the basic tension between liberty and equality, rule of law and popular sovereignty. She calls this democratic paradox and criticizes the approaches that aim to transcend what is in her view a productive tension that helps us to constantly negotiate the limits of the liberal-democratic polity.<sup>45</sup> Thus, the paradox of constitutionalism converges with the idea of Mouffe's democratic paradox precisely on the matter of the incommensurable logics of liberalism and popular sovereignty.

In constitutionalism and democratic theory, the core of the paradox does not reside in the merging of two antagonistic imperatives but most

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<sup>44</sup> Veitch, Christodoulidis, and Farmer, *Jurisprudence*, 65

<sup>45</sup> Chantal Mouffe, "Introduction: The Democratic Paradox," *The Democratic Paradox*: 1-7

fundamentally. concerns the question of ‘who are(is) the people?’ The question at stake does not only concern the ‘liberal’ limitation of popular sovereignty but the latter’s paradoxical emergence in a temporal loop: the paradox of democratic founding. How can one assume the unity of the people identical to itself or the transparency of the general will over and above the constitutional rules and institutions? How can one presume the people to act as ‘One’ to forge a social contract when the very condition of their association presupposes that formal/institutional background in the first place? And, how can we resolve this paradox? Is it possible to construe the interpenetration of self-rule and law-rule without invoking ‘paradox’?

I argue that the problem with accounts that emphasize incommensurability is their treatment of paradox in terms of an antagonism between two incompatible logics, namely liberalism and democracy. As Bonnie Honig puts it in her critique of Mouffe’s account, the problem with her formulation that is based on the idea of incommensurable logics of liberalism and democracy is its tendency to reify ‘paradoxes’ into a fixed binary. Paradoxical articulation turns into hypostatized categorizations in which ‘the constitution represents law-rule and the people represent self-rule and these are seen at odds.’<sup>46</sup> The same problem can be seen when the paradox of constitutionalism is addressed as the articulation of antagonistic imperatives- rule of law on the one hand, popular sovereignty on the other.

I read the ‘paradox’ as a sign of the constitutive impurity of the people, the impossibility of its approximating the pure ideal of popular sovereignty in a liberal-democratic regime: the liberal representative form already impairs the alleged self-identity of the sovereign people. Thus, I offer a Lefortian interpretation of the paradox in terms of the representational gap that pervades the modern political imaginary: “The people as sovereign necessarily remain absent in democracy and still have to assume some sort of presence.”<sup>47</sup> Thus, in fact, one might argue that in the Lefortian universe, the aforementioned paradox of the people exercising their sovereignty only on the condition that they are not sovereign is no longer a paradox but an

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<sup>46</sup> Bonnie Honig, “Between Decision and Deliberation,” 9

<sup>47</sup> Oliver Marchart, “In the Name of the People,” 14

ineffable condition of all modern politics, attesting to the constitutive impurity of the people.<sup>48</sup>

The Lefortian *account of the interpenetration of self-rule and law-rule in liberal-democratic imaginary* gives us a clear path to reassess the populist question. First, it goes beyond the alleged exteriority of popular sovereignty to constitutionalism which falls short of capturing the ambiguities that pertain to populism. In fact, this *presupposition of exteriority, the extensions of which can also be disclosed in the accounts that emphasize the 'paradoxical articulation' of liberalism and democracy*, comes close to repeating what this chapter criticizes as the clear-cut dichotomization of populism and liberalism. It overlooks the 'interior but excessive' relation of populism to liberal-democracy. In order to grasp this ambiguity, what one needs to address is the ontologically constitutive *mediation* of the liberal-democratic imaginary that populism goes through that already 'contaminates' its appeal to a pure, identical and homogeneous People. Thus, one can reinterpret populism as constitutively impaired by this ontological dimension and problematize its allusion to 'purified' conceptions of the people, treating these conceptions as part of a power strategy in the ontic realm which I will be discussing in the later parts of this thesis.

## **2.5 Benjamin Ardit and Bonnie Honig as Interpreters of the Constitutive Impurity of the People**

The Lefortian detour on the ontological, and yet historical, elaboration of liberal-democratic imaginary gives us a unique chance to conceptualize populism as a modern phenomenon which articulates, expresses, reacts to and exploits the constitutive gap inherent to liberal-democratic imaginary. One can approach populism based on this ontological constitution of democratic imaginary. The question is the following: How does it relate to the constitutive gap, the ontological ground of the democratic

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<sup>48</sup> Here we come across a very important dilemma: Are we simply reinstating a theological dualism into the radical indeterminacy of democracy, meaning a juxtaposition of the 'absent God' against the empirical multiplicities of people. Andrew Arato's critical assessment is worth exploring on this point. See Andrew Arato, "Political Theology, Populism, and the Constituent Power", 269-298

institutionalization of the conflict, the conflict that presupposes that there is no People as One to be embodied by any political actor? I argue that a general tendency of populism is to exploit the tension that results from the inherent gap between absent People, the ‘ultimate source of legitimacy’ and the constitutive impurity of the people, the gap between the People and its representation. It does not reject representation as such or the liberal-democratic framework but tends to stretch it insofar as it can present itself as the ‘true’ representative of the people beyond institutional mediations. In order to offer a theoretical framework that can be helpful to understand these aspects, I will now revisit two modes of analysis, one directly a study on populism and the other a study on the paradox of politics to conclude the discussion of the conceptual background of what I define as populism’s ambiguous location within liberal-democracy.

A prominent theorist who directed his attention to the tension-ridden but not necessarily antithetical relation between populism and liberalism is Benjamin Arditì. His theoretical contribution to the study of populism is important in many respects and this section mainly takes guidance from his psychoanalytically inspired coinage of the term, ‘internal periphery’ which he uses to pinpoint the ‘imprecise’ location of populism in liberal-democracy. He opposes the perception of populism as an aberration of political democracy and as an antithesis of liberalism and proposes instead to conceive populism as an internal periphery of democratic politics.<sup>49</sup> What he means by internal periphery is really intriguing. He argues that the concept, derived from Freud’s discussion of the symptom as the repressed which always returns, is designed to capture the peculiar status of an outside that belongs, but not properly so. This is because, he adds, it is a region where the distinction between inside and outside is a matter of dispute.<sup>50</sup> He discusses three different ways populism emerges in the ‘internal periphery of liberal democracy’ and submits them to a gradation according to their inclination to trespass or to stay within the *limits of the liberal-democratic ensemble*. He claims that ‘transgression’ might express itself, on the one hand, in the form of a symptom of democratic politics, reinvigorating the

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<sup>49</sup> Benjamin Arditì, “Populism as an Internal Periphery of Democratic Politics,” 54-87

<sup>50</sup> Benjamin Arditì, “Introduction: The Edges as an Internal Periphery Politics,” in *Politics On the Edge of Liberalism*, 1-10

‘forgotten’ democratic premises or on the other hand, it might express itself as an underside or nemesis of democracy, pushing the limits of an authoritarian/totalitarian effacement of the democratic imaginary. These ‘edgy’ accounts of populism have a third and more mainstream variant which confines itself within representative politics, the representative mode of acquiring political power which nonetheless wanders at the internal periphery, constantly playing with the boundaries of inside and outside like the other two. Arditì’s accounts of different populist phenomena not only attests to the conceptual ambiguity of the concept but also reveals that its imprecise location arises precisely as a consequence of its contamination of the inside with the outside and vice versa. What populism does is to exploit this inherent vulnerability of liberal- democratic order, the elusive gap between outside and inside for its strategy of power. Thus, when one studies populism, one should consider how populist discourse tends to construct the outside (constituent power, popular sovereignty) while remaining inside the liberal framework.

The second inspiring theorist for a conceptual grasp of populism is Bonnie Honig. While her study that inspires this chapter does not directly deal with the question of populism, it invites the reader to contemplate the question of the constitutive impurity of the people. She offers a unique way to dissolve populism’s ‘illusionary’ references to ‘pure’ unity of the people and popular sovereignty. She discusses Rousseau’s famous paradox pertaining to democratic ethos and the predicament of forging a general will and relocates the paradox at the level of everyday politics. In a nutshell, Rousseau has been the prominent theorist of the chicken-and-egg puzzle and has wonderfully put it in terms of a temporal paradox where the predicament is that the people, untouched by democratic ethos, founds a virtuous set of institutions:

For an emerging people to be capable of appreciating the sound maxims of politics and of following the fundamental rules of statecraft, the effect would have to become the cause. The social spirit that ought to be the work of that constitution would have to preside over the writing of the constitution itself.<sup>51</sup>

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<sup>51</sup> Jean-Jacques Rousseau cited by Honig, “Between Decision and Deliberation,” 3



Rousseau's idea of the general will, the form of popular sovereignty that builds upon an abstraction of enlightened agreement and hence, the coincidence of will and reason has to already exist prior to the emergence of virtuous institutions and this paradox lies at the very origin of a democratic regime.<sup>52</sup> What Bonnie Honig does however is to relocate the paradox of founding at every moment of political life and not just at the origins of a regime:

Every day, new citizens are received by established regimes, and every day established citizens are reinterpellated into the laws, norms, and expectations of their regimes such that the paradox of politics is replayed rather than overcome in time.<sup>53</sup>

What she emphasizes is that the very ideal of the general will, that purified conception of the people is constitutively inhabited by 'will of all', the 'sum of private wills'.<sup>54</sup> Thus, there is no firm criteria to distinguish the will of all and 'general will', let alone a normative one as deliberativists would argue. The ideal of general will is inherently intertwined with traces of violence, multitude, the will of all and decision. Thus, popular sovereignty can never be 'purely' expressed on the political scene: The people are forever partially removed from their collective self-determination. In the democratic political scene, there is always space for the 'sovereign intervention', a heteronomy that is not inhabited by popular sovereignty as such but autonomous from it. What this implies for our study on populism is twofold: 1) this partial/constitutive alienation can be discerned in every proper political attempt to interpellate the people within a liberal-representative framework of democracy of which populism is but one example and 2) more particularly, populism does not only play with the gap in the (liberal) representational authorization as such but also, exploits the tension within democratic peoplehood in ways that blur the so-called differentiation and distinction between general will/the will of all. So Honig offers us a way to discover that we have actually not one but two gaps that are *logically* separate, one pertaining to the *empty place of power (Lefort) in liberal-representative democracy* and the other pertaining to the more fundamental

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<sup>52</sup> For an elaborate discussion on this topic, see Tekin, *Ibid*, 35-36

<sup>53</sup> Honig, *Ibid*, 3. For a broader discussion on this topic, see Honig, "Beginnings," *Emergency Politics*, 12-39 and, Mark Wenman, "Agonism and the Paradoxes of (Re)foundation: Bonnie Honig", *Agonistic Democracy: Constituent Power in the Era of Globalization* (Cambridge: Cambridge University Press, 2013): 218-267

<sup>54</sup> Honig, "Between Decision and Deliberation"

question of people's 'gap' in itself, its continuous 'contamination' by a *heteronomous* register, be it law, the institutional sphere of politics or *the leadership*'. Thus, Honig's Rousseauian paradox of democratic peoplehood ('determining who constitutes the people is a 'chicken-egg' problem, an unanswerable dilemma as the question subverts the premises of its resolution'<sup>55</sup>) is the formal matrix, the *prior one* that only later entangles with the so-called 'paradoxical' relation between *constitutionalism and democracy, legality and legitimacy, or liberalism and popular sovereignty*. This means that Honig's initial articulation of the Rousseauian paradox does not solely concern the premise of the representational gap of authorization inherent in 'liberal-democracy' but more fundamentally, speaks directly to the ambiguous and temporally paradoxical relation between the Sovereign People and the *form of their 'alleged' expression (i.e. social contract, law, elections, and essentially, leadership)*. Her account on Rousseau's paradox of democratic peoplehood is a treatise on the question of the people's constitutive alterity, its 'inherent impossibility to speak in its own name', its 'always-already' detachment from itself.<sup>56</sup> In fact, as we will see, the essential role of leadership in populism directly speaks to and exploits this fundamental gap, namely the constitutive alterity in the 'people' itself.

Overall, the initial premise of the theoretical model which I propose through a rereading of Lefort, Arditì and Honig is that populism does not *exceed* the limits of liberal democracy fully but exploits the tension within the latter that arises as a consequence of the 'gap' between popular sovereignty and its concrete mediated manifestation bound by the legal/institutional regulations of 'representation' that forever separate 'people' from its already fictitious identity to itself. I claim that Claude Lefort's theory of the empty place of power is a treatise on this gap which explains that in (*liberal*) *democracy*, power can no longer be embodied in a single figure but will always be temporarily occupied, meaning that there will always be a gap between an ideal 'body' of the people and the people as represented and mediated via institutions.<sup>57</sup> At this point, Bonnie Honig's theoretical

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<sup>55</sup> Bonnie Honig, "Between Decision and Deliberation," 3-7 and Bonnie Honig, "Beginnings," 12-39

<sup>56</sup> Jason Frank, "Populism and Praxis," 631

<sup>57</sup> Claude Lefort, *Democracy and Political Theory*

intervention offers us a novel approach to reconsider the tension between will of all and general will, namely the paradox of democratic peoplehood as a way to extend on the question of the gap between ‘institutional representation’ and popular sovereignty in liberal-democracy. Finally, Benjamin Arditi’s designation of populism *as an internal periphery of (liberal) democracy* offers us an illuminating perspective to reconsider populism as a particular phenomenon with a *parasitical* attachment to liberal democracy.<sup>58</sup> While remaining within the boundaries set by the representative gap, populism stretches the representative democracy to (re)claim the alleged power of the people. Arditi’s argument rests on the imaginary of a wandering ‘*symptom*’ (*populism*) that never leaves its binding territory of liberal democracy but nevertheless makes visible its ‘boundaries’, acting on them to further its cause. I reread this proposal along the lines of Lefort and argue that populism is the name of this act, the *persistent wander, negotiation, and play with the boundaries* that correspond to the gap between representation and presence (the absent ground of the ‘hypothetical people’)<sup>59</sup>. Thus, it is parasitical on liberal/representative democracy yet it constantly aspires to stretch the liberal/representative ‘rules of the game’ to (re)include the so-called forgotten sovereign, namely the people.

## **2.6 The Lefortian Turn: How Does It Help to Investigate the Populist Question in Turkey?**

A Lefortian analysis not only opens up a novel theoretical path to investigate the ambiguous yet internal relation between liberal-democracy and populism but also gives us important guidelines to understand the unfolding of the populist logic under the AKP rule. His emphasis on the ‘empty place of power’ and the representational gap of authorization offers us a unique perspective to understand the AKP’s endeavour to stretch the limits of liberal-democracy via the reclaim of sovereignty of the people. His

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For a discussion on this gap also see Stefan Rummens, “Populism as a Threat to Liberal Democracy,” 559-562

<sup>58</sup>See Nadia Urbinati, “Populism and the Principle of Majority,” 571- 587

<sup>59</sup> For a discussion on the *hypothetical* people as a counter-factual idealization that foregrounds the liberal-democratic institutional settings, see Paulina Echoa Espoja, “Populism and the Idea of the People,” in *The Oxford Handbook of Populism*, 615

emphasis on the ‘structural’ place of power in democracies offers us a lens that is historically orientated to investigating the trajectories of the AKP’s particular populist strategies of negotiating with this empty place of power. A Laclauian theoretical project that *prioritizes* the instance of constructing the people as an ‘empty signifier’, which has great value for a research that deals with populism like ours, falls short of such an approach that would delineate the contours of a possible populist response to this structural condition. Thus, the Lefortian analysis widens the scope of our analysis by inviting the question of the populist strategies of power and hegemony that the AKP undertake in relation to the ‘emptiness of power’, i.e. the representational gap of authorization in a liberal-democratic framework. As we will see in the third and fourth chapter in more details, the AKP’s authoritarian deformation and disfigurement of democracy proceeds through this Lefortian gap, exploiting the vulnerabilities of the latter to induce and impose populist majoritarianism.

## Chapter 3

### Passive Revolution and the AKP in the Context of Turkey

#### 3.1 Some Preliminary Remarks: Why Passive Revolution?

In the second chapter, I put forward a theoretical reading of populism that emphasizes its particular relation with liberal-democracy. I argued that it is intrinsically part of the liberal-democratic imaginary as it shares the latter's presuppositions around popular sovereignty and the constitutive role of representation. Thus, in an additional remark, I claimed that the self-presentation of the populists as the embodiment of the people is bound to fail as their ideal unity of popular sovereignty is already interrupted with the Lefortian representational gap of authorization. Finally, I put forward some preliminary marks on populism's unique nature in exploiting the gap of authorization via the invocation of an 'absent' unity through a reading of Arditì and Honig. I argued that the Lefortian turn, enriched by the discussions of Arditì and Honig, presents an important theoretical endeavour to start interrogating the AKP rule in Turkey insofar as it investigates the 'structural location' of the people in the liberal democratic imaginary and hence, opens the path to understanding the AKP's populist strategy to 'exploit' the gap of authorization in the service of its 'authoritarian' inclinations. In this chapter, I offer a more detailed reading of populism in the Turkish context under the AKP rule. While unravelling the nature of the relation between populism and liberal-democracy is unavoidable for our analysis, the discussion still needs *transposition* to a particular context that will overcome the possible shortcomings that would result from its embeddedness within a Western political imaginary. In this chapter, I offer a reading of populism in the Turkish context by deploying the theoretical framework of Gramsci's passive-revolution. One might read it as a general interpretation of the AKP's populism in terms of passive-revolution.

Just like populism, the concept of passive revolution has been an object of contestation, mainly due to the absence of a *clear definition* in the *Prison*

*Notebooks*.<sup>1</sup> Initially deployed to understand the Italian state formation, *Risorgimento* by Gramsci, later expanded to cover cases of European constitution of capitalist states and finally, used to decipher the general logic of capitalism in the aftermath of 1848 revolutions, the concept has been open to multiple appropriations due to the wide range of its objects of analysis: top-down transformations, displacement of subaltern agency, shifting hegemonic strategies and so on.<sup>2</sup> While Gramsci's analysis pursues, in most abstract terms, understanding 'the various concrete historical instances in which aspects of the social relations of capitalist development are either instituted and/or expanded'<sup>3</sup>, the particular political modalities of hegemony that accompany these transitions invite a more fruitful reading of the concept in different contexts. This chapter aims for this kind of a reading.

Taking Cihan Tuğal's ground-breaking work on the rise of the AKP in terms of passive revolution as a point of departure, I offer a *selective* reading of the concept, emphasizing the aspects that are helpful to grasp the *populist logic that pervades the AKP rule in the particular historical context of Turkish politics between 2002-2010*. As an influential concept that has received increasing attention in the last decades due to its aforementioned potential to offer a nuanced understanding of different political conjunctures in times of political *transformation, transition and restructuring*, passive revolution is valuable for an analysis of the AKP's neoliberal restructuring of the political landscape in the aftermath of the 2001 crisis in Turkey. As we will see in the discussions below, Tuğal's work is unique in this respect, revealing how the AKP's rise to power exemplified the incorporation of erstwhile Islamic radicals into the neoliberal project and built upon the idea of 'conservative democracy' in order to reinforce existing systemic patterns.<sup>4</sup> From the outset, this discloses the relevance of the concept of

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<sup>1</sup> Antonio Gramsci, *Selections from the Prison Notebooks*, ed. and trans. Quintin Hoare and Geoffrey Novell-Smith (New York: International Publishers, 1971)

<sup>2</sup> For an elaborate discussion on the contemporary relevance of the concept, see Peter Thomas, "Gramsci's Revolutions: Passive and Permanent," *Modern Intellectual History* (2018): 1-30

<sup>3</sup> A.D. Morton, "The Continuum of Passive Revolution," *Capital&Class* 34, no.3 (2010): 316

<sup>4</sup> Cihan Tuğal, *Passive Revolution: Absorbing the Islamic Challenge to Capitalism* (Stanford, California: Stanford University Press, 2009)

passive revolution to deciphering how the AKP's populism remains within the horizon of the existing systemic patterns, which are in our case the institutions of liberal-democracy. This aspect also resonates with our former thesis in the second chapter regarding populism's internal relation to liberal democracy. What this chapter introduces though is a *sequential narrative of passive revolution* that deals with different stages of the latter in order to assess the unfolding of the AKP's passive revolution.

My attempt at *periodization* expresses itself in two different ways. First, interrogating the AKP's populism in terms of passive revolution concerns different gradations and strategies of hegemony that cover different stages within the AKP rule between 2002-2010. Gramsci's reading of *Transformismo* in two stages that depict a continuous governmental strategy of incorporation and co-optation of oppositional forces, in defensive and offensive forms successively, offers us a novel perspective to understand the AKP's *widening populist appeal* throughout its rule.<sup>5</sup> While the first phase can be defined more along the lines of Cihan Tugal's analysis, referring to the molecular absorption of *individual figures of opposition to the neoliberal project*, the second phase is more offensive, confirming the AKP's consolidation of power via the incorporation of many forces of opposition, namely some leftists and left-liberals along with massive support from the electorate. I argue that the transition between these two phases of passive revolution also manifests the AKP's growing tendency to antagonize the *Kemalist elites* and promote *populism* in more confrontational tones. Thus, analysing the trajectories of the AKP rule through the prism of different stages of passive revolution also offer us a novel perspective to avoid the shortcomings of a bifurcated reading of populism/ liberal-democracy that is embedded within a Western political imaginary. This is mainly due to the AKP's success in co-opting liberal-democrats to its populist bloc.

Our second attempt at periodization, or more correctly 'historicization', deals with the question of passive revolution on a wider scale. As the AKP's *populist* success in antagonizing Kemalism invites the rather uneasy relation

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<sup>5</sup> Antonio Gramsci, *Selections from the Prison Notebooks*, ed. and trans. Quintin Hoare and Geoffrey Novell-Smith (New York: International Publishers, 1971), 58

between the two, this chapter attempts to read Kemalism as part of a broader context of passive-revolution in Turkish political landscape.

Overall, this kind of an analysis will help us further our discussions on how populism's ambiguous relation with liberal democracy unfolds in a non-Western context that is still overdetermined by the institutional framework of a liberal democracy, albeit with *flaws and exceptions that have to do with the particular trajectory of the passive-revolution in the Turkish context*. I will begin with a discussion on how passive revolution became a major reference point in order to understand the AKP's first four five years in power. After that, I will visit the scholarly literature in Turkey that reads the AKP's success in terms of neopopulism. I tend to read this latter scholarship on neoliberal populism as part of the general theoretical framework on passive-revolution. After that, I offer my own interpretation of the AKP's initial success in the first stages of power in terms of passive-revolution. In the latter parts of the section, I intend to offer a sequential view of the AKP's passive-revolution by offering a differentiation of two phases in the political-ideological trajectory of the AKP. I argue that it is precisely this kind of a differentiation that gives us a better insight into the AKP's escalating *populist* confrontational discourse against the elites associated with Kemalism and its success in passive-revolutionary incorporation and co-optation of liberal and left-liberal oppositional voices.

In the second part of the chapter, I offer a wider picture of the AKP's populism by a historical analysis of its discursive construction of the 'people'. I claim that the AKP capitalizes on three discursive legacies, namely conservative right-wing politics, Islamism and anti-statist discourse to forge a particular understanding of the 'people'. The appropriation, articulation and subsequent diffusion of these discourses should be elaborated at two different levels. First, the articulation of the three discursive legacies becomes an overall sign of the AKP's populist politics as it rises upon the latter's deliberate and strategic choice to merge *anti-statism* with Islamism's/ right-wing conservatism's *statist agendas* to conquer the state. The pacification of the masses via the discourse of victimhood that is well apparent in anti-statist/ state-centric narrative fuses with the *statist inclinations of the other two legacies*. The end result is the populist



endeavour to *re-claim* the state on behalf of the *victimized people* which embraces the *representative* modality of the state in its general configuration. Second, the AKP's success in hegemonizing the political space through such an articulation should be comprehended via its antagonization of the so-called Kemalist elites. The AKP's hegemonic strategy, in this regard, relies on *exploiting the hegemonic failures and crisis of Kemalism by reducing it to a top-down modernization programme*. To the AKP's advantage, this association finds its best correspondence in the 1930s single-party regime and the latter's installation of the official ideology, namely *Kemalism as part of the Constitution*.

In order to lay down a better understanding of the hegemonic failures of Kemalism, this part of the chapter offers a reading of the latter in terms of the trajectories of passive revolution that date back to the beginnings of the 20<sup>th</sup> century. The concept of passive-revolution gives us a more historically nuanced and context-sensitive reading of Kemalism that delineates the authoritarian tendencies of the latter in a more profound way. Moreover, providing an historical account that emphasizes the *continuum of passive revolution throughout the Kemalist and post-Kemalist political landscape*<sup>6</sup> gives us a chance to discern the continuities when analysing the relation between Kemalism and the AKP period as well. This way, the concept of passive revolution 1) helps us for a comparative analysis between different modalities of passive revolution in a broader timeline and 2) gives us a better historical insight into Kemalism's hegemonic deficits by delineating the trajectories of the latter.

## **3.2 Passive Revolution and Neopopulism: The Gramscian Scholarship on the AKP**

### **3.2.1 Cihan Tuğal's *Passive Revolution***

A pioneer in the growing scholarship on reading AKP government through the concept of passive revolution, studying the former in terms of a neo-liberal restructuring is Cihan Tuğal's book, *Passive Revolution: Absorbing*

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<sup>6</sup> Peter Thomas, *Ibid*, 58

*the Islamic Challenge to Capitalism* (2009).<sup>7</sup> Deploying the concepts of articulation and organic crises, this study emphasizes the centrality of the articulatory agent (AKP), a former Islamist party in integrating the society after the organic crisis in 2001 that has called for a new hegemonic project. He reads AKP's rise to power as an instance of the reorganization of the hegemony after the unlinking of political and civil society as a result of the *organic crisis* which made the system vulnerable to revolutionary assaults. The success of the new hegemony resided in the active intervention of the political society (political party, social movement and leadership form) in bringing together, melding, articulating, and suturing different strands of civil society that was now remade in the image of the former. In the Turkish political context, Tuğal argues, this could only happen through the 'gradual absorption of antagonistic elements of society, incorporation of revolutionary movements in existing systems.'<sup>8</sup> In Turkey, this actually meant absorbing and incorporating Islamist challenge to forge a new unity of state and society, appropriating counter-system mobilization to reinforce existing systemic patterns.<sup>9</sup> Tuğal argues that the anti-capitalist inclinations of the Welfare Party (the Islamist predecessor of the AKP) and the dual power structure it constructed around alternative authority figures was declined after the military intervention (1997) and AKP emerged as an agency to rearticulate Islamism and neoliberalism in terms dictated by the secular hegemony in Turkey. He states that 'moderate Islam is the culmination of a long process of passive revolution as a result of which erstwhile radicals and their followers are brought into the fold of neoliberalism, secularism and western domination'.<sup>10</sup> He argues that the incorporation of erstwhile Islamic radicals into the hegemonic neoliberal project exemplified the Gramscian passive revolution. He summarizes Gramsci's passive revolution as the incorporation of revolutionary movements in existing systems and argues that Gramsci uses the concept to refer to a historical period of 'bourgeois empowerment without popular

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<sup>7</sup> Cihan Tuğal, *Passive Revolution: Absorbing the Islamic Challenge to Capitalism*, (Stanford, California: Stanford University Press, 2009), 3

<sup>8</sup> Cihan Tuğal, *Passive Revolution* (Stanford, California: Stanford University Press, 2009), 32

<sup>9</sup> Ibid, 244

<sup>10</sup> Ibid, 4

participation and economic loss of privilege for the aristocracy without its total extinction in Western states during 1815-1870.’<sup>11</sup> At the risk of stretching the concept, he argues that there occurred a similar process of incorporation in the AKP’s project of co-opting former Islamic radicals into the system.

Tuğal’s project on passive revolution brings forward important insights which provide a fruitful ground for this analysis as well. First, he detaches from a simplistic reading of civil society as a terrain of struggle autonomous from the political society and contests this binary of civil society-political society through revelation of the constitutive role of the latter in the identity of the former. Political society is posited as an arena of political parties, social movements and leadership forms that provides us with a ‘fundamental bridge between civil society and state, as it constructs and propagates the project that binds them.’ Thus, the intricacies of the complex processes of power-building undermine a one-way relation of representation and determines the latter not as a neutral vessel for a presence (‘civil society’) that flow from one place to another but, a constitutive modification of that which is repeated/transported.<sup>12</sup> This constitutive nature of political society is crucial for us insofar as it depicts the determining role of the party in articulating the people and this has important contributions to our understanding of populism that is attentive to the very process of articulating and hence, representing the people. Second, he emphasizes the aspect of ‘demobilization of mobilization’ as a determining feature of AKP’s passive revolution.<sup>13</sup> Demobilization of mobilization amounts to setting limits to what will be performed as politics: the passive revolution, in its over-arching logic of disintegration, molecular transformation, absorption and incorporation recreates the conditions of subalternity for the subaltern, depriving them the ground to elaborate their own political subjectivation.

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<sup>11</sup> Ibid, 32

<sup>12</sup> For a discussion on this aspect see Benjamin Arditi, “The People as Representation and Event”, 91-112

<sup>13</sup>Tugal, *Passive Revolution*, 4

### 3.2.2. Neopopulism and Passive Revolution

There is also a growing Gramscian scholarship around the initial rise of the AKP and its consolidation of power throughout the last two decades.<sup>14</sup> Invoking highly contested notions like (neoliberal) hegemony, authoritarian populism, ‘common sense’, and hegemonic ‘crisis’ as parts of a conceptual schema, this new scholarship introduced a complex reading which might be thought in terms of a ‘political’ turn in Gramsci studies. What one sees in the emerging discourse around AKP’s politics which reformulates Gramsci in a ‘politicized’ fashion is that populism is defined around a hegemonic strategy. The prominent reading is inclined towards an interpretation in terms of a new *modus operandi* that is allegedly functioning by regulating and moderating the inequalities and conflicts of

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<sup>14</sup> In Turkish intellectual life and academic studies, this Gramscian turn represents a decisive discursive break with the previous yet still persistent ‘liberal’ appropriation of Gramsci that was based on an ideal spatial configuration of civil society. This is precisely the case we encounter in some Marxist intellectuals’ appropriation of the discursive legacy of Gramsci in the context of this type of a transition in Latin America, ‘conditioned by an international crisis of the left and, at the national level, by the eclipsing of the traditional class antagonist by the fiercer, or at least more immediate, opponent of authoritarianism’. Through a recognition of common values and interests that unite the socialist left and the liberal-democratic centre-left in their opposition to authoritarianism, these Latin American Marxist intellectuals resorted to Gramsci’s texts in an intentional hermeneutic manoeuvre to use them for their own purposes, basically the promotion of ‘civil society’ as a locus of agency against the ‘arbitrariness’ of state. In Anne Freeland’s words with regard to her critique of Coutinho’s appropriation of Gramscian discourse, in this account ‘civil society is something like conquered territory from the outset, is equated with the masses and with political agency from below, and thus is conceived as necessarily bearing a democratic consent.’ Jean Cohen and Andrew Arato, in a similar vein, argue that this rhetoric of civil society was part of the critique of the state and the search for a “post-statist” politics that became parts of post-Marxism, emerging as symptoms of the ‘inability of Soviet-type regimes, Latin American dictatorships and even welfare states to solve all or social problems’ but most important of all, of the inability of Left socialist projects to distinguish themselves from the others in transcending the state form when addressing the social problems. While it is important not to collapse the distinctions between Latin American, and Turkish contexts in terms of their particular constellations of power and resistance, the transitional context they went through which is overdetermined by a defeat of the left offers us a critical lens to find out what is common in the underlying logic of reinterpretation of Gramsci. In Turkish context, similar to the liberal-democratic turn in Latin American case, there emerged a reception of Gramsci in terms of I would call ‘a melancholic-defeatist’ position. The liberal intellectuals’ adoption of allegedly Gramscian East/West dichotomy and state/society opposition which in fact resonates, in Freeland’s words, with a global trend of anti-statism in processes of democratization overlaps and at times even becomes supportive of the AKP’s anti-elitist and anti-statist discourse of populism in Turkey. For a critically engaged perspective see Murat Yaman, “The AKP and the Liberal Intellectuals”, in *Intellectual Hegemony of Justice and Development Party in Turkey: A Gramscian Perspective*, (Master of Science Thesis Submitted to the Middle East Technical University, 2012). For the references in this footnote, see Anne Freeland, “The Gramscian Turn: Readings from Brazil, Argentina, and Bolivia,” *A Journal on Social History and Literature in Latin America* 11, no.2 (2014): 279 and Andrew Arato and Jean L. Cohen, “The Contemporary Revival of Civil Society,” in *Civil Society and Political Theory*(Cambridge, Massachusetts and London: The MIT Press), 71

neo-liberal capitalism in the aftermath of an organic crisis.<sup>15</sup> In these accounts, the underlying assumption of an affinity between ‘hegemony’ and ‘populism’ is a Gramscian one, which is thought in terms of ‘gaining consensus amongst a wide segment of population’. This account adopts a political-economy approach, underlining the ‘social compromise’ achieved through different strategies to maintain the neoliberal capitalist regime of accumulation.<sup>16</sup> The general framework which one might cover in the umbrella term ‘neoliberal populism’ addresses the following: Addressing the most basic needs of the poor, the AKP Government implemented active state policies which are based on ‘the creation and effective use of a complex web of social assistance, involving public poverty reduction programmes, local municipalities, faith-based charitable organisations and other private initiatives.’<sup>17</sup> Islamist terms for ‘service’ (*hizmet*) and ‘charity’ (*hayirserverlik*) has been mobilized rhetorically to hegemonically achieve consensus amongst the disorganized popular sectors that are articulated to the populist configuration of politics through exclusively informal networks of distribution.<sup>18</sup> Considering the scope and intent of this chapter, it is impossible to discuss the complex patterns of class dynamics and the unique patterns of the neo-liberal accumulation strategies that are the main objects of study in these readings but one should still underline their implicit take on Gramsci’s concept of hegemony as it gives us a chance to forge our own definition of passive revolution. I claim as neoliberal populism is thought in

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<sup>15</sup> For this kind of an approach see Deniz Yildirim, “AKP ve Neoliberal Populizm,”: 66-107, Baris Alp Ozden and Ahmet Bekmen, “Rebelling against Neoliberal Populist Regimes,” 89-101, Ismet Akca and Baris Alp Ozden, “AKP ve Turkiye’de Nolliberal Otoriteriazmin Sinifsal Dinamikleri”, <http://baslangicdergi.org/akp-ve-turkiyede-neoliberal-otoriterizmin-sinifsal-dinamikleri/>, accessed on 31/05/2017. Cemil Yildizcan and Cihan Ozpinar, “Policing Dissent: Authoritarian Reformulation of the State in AKP’s Turkey”, [https://www.academia.edu/2384330/Policing\\_Dissent\\_Authoritarian\\_Reformulation\\_of\\_the\\_State\\_in\\_AKPs\\_Turkey](https://www.academia.edu/2384330/Policing_Dissent_Authoritarian_Reformulation_of_the_State_in_AKPs_Turkey), accessed on 31/05/2017. For an approach that deals with a different context, see Kurt Weyland, “Neopopulism and Neoliberalism in Latin America: How much Affinity?,” *Third World Quarterly* 24, no. 6 (2003) :1095-1115

<sup>16</sup> For a political-economy based approach that differentiates AKP’s social compromise from the Gramscian expansive hegemony in which the power-bloc would seek a direct, active consensus resulting from the articulation of the interests of the popular masses see Evren Hosgor, “The AKP Hegemony: Consent without Consensus,” *The Neoliberal Landscape and the rise of Islamist Capital in Turkey*, ed. Nesecan Balkan, Erol Balkan and Ahmet Oncu (New York and Oxford: Berghan Books, 2015), 201-235 and Ziya Onis, “The Triumph of Conservative Globalism: The Political Economy of the AKP Era”, *Turkish Studies* 13, No.2 (2012): 135-152

<sup>17</sup> Ozden and Bekmen, *Ibid*, 92

<sup>18</sup> See Deniz Yildirim, *Ibid*, 19

terms of social compromise and a ‘political technique’ implementing economic policies that both directly assist the needs of the poor materially and disarticulate the conflictual nature of it throughout these readings, a specific reading of Gramscian hegemony is deployed.

In his analysis of the different moments of political consciousness, Gramsci studies the transition from a corporate to hegemonic stage and distinguishes them according to a gradual transcendence of what is perceived as ‘narrow interests’ at the purely economic level’. While the primitive economic moment expresses the consciousness of a group’s own professional interests but not yet as their interests as a social class, the political economic moment points to a gradual displacement of the former in terms of expressing consciousness of class interest, but still delimited to the ‘economic’ level. In Gramsci’s conceptualization, it is precisely at the level of hegemony that one ‘becomes aware that one’s corporate interests, in their present and future development, transcend the corporate limits of the purely economic class and can and must become the interests of other subordinate groups too.’<sup>19</sup> In other words, hegemony ‘presupposes a certain equilibrium that is to say that the hegemonic groups will make some sacrifices of a corporate nature.’<sup>20</sup> A supporting mechanism for the neo-liberal accumulation, in this literature, populism is perceived as this kind of a ‘social compromise’, hegemony, a moment of transcending and sacrificing ‘pure’ corporate interests of capital to forge a new unity on the national level.

### **3.2.3. Critical Remarks on the Gramscian Scholarship in Turkey**

These two readings, one based on passive revolution and the other neoliberal populism give us important clues as to define the initial stages of AKP power in terms of a passive-revolutionary populism. In fact, I argue that the latter take on neoliberal populism can be classified as a different reading of the passive revolution that Tuğal investigates, albeit with more of an emphasis on *political economy* than the *political society*. In both analyses of the AKP rule, there is an emphasis on the *co-existence* of the lack of

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<sup>19</sup> Antonio Gramsci, *Selections from the Prison Notebooks*, ed. and trans. Quintin Hoare and Geoffrey Novell-Smith (New York: International Publishers, 1971), 210

<sup>20</sup> Gramsci, *Ibid*, 182

popular politics, the relegation of the people to the state of political inertia *and* the ‘majoritarian’ success in gearing support from the electorate. Their contributions to my study notwithstanding, I have two main critiques, one directed to Tuğal and the other directed to the scholarship on neoliberal populism. Regarding the latter, I admit that I cannot do justice to all the works so I will pick out the elements that are useful for our goals in this chapter.

Most of the time, the Gramscian scholarship that identifies the AKP with neoliberal populism tends to read the AKP’s success in terms of hegemony. However, in the Gramscian model, there is one constitutive dimension to forge a hegemonic alliance and this amounts to the active consent of the people. Thus, from the theoretical perspective of a Gramscian take on the question of hegemony, it is highly questionable to discuss the AKP’s neoliberal populist agenda and passive-revolution *strictly* in terms of hegemony. Hegemony has to be defined as the ‘creation of an active, direct consensus resulting from the genuine adoption of the interests of the popular classes by the hegemonic class, which would give rise to the rise of a genuine national-popular will.’<sup>21</sup> Neoliberal populism, is precisely what Gramsci defines as passive revolution which amounts to articulating the interests of the masses through a system of absorption and neutralisation of interests in such a way as to prevent them from opposing those of the hegemonic class.<sup>22</sup> Concretely speaking, the AKP’s welfare governance mediated through the ideological references to Islamic charity and solidarity perpetuates paternalistic and hierarchical relations between the government and the people<sup>23</sup> and this reproduces passive consensus rather than active consent, excluding masses from the ‘political’ sphere. Tuğal’s work, on the other hand, should be extended historically for a more expansive periodization of passive revolution that informs the transition to modern politics in Turkey.<sup>24</sup> In fact, Tuğal’s later work, *The Fall of the Turkish Model*, offers us a broader and more detailed account of the trajectories of

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<sup>21</sup> Gramsci, *Ibid*, 182

<sup>22</sup> Gramsci, *Ibid*, 106-114

<sup>23</sup> Deniz Yildirim, “AKP ve Neoliberal Populizm,” 19

<sup>24</sup> A suggestion for such a research can be found in A.D. Morton, “The Limits of Sociological Marxism,” *Historical Materialism* 21, no.1 (2013): 129-158.

the AKP regime, identifying the latter as the culmination point of post-80s neoliberalism laid down by the 1980 coup.<sup>25</sup> In this illuminating analysis, Tugal claims that the passive revolution started in the 1980s in response to post-1968 leftist social and political movements, the 1979 Iranian Islamic revolution and, later, the Kurdish uprising.<sup>26</sup> For Tugal, the AKP regime's success was a result of undertaking this post-1980 direction in new ways, giving the initial passive revolution in the 80s a new impetus by merging Islam and neoliberalism.<sup>27</sup> The value of such an *historicization* notwithstanding, the present purposes of this chapter in delineating the contours of the AKP's widening populist appeal encourages us to extend this historical analysis and cover the question of Kemalism as well. As mentioned above, the hegemonic failures of Kemalism can indeed be construed by the theory of passive revolution. On top of that, these hegemonic failures are the main points of reference that cements the AKP's populist articulation of the people as the latter is constructed via the antagonistic construction of Kemalism and the Kemalist elites. In the next part, I will offer my own reading of the AKP's rule in its different stages and then, move onto laying down a more general account that aims to discern the AKP's populism in terms of the discourses it uses to construct the 'people'.

### **3.3 Populism and Passive Revolution under the AKP Rule:**

#### **3.3.1 AKP's Passive-Revolution in Two Stages: War of Position and War of Manoeuvre**

This selective summary provides us with a general framework to start investigating the general characteristics of AKP's populism in its initial stage, the stage where it emerged as an alternative conservative power in the aftermath of a devastating crisis in 2001 in Turkey. This has further implications for our study: First, this shows that the merge between passive revolution and neoliberal populism that initially gave the AKP's political

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<sup>25</sup> Cihan Tugal, *The Fall of the Turkish Model: How the Arab Uprisings Brought Down Islamic Liberalism* (London and New York: Verso, 2016), 25

<sup>26</sup> For an extensive discussion see Baris Alp Ozden, Ahmet Bekmen and Ismet Akca, "Passive Revolution: Beyond a Politicist Approach," *Development and Change* 49(1) (2018): 238–253.

<sup>27</sup> Tugal, *Ibid*, 25



project its impetus has to be historically periodized. It covers a time span that initially grounds the AKP Government's later moves to extend its 'hegemonic' project, mostly in authoritarian directions. The AKP's initial passive revolutionary populist project which culminated in the attempt to reconfigure the state-society relations via the recomposition of the ruling class in accord with the dictates of the neo-liberal accumulation strategies, pursued shifting hegemonic strategies as ways to consolidate its power in the followings years. What one needs to emphasize, though, is that the shifting hegemonic strategies that inaugurated new forms of populist dichotomization have been both ruptural and continuous with the initial passive-revolutionary path. I will first outline these shifting hegemonic strategies that dwell in different gradations and nuances of passive revolution and delineate them as belonging to different periods of the AKP's passive revolution.

I would argue that the emergence of a new conservative-democratic political subject embodied in the AKP from the former Islamist political circles speaks to but at the same time challenges the central approaches brought forward in the vast literature on populism. The first point to be made is that the AKP emerged as the winner of the 2002 elections in Turkey in the aftermath of a devastating economic crisis which in the Gramscian idiom was no less than an organic crisis, a crisis of hegemony which made the conditions conducive to populism.<sup>28</sup> In the Gramscian account, organic crisis denotes a moment of explosion of the closure of the social whereby there occurs a displacement among its structural levels such that the present 'hegemonic' order loses its capacity to contain the proliferation of centrifugal forces and antagonisms.<sup>29</sup> The crisis denotes the disintegration of the legitimating structures of the state, meaning that 'the state no longer performs its educative role in integrating and assimilating new groups into the prevailing socio-political order'. The literature on populism, especially that deals with the Latin American context, has elaborated on crisis as a

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<sup>28</sup> Orcun Selcuk, "Strong Presidents and Weak Institutions: populism in Turkey, Venezuela and Ecuador," *Southeast European and Black Sea Studies* 16, no.4 (2016): 571-589

<sup>29</sup> For a discussion see Andreas Kalyvas, "Popular Sovereignty, Democracy and the Constituent Power," *Constellations* 12, no.2 (2005):228. See Andreas Kalyvas, "Hegemonic Sovereignty: Carl Schmitt, Antonio Gramsci and the Constituent Prince," *Journal of Political Ideologies* 5, no.3 (2000): 351

necessary (or at least extremely conducive) precondition for the emergence of populism. For example, Roberts argues that populism "surges most strongly in contexts of crisis or profound social transformation, when pre-existing patterns of authority or institutional referents lose their capacity to structure the political behaviour and identities of popular sectors".<sup>30</sup> This took on a different thrust as Weylan's discussions on neopopulism in Latin America, which strongly resemble the AKP's merging of neoliberal policies with a populist redistributive agenda, have argued that crises "trigger the emergence of neoliberal populism", with reference to Carlos Menem, Fernando Collor de Mello and Alberto Fujimori.<sup>31</sup> Thus, crisis becomes a crisis of representation as such: in Laclau's words, "a dissolution of the hegemonic imaginary that is supposed to pervade the society, a crisis of the dominant ideological discourse, which in turn is part of a more general social crisis."<sup>32</sup> It was to the AKP's advantage that in the early 2000s, the organic crisis which unfolded in the economic crisis accompanied by a political crisis, demolished the trust of the electorate in the representative institutions, mainly political parties to mediate between the citizens and the state.<sup>33</sup> Stuart Hall's reading of 'Thatcherism' is instructive for understanding the AKP's rise after the crisis here. He defines Thatcherism as an intervention into the crisis of the pre-dominant social democratic politics in the UK whereby the aim of the right is depicted as not only 'preserving and conserving but shifting the previously existing disposition of social forces'.<sup>34</sup> For our present purposes, one might summarize Hall's position on the question of crisis and the right-wing populist character of the Thatcherite intervention as part of a general analysis of various forms of

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<sup>30</sup> Benedetto Fontana, *Hegemony and Power: On the Relation Between Gramsci and Machiavelli* (Minneapolis, MN: University of Minnesota Press, 1996), 185

<sup>31</sup> See Kurt Weyland, "Neopopulism and Neoliberalism in Latin America: How much Affinity?": 1095-1115

<sup>32</sup> Ernesto Laclau, "Towards a Theory of populism", in *Politics and Ideology in Marxist Theory: Capitalism, Fascism, Populism* (London: New Left Books, 1977), 143. For a Laclauian approach to the relation between populism and crisis see Yannis Stavrakakis, "The Antinomies of Formalism: Laclau's Theory of Populism and the Lessons from Religious Populism in Greece," *Journal of Political Ideologies* 9, no.3: 253-267

<sup>33</sup> Ismet Akca, "Hegemonic Projects in Post-1980 Turkey and the Changing Forms of Authoritarianism," in *Turkey Reframed: Constituting Neoliberal Hegemony* ed. Ismet Akca, Baris Alp Ozden and Ahmet Bekmen (London: Pluto Press, 2014), 30

<sup>34</sup> Stuart Hall, "Popular-Democratic vs. Authoritarian Populism: Two Ways of Taking Democracy Seriously," *Marxism and Democracy*, ed. Alan Hunt (London and New Jersey: Humanities Press, 1980), 177

passive revolution. For him, one needs to distinguish between a passive revolution from above which is committed to the idea of the state as an active guarantor and a facilitator for transformation and passive revolution from below which is, in Morton's words, 'a technique of statecraft which an emergent bourgeois class may deploy by drawing in subaltern social classes while establishing a new state on the basis of the institution of capitalism.'<sup>35</sup> Remembering the AKP's intervention into the organic crisis of 2001 as a political actor which draws on the frustrations of the electorate and yet, which incorporates these same frustrations into the new hegemonic project of a conservative-democratic type, one should not hesitate to adopt Stuart Hall's schema here and call the AKP's project passive revolution *from below*.<sup>36</sup> In the Turkish experience, this amounts to the AKP's new form of politics that combine disciplinary neoliberalism with populist forms of governing.<sup>37</sup>

Thus, overall, one might argue, taking its cue from the aforementioned Laclauian schema, there was a moment of undecidability, a contingent moment of the political in which the 'undecidability' of the situation provided the available space for the (re)activation of a new 'hegemonic' project. The passive revolution that was initially triggered and pioneered by the AKP had been intertwined with or better put, intrinsic to the regime's anxieties of survival in the aftermath of an organic crisis.<sup>38</sup> A totalistic response as it were, the initial passive revolutionary pursuit of reorganization of hegemony not only amounted to a neo-liberal restructuring of the composition of the ruling class with populist credentials but was also a response, even a reaction. In accord with Gramsci's use of the concept of passive revolution, the bourgeoisie initiative to restore and revolutionize the regime at the same time was directly part of the system's survival strategy to

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<sup>35</sup> See Adam David Morton, "The Limits of Sociological Marxism," *Historical Materialism* 21, no.1 (2013): 151

<sup>36</sup> Stuart Hall argues that we inhabit a terrain that Laclau's theoretical framework is eager to downplay or simply ignore. Laclau's reading, Stuart Hall argues with reference to his earlier work on populism, does not take sufficiently into account the role populist discourses have played in securing the people, through an effective interpellation, to the practices of dominant classes. See Stuart Hall, *Ibid*, 167

<sup>37</sup> This rather uneasy combination not only challenges the Laclauian 'radicalization' of populism as a political logic but also undermines the conventional view of populism that associates the latter with economic 'irrationality', i.e., the irresponsible policies associated with inflation and indebtedness due to intense distributional pressures from the electorate.

<sup>38</sup> Cihan Tuğal, *Passive Revolution*, 31

avoid what the organic crisis might have brought, namely revolutionary assaults.<sup>39</sup> Hence, when we delimit and periodize the first phase of the AKP government in the aftermath of the electoral victory of 2002, we should underline this aspect of the converging interests of the ruling class with that of the AKP. In a Laclauian fashion, the ‘empty signifier’ that the fractions of the ruling class coalesced around was not mainly ‘democracy’, ‘justice’, ‘development’ nor the ‘people’ but ‘Order’, signifying that the ‘vacuum of power’ was unacceptable for the capitalist order as this meant the possibility of an anti-systemic challenge.

In light of the mentioned convergence of interests between the ruling class and the AKP, one can delineate the period between 2002 and 2007 as one in which the latter’s passive revolutionary-populist project presented itself *strictly within* the confines of liberal-representative bifurcation of centre-right and centre-left politics, presenting itself as *conservative-democrat*.<sup>40</sup> In line with Peter Thomas’ reading of Gramsci’s passive revolution in two stages, one defensive and the other more offensive, I propose to read the AKP’s first phase in terms of the former, albeit with the risks of overstretching the argument. To summarize his argument, one needs to revisit Gramsci’s take on theme of *Transformismo* in Italian *Risorgimento*.<sup>41</sup> Gramsci argues that the *Moderates* who won over the *Action Party* with their conservative proposal to extend *Piedmontese* monarchy into the entire peninsula inaugurated and conserved its intra-class hegemonic role by a strategy of transformism. Gramsci distinguishes between different modalities of *Moderates*’ transformism which culminated in an attempt to

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<sup>39</sup> Alex Callinicos, “The Limits of Passive Revolution,” *Capital&Class* 34, no.3 (2010): 491-507

<sup>40</sup> See Basak Alpan, “From AKP’s Conservative democracy to Advanced Democracy: Shifts and Challenges in the Debate on Europe,” *South European Society and Politics* 21, no.1 (2016): 15-26 and Yuksel Taskin, “AKP’s Move to Conquer the Centre-Right: Its Prospects and Possible Impacts on the Democratization Process,” *Turkish Studies* 9, no.1 (2008):.53-72

<sup>41</sup> Gramsci’s empirical case, namely the Italian *Risorgimento* is, in his analysis, a site of hegemonic struggle between two political parties, the *Moderates* and the *Action Party*, differing in their strategies for unification of Italy. In a nutshell, the *Moderates* proposed to extend the *Piedmontese* monarchy to the entire peninsula while the *Action Party* struggled to establish a federal republic with states having relative control over their administration. Gramsci’s main aim was to disclose the dynamics of the *Moderates*’ success in leading the *Action Party* and hence, its intra-class hegemony that extended over periods of time within the framework set by the *Moderates* since 1848. Antonio Gramsci, *Selections from Prison Notebooks*, ed. and trans. Quintin Hoare and Geoffrey Nowell Smith (London: Lawrence and Wishart, 1971)

absorb the opposition, a pursuit that not only aims to defeat and contain revolutionary pressures from below but also aims at *co-optation* in order to elevate itself to the political centre as a hegemonic agent. Gramsci puts it in the following way:

Two periods of transformism: 1. from 1860 to 1900 ‘molecular’ transformism, i.e. individual political figures formed by the democratic opposition parties are incorporated individually into the conservative-moderate ‘political class’ (characterised by its aversion to any intervention of the popular masses in state life, to any organic reform which would substitute a ‘hegemony’ for the crude, dictatorial ‘dominance’); 2. from 1900 onwards transformism of entire groups of leftists who pass over to the moderate camp.<sup>42</sup>

Keeping in mind that Gramsci’s reference is to the *Risorgimento* and its aftermath, one might nonetheless use this argument to interrogate the phases of the AKP’s passive revolution. Leaving aside the second phase for now, we can claim that the AKP’s inclusion strategy in its initial phase overlaps with the defensive and cautious measures of Italian *Transformismo*’s first period. What one sees in the case of the AKP in the first phase (2002-2007) is its ‘intra-class’ hegemony one of the signs of which is its successful strategy to fill in the power vacuum as a ‘moderate political class’, incorporating ‘individual political figures’ from the discredited centre-right wing opposition.<sup>43</sup>

The AKP’s self-admitted *conservative-democratic* label did not only mean the deployment of a pro-establishment discourse but also, addressed the gaze of the American and European elites and dominant global powers of the US and the EU, presenting oneself as an example of a non-threatening moderate Islamic amalgam of liberalism, democracy and free-markets. Thus, the new passive-revolutionary project was self-consciously pursued and implemented through a particular articulation to the neoliberal world order, adapting the neoliberal governance techniques and ideology among others within a moderate Islamic rhetoric and with populist tones.<sup>44</sup> Hence, synchronous with the AKP’s self-admitted pro-free market and pro-liberal

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<sup>42</sup> Antonio Gramsci, *Selections from Prison Notebooks*, ed. and trans. Quintin Hoare and Geoffrey Nowell Smith (London: Lawrence and Wishart, 1971), 58

<sup>43</sup> Cihan Tuğal, *The Fall of the Turkish Model: How the Arab Uprisings Brought Down Islamic Liberalism* (New York and London: 2016), 88

<sup>44</sup> See Adam David Morton, “The Limits of Sociological Marxism,” *Historical Materialism* 21, no.1 (2013): 129-158. For a broader discussion that covers the Mexican case in a similar way, see Adam David Morton, *Unravelling Gramsci: Hegemony and Passive Revolution in the Global Political Economy* (London: Pluto Press, 2007)

stance, there emerged what was then called the ‘*Turkish Model*’ which was formulated and disseminated to set Turkey as an example to the crisis-driven Middle Eastern political geography.<sup>45</sup> This particular moment signified by the particular scalar articulation of the national and the ‘international’ has important ramifications for a context-sensitive analysis of passive revolution. First, as Morton argues with specific reference to neoliberal restructuring of the capitalist order in Mexico, the passive revolution designates a process that takes place in an *interscalar* articulation, a world-system of global capitalism defined by uneven and combined development. Thus, one needs to take the ‘national’ as *nodal* rather than *dominant* when deciphering the processes of reconfiguration of a state’s power structure in the passive revolutionary mode and stress its dialectical relation with the world order.<sup>46</sup> So, one needs to assess the AKP’s conservative-democratic phase (2002-2007) within this dialectics of interpenetration of these different levels of scale, emphasizing the convergence of interests between the AKP, the ruling class and the power configuration in the capitalist ‘world-order’ that meet in the neoliberal reconstruction of the state. This initial phase was backed by both the EU and the US as a period of *modernization* and *normalization*. In accord with this general support, the AKP government deepened the liberal reform process as a beneficiary of the EU accession process by disrupting the tutelary structure and this attempt culminated in the restructuring of civil-military relations.<sup>47</sup> To name but a few important reforms, first, the AKP government

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<sup>45</sup> Tuğal, “Introduction: The Charm of the Turkish Model,” *The Fall of the Turkish Model*, 1-32

<sup>46</sup> Adam David Morton, *The Global Political Economy of Uneven Development, Unravelling Gramsci*, 153-168 However and here is a crucial contribution of Adam D. Morton’s reading of the concept of the passive revolution, this does not mean arguing that the state is but a transmission belt, a passive contributor or better put, a spectator in the diffusion of the accumulation strategies of transnational capital. This type of an analysis would not be able to explain the intricate and complex dynamics of state formation in a world order characterized by uneven and combined development of capitalism.

<sup>47</sup> One should take a step back and read this disruption not in terms of a *zero level* game between the military and the AKP one side of which is the military. In line with the passive revolutionary direction of the state, the liberal (less rigidly secularist, pro-American and less authoritarian) wing of the military supported the AKP, albeit with precautions against the latter’s ‘anti-secular’ tendencies. For instance, the then Chief of General Staff, Hilmi Özkök’s approach was conciliatory towards the AKP’s electoral success, which refrained from taking direct oppositional stance and in supportive of the democratic choice of the people in the ballot-box. More importantly, AKP’s liberal reforms which have been implemented as parts of EU accession process did not directly oppose the military’s self-admitted historical role as the pioneer of Westernization. Thus, one can claim that this was an overall passive revolutionary ‘balance of forces’ in the new construction of the

decreased the military's institutional power by amendments that curbed the strength of the National Security Council (*MGK*) that came from the latter's executive-decision power and reduced it to the level of an advisory body. In addition; military representatives were removed from the Council of Higher Education (*YÖK*) and the High Audio Visual Board (*RTÜK*). Also, the State Security Courts (*DGM*) were abolished which not only reduced the military's power to try civilians in military courts but also, amounted to what is usually called 'normalization', the effacement of the 'state of exception as rule' that had infiltrated the state mentality until that time, especially regarding the Kurdish conflict and insurgence of the Kurdish political movement.<sup>48</sup>In the last instance, the liberal advocacy of the rule of law that was carried out by the rhetoric of civilianization and normalization was directly related to the requirement of accession to the EU and the EU in turn supported the AKP's pro-liberal commitment.<sup>49</sup>The association of the AKP with liberalism and 'rule of law', especially among the academic circles and the liberal intelligentsia, actually gained prominence precisely at this moment of the implementation of pro-EU policies. However, this had two repercussions which were to submerge in the latter phases of the AKP government. First, this association fuelled rather than curbed the AKP's populist dichotomization by 'supporting' its anti-tutelary measures without any precaution, ignoring the political stakes at hand for the sake of the teleological promise of an ideal state of 'rule of law'.<sup>50</sup>Second, and related to the first, turning a blind eye to the political moment resulted in

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architecture of the state. However, this balance did not last long. To add to the complexity of the situation, this balance of forces does not mean that the AKP's liberal reforms which were implemented in order to dismantle the tutelary regime were *non-populist*. On the contrary, as mentioned in the last chapter, this coincidence between the EU reforms and the disruption of the tutelary regime both grounded and gave impetus to the AKP's populist dichotomization between 'secular unelected elites' and the 'national will', which gradually evolved into a direct confrontation in the second phase. See Tuğal, *The Fall of the Turkish Model*. For an elaborated discussion of this topic, see Yaprak Gursoy, "The Changing Role of the Military in Turkish Politics: Democratization Through Coup Plots?" *Democratization* 19, no. 4 (August 2012): 735–760 and Muge Aknur, "Civil-Military Relations During the AK Party Era: Major Developments and Challenges," *Insight Turkey* 15, no. 4 (2013): 131-150

<sup>48</sup> Ismet Akca and Evren Balta-Paker, "Beyond Military Tutelage? Turkish Military Politics and the AKP Government," in *Debating Security in Turkey: Challenges and Changes in the Twenty-First Century* ed. Ebru Canan-Sokullu (Plymouth: Lexington Books, 2013), 77-103

<sup>49</sup> Tuğal, *The Fall of the Turkish Model*

<sup>50</sup> The specificity of the political moment confirms the above-mentioned thesis on the passive revolution that the inter-scalar articulation of the national and the international does not necessarily mean the 'diffusion' of the global capital in a unilinear way, but rather proceeds by intricate articulations stemming from the power struggles in a specific context.

overseeing the AKP's passive-revolutionary stance of using law as a way of *depoliticization* of political matters in accordance with the adoption of *professionalism* and the bureaucratic/technical language of expertise, a neo-liberal governance technique *per se*.<sup>51</sup>

This precise moment of passive revolutionary *tripartite* articulation between the *AKP, the ruling class and the global capitalist neo-liberal order* had a new direction after the AKP's populist dichotomization became much more confrontational in the period after 2007.<sup>52</sup> The populist undercurrents of the previous period notwithstanding, the *technical-bureaucratic* language of neoliberal governance had nonetheless constrained the AKP's hegemonic appeal to broad masses. One fundamental sign of this process of constraint culminated in its cautious engagement with what is considered to be the backbone of the secular establishment, the military and the so-called secular 'elites', one of which is the higher judicial bodies, the prominent one being the *AYM (Turkish Constitutional Court)*. In this first phase, the reforms of liberalization coincided with a 'peaceful' co-existence with the 'back-bone' of the secular state, which, as Akca suggests, amounted to a Gramscian '*war of position*'.<sup>53</sup>

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<sup>51</sup> One other influential political actor that supported the AKP's conservative-democratic agenda was the US for sure. The AKP implemented policies compatible with the US foreign policy to meddle Islamic politics with liberal-representative democracy and free-market ideology which is in and of itself a sign of a passive-revolutionary stance. See Tuğal, *The Fall of the Turkish Model*

<sup>52</sup> See Ertug Tombus, "The Tragedy of the 2015 Turkish Elections: Examining the AKP Victory," <http://www.publicseminar.org/2015/11/the-tragedy-of-the-2015-turkish-elections>, November 10, 2015 accessed on 20/02/2018 and Ismet Akca, "Hegemonic Projects," 13-47

<sup>53</sup> See Ismet Akça, Ahmet Bekmen and Baris, Alp Özden, "A Post-Script: Resist Turkey," in *Turkey Reframed: Constituting Neoliberal Hegemony*, 247-260. The emphasis on the war of position has important advantages for stressing the 'political' moment in the AKP's pursuit of hegemony. However, it has a certain drawback. This deployment of the term stretches and simultaneously, narrows down the concept to include a strategy of power strictly within the state architecture while Gramsci's concept of war of position directly relates to the 'capillary power' of the bourgeoisie hegemony, a mode of infiltrating the civil society to which the subaltern classes have to respond with a new political strategy. Famously, Gramsci differentiates between two types of war that correspond to two different political strategies available to the subaltern classes in order to overcome the capitalist order. *War of movement* is a kind of strategy that is useful where the state and civil society are less developed so that the political power is more fragile while the *war of position* requires a steady penetration into the complex structure of the civil society which has been infused with bourgeois hegemony. Thus, in Gramsci's lexicon, the two available strategies are intrinsically related to the over-arching radical political strategy to transcend the capitalist order according to the differences in given conditions. Thus, stretching the concept to include a strategy of power *within the state* might underestimate the revolutionary tones of the concept that concerns predominantly the concept of 'civil society'. For an elaborate discussion on this topic see, Peter Thomas, "Contra the Passive



The cautious ‘war of position’ within the state turned into an open confrontation cast in more offensive populist rhetoric after the 2007 parliamentary and presidential elections. This transformation happened after the AKP increased its national votes and succeeded in having the party’s presidential nominee Abdullah Gul elected to office.<sup>54</sup> In fact, the confrontation with the *military, the Constitutional Court and the main opposition party, the Republican People’s party (CHP)*, submerged due to these three actors’ *alarmist* reaction to Gul’s candidacy. After the first round of elections for Gul’s candidacy, the *Office of the Chief of General Staff* issued a memorandum reminding the public that the army in Turkey had the duty and responsibility of protecting the fundamental principles of the Republic.<sup>55</sup> In addition, the Constitutional Court also tried to block his candidacy at the behest of the opposition party, CHP with a decision on the minimum number of parliamentary deputies required for the votes for the presidential candidate.<sup>56</sup> It was precisely this counterattack that gave impetus to the AKP’s populist politics to unveil itself in a direct manner of dichotomization and which resulted in calling early elections to *transcend* the institutional barriers erected by the secular establishment. Thus, the tripartite coalition that comprised the military, the Constitutional Court and the CHP gave the AKP government a chance to *performatively* enact a *crisis* where the ones responsible for the very crisis were deemed to be the ‘Kemalist elites’.<sup>57</sup>

Various scholars on populism note the crucial fact that crisis is not external but internal to populist *performance*, verifying the ambiguities pertaining to the very temporal dimension of what a crisis entails. The idea is that crisis is never neutral but always already assigned to its ‘proper’ place from a standpoint assumed to be anchored to a normal state of affairs. As Roitman argues: “Evoking crisis entails reference to a norm because it requires a

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Revolution,” *The Gramscian Moment: Philosophy, Hegemony and Marxism* (Chicago, Illinois: Haymarket Books, 2010) 133-157

<sup>54</sup> Orcun Selcuk, “Strong Presidents and Weak Institutions,” 571-589

<sup>55</sup> See Sakir Dincshahin, “A Symptomatic Analysis of the Justice and Development Party’s Populism 2007-2010,” *Government and Opposition* 47, no. 4 (2012): 618–640

<sup>56</sup> Dincshahin, *Ibid*

<sup>57</sup> Benjamin Moffitt, *The Global Rise of Populism: Performance, Political Style and Representation*, (California: Stanford University Press, 2016)

comparative state for judgment: crisis compared to what?"<sup>58</sup> Thus, populism exploits this inherent ambiguity of what a 'crisis' entails and the populist actors actively participate in this '*spectacularisation of failure*' that underlies crisis, allowing these same actors to pit 'the people' against 'the elites' and radically simplify the terms and terrain of political debate; and furthermore to advocate strong leadership and quick political action to stave off or solve the impending crisis.<sup>59</sup> Thus, the AKP's 'quick political action' to solve the crisis which had already been cast in terms dictated by certain presuppositions around what the norm is ('the people's rule against the unelected guardians of the Republic') inaugurated a new phase of passive-revolution that was more expansive towards the electorate yet directly confrontational towards the secular elites.<sup>60</sup> In Gramscian terms, one might conceptualize the new strategy as passive revolution's second phase which consists of a reach out to 'people' to forge an *inter-class hegemony* while taking the risk of dismantling the *intra-class hegemony*.<sup>61</sup>

In this second phase, while the AKP targeted the Turkish Constitutional Court and the *military* as different segments of the *elites*, it nonetheless confronted them as parts of a coalition. For the AKP, they resembled one another as they allegedly shared a hostile attitude towards parliamentary democracy. In the AKP's confrontational discourse, the two *institutions the roles of which had been set and defined* by their ascribed status in the parliamentary regime were constantly transcending the boundaries of their competence in order to intervene in *political matters*. These complaints and controversies were reasonable enough as both agents never shied away from these allegations but responded to it by re-framing what was at stake in different ways. First and foremost, they reframed what was deemed as political interventions in a different way regarding themselves as defending the *red-lines of the country that cannot be crossed*. In a nutshell, the redlines amounted to what one might call the '*founding principles of Kemalism*' that

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<sup>58</sup> Janet Roitman, *Anti-Crisis* (US: Duke University Press, 2016), 4

<sup>59</sup> Moffitt, *The Global Rise of Populism: Performance, Political Style and Representation*, 4. For a very illuminating insight into the relation between populism and crisis see Yannis Stavrakakis, "Populism and Hegemony" in *the Oxford Handbook of Populism*, 535-553

<sup>60</sup> Ismet Akca, *Hegemonic Projects in Post-1980 Turkey*, 13-47

<sup>61</sup> One can also add that this rather uneasy combination is a result of the intricacies that pertain to the hegemonic failures of a passive-revolution.

allegedly preceded any *constituted authority*, including the government or any elected branch within the confines of the liberal-representative democracy.<sup>62</sup> As I will explain in more detail below, the founding principles of Kemalism referred to the constitutive modernizing ideology that is constructed around the charismatic leader-founder of the Turkish Republic, Mustafa Kemal Atatürk. Thus, their assigned place was allegedly superior to any constituted authority.

The AKP's populist confrontational discourse intensified more and more due to the backlashes from the TCC and the military the exemplary cases of which were the alleged coup plots<sup>63</sup> by the military and the Turkish Constitutional Court's party closure case<sup>64</sup> and nullification of constitutional

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<sup>62</sup>Remembering the aforementioned hegemonic failures of Kemalism in forging active consent from the people, it is plausible to claim that both the military's and the TCC (Turkish Constitutional Court)'s self-appointed guardianship in defending Kemalism further intensified this failure and consequently, strengthened the AKP's populism's appeal to the people. More ambiguously, the TCC and the high military officers reinterpreted the very nature of their institutional roles in line with these *constitutive principles* and this reinterpretation was simply based on stating that what seemed to be a transgression of legality was in fact their very *essential duty* confirmed by the constitutional order. Hence, as mentioned above, when the Chief of General Staff issued a memorandum reminding the public that the army in Turkey had the duty and responsibility of protecting the fundamental principles of the Republic, he not only *reminded* the government of the red-lines which the military claimed to be the guardian of but also, implicitly referred to the infamous Article 35 of Internal Security Code of the Military which stated: "the duty of the Armed Forces is to protect and safeguard the Turkish homeland and the Turkish Republic as stipulated by the Constitution". A similar line of judgement was adopted by the TCC albeit with a different rhetoric based on the constituting principles of the Republic safeguarded by the Constitution in the form of immutable articles. See Ali Acar, "Tension in the Turkish Constitutional Democracy: Legal Theory, Constitutional Review and Democracy," *Ankara Law Review* 6, no.2 (2009):151

<sup>63</sup> "On October 20, 2008, following the uncovering of an arms dump and associated documents in an Istanbul house, the Ergenekon trial began. The trial initially involved eighty-six people, including some army generals, charged with involvement in the Ergenekon coup plot. Among the charges levelled by the indictment are "membership of an armed terrorist group, aiding and abetting an armed terrorist organization, attempting to destroy the government of the Republic of Turkey or to block it from performing its duties, inciting people to rebel against the Republic of Turkey, being in possession of explosives, using them, and inciting others to commit these crimes, acquiring secret documents on national security." Akca and Paker, *Ibid*, 86

<sup>64</sup>AKP closure case in 2008 was just six months after the general elections where the AKP won a large electoral vote. The allegation of the chief prosecutor was that the party had become a 'focal point' for anti-secular political activities in Turkey. The TCC 'permitted the indictment of the sitting government' and in the end, a majority of justices found that the AKP did indeed serve as a focal point for anti-secular activities but this was not enough to have the super-majority to close the party. One can easily claim that the decision amounts to carrying a criminal law procedure based on *protecting the founding principles* of the Republic. This is all the more important if we interpret these principles as part of the *Constituent Power* that is laid out explicitly in the immutable articles of the 1982 Constitution and strengthened in articles like 68 that regulate the ideological compatibilities of political parties. For an elaboration of the ideology-based paradigm in the TCC's decisions on political party closures see Zuhtu Arslan, "Conflicting Paradigms: Political

amendments regarding the headscarf ban.<sup>65</sup> Now a ‘war of manoeuvre’ within the state which was no less than a claim of sovereignty against the ‘guardians of the regime’, the AKP’s response aimed for a total conquest of the state. This response basically led to the *2010 Constitutional Referendum*. The main agenda, as we will see in the next chapter, was to further limit the tutelary power of the military and to restructure the high judiciary. As one would expect, the ‘anti-tutelary’ measures proposed by the constitutional reform package resulted in massive support from the electorate which was realized through a broad populist coalition around the empty signifier of *(anti)coup*.<sup>66</sup>

### **3.3.2. The Conservative Right-Wing Politics, Islamism and the State Centric Discourse: The Sources of the AKP’s Populism**

What actually makes populism a relevant concept to understand the AKP’s passive revolution still awaits a more detailed and nuanced answer, not least because the question of what it means to be ‘the people’ in its populist discourse is essential. What one usually means by the populist forms of governing in the aforementioned Gramscian literature is an ‘inclusive’ political and economic strategy to appeal to the ‘subaltern’ which is a term used to refer to those groups in society that are marginalized by or subjected to the dominant group.<sup>67</sup> Hence, in this account, ‘people’ that comprised the core of populism as a concept, refers to the marginalized strata, the poor, the underdog that the neopopulist strategy promises to uphold its interests. This

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Rights in the Turkish Constitutional Court,” *Critique: Critical Middle Eastern Studies* 11, no.1 (Spring 2002): 9–25

<sup>65</sup>In February 2008, the AKP decided to reform the law that banned the wearing of headscarves and turbans in institutions of higher learning in Turkey and in June 2008, the TCC overturned the legislation, claiming that it was subversive of secularism, the most upheld founding principle of the Republic. See Yaniv Rozai and Serkan Yolcu, “An unconstitutional constitutional amendment- The Turkish Perspective: A Comment on the Turkish Constitutional Court’s Headscarf Decision,” *I-CON* 1, no.1 (2012): 175-207

<sup>66</sup> As I will explain later, the coup signified the tutelary regime of the elites in the AKP’s populist discourse. These elites, namely the military and high judicial bodies, allegedly refrained from ‘democratic’ accountability and claimed sovereignty because of their immunities due to the effects of the 1980 coup and 1982 Constitution drafted by the military.

<sup>67</sup> For a discussion of the relation between subalternity and populism, see Shabnam J. Holliday, “The Legacy of Sub-alternity and Gramsci’s National-Popular: populist discourse in the case of the Islamic Republic of Iran,” *Third World Quarterly* 37, no.5 (2016): 917-933.

is to a certain extent reminiscent of Laclau.<sup>68</sup> However, the people of the populist project is not only to be restricted to the marginalized underdog, whether cast as a political actor or, on the contrary, a ‘disintegrated’ subaltern strata that are included via neopopulist provisions infused with neoliberal reform policies. The people are also a site of antagonistic struggle, against the ‘corrupt elite’, the alleged powerful political and economic establishment or in the basic Laclauian fashion, against the ‘power-bloc’.<sup>69</sup> Thus, the populist project not only ‘appeals’ to the people but upholds its interests against what is perceived as a powerful dominant elite strata. For instance, as Vedi R. Hadiz puts it wonderfully in his analysis of the Turkish context, it is not enough to underline the process by which the marginalized are included in the AKP’s populist project but instead, it is vital to see how the struggles of the AKP involved sustained attacks on the bulwarks of Kemalism<sup>70</sup>, especially within the state. That attack brought the people and the ascending class of the Anatolian and Muslim bourgeoisie together which not only accounted for the historical merge between populism and neoliberalism but also, rose upon a certain imaginary around the people.

Sadri Khiari argues that the universe of meaning in which the notion of the people is deployed is generally constructed on the articulation of three other notions: the nation, citizenship/sovereignty and the classes we call subordinate.<sup>71</sup> In a similar manner, in their analysis of new populist movements, Meny and Surel link this threefold conception of the people with three domains that provide channels for mobilization: politics, economics and culture.<sup>72</sup> The interesting point for our analysis is that these dimensions have their own plasticity, their capacity to merge into one

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<sup>68</sup> The literature on neopopulism criticizes the Laclauian premise that the analytical core of populism is based on the ‘constitution of the people as a political actor’ and instead, argues that the mobilization of the people covers up de-mobilization, the political de-subjectivization of the people. We have touched upon these dimensions in the preceding discussions.

<sup>69</sup> Laclau, *On Populist Reason*

<sup>70</sup> Vedi R. Hadiz, “Islamic Politics and the Emergence of a New Islamic Populism,” *Islamic Populism in Indonesia and the Middle East* (Cambridge: Cambridge University Press, 2016), 39

<sup>71</sup> Sadri Khiari, “The People and the Third People,” *What is a People*, trans. Joddy Gladding (New York: Columbia University Press, 2016), 89

<sup>72</sup> Y. Meny and Y. Surel, cited by Margaret Canovan, *The People* (Malden: Polity Press, 2005), 80

another which shows nothing less than the ‘ambiguity’ that pertains to the concept of the people. Thus, if we come back to the case at hand, the AKP’s populist project does not only appeal to the people as the sub-ordinate or the *subaltern* based on welfare provisions or economic means of sorts but goes beyond it. Appropriating the historical legacy of the conservative right-wing politics in Turkey and infusing it with a slightly altered Islamic moralistic world-view, the AKP’s populist politics emerges on the very permeability and merger of these three meanings. I argue that the fundamental ground for this merging is the antagonistic construction of the people against what is perceived as the dominant power-bloc, the elites who are usually identified under the umbrella term ‘Kemalists’.

Historically, conservative populism in Turkey is based on a divide between “the silent Muslim majority” and a “disproportionally active and influential Western minority” who are allegedly responsible for the cultural, economic and political cleavage in Turkey. This argument rested upon a moralistic imaginary that revolved around an exclusively cultural designation of the people. The underlying premise was basically that the cultural policies of Mustafa Kemal Atatürk, the founder of the Republic, had suppressed the influence of religious norms which had provided the fundamental back-bone of the ‘common sense’ and the growing resentment of the people had to be channelled *democratically* into the multi-party democracy. Starting with the dissent of the Democrat Party (DP) which was built upon the growing resentment of a petty-bourgeoisie which claimed to be excluded from the political and economic power by the dominant republican bureaucratic cadres, this dichotomization proved successful in the elections held on May 14, 1950 which were considered to be a watershed in the political history of Turkey. The leaders of the DP portrayed the one-party rule of the Republic as a bureaucratic regime without consent, deploying the ‘centre-periphery’ dichotomy long before its academic/theoretical formulation afterwards and using it as the core of a new hegemonic strategy. The DP cadres believed that reconquering the political, cultural, and economic power was a legitimate act insofar as it returns them to the long-excluded people, the

people merging all three meanings mentioned above.<sup>73</sup> Thus, with the culturally alienated elite as the main antagonist, DP's populism has managed to become attractive for the people by identifying the latter as the sovereign source of legitimacy, as the nation and as the subaltern, all under the powerful term, 'the people'. In fact, in the conservative right imaginary, the term nation had established its priority over the notion of the people or gave the latter its predominant meaning with 1) its 'culturally conservative' and religious connotations and 2) its implied 'pacification' (channelling) of the people's 'voice' within an electorate politics of majoritarian liberal-representative democracy. I will come back to the religious and moral connotations of the nation later when discussing Islamist politics but in the meantime, I will just point out that for the conservative right-wing legacy, 'nation' always had a proximity to 'national will' represented in the ballot box, making the populist right-wing politics close to a strict majoritarianism, with all the authoritarian implications included. The majority vote simply amounted to the 'singular' and homogeneous national will on whose behalf the government could fulfil its duty. This collapse between the 'mediated' electoral representation and the *nation* as such was further intensified with the moral imaginary pertaining to pure and uncorrupted people against the 'establishment' of the elites, the Kemalists. Nevertheless, the representative claim shows us the limits of the conservative-populist legacy in claiming to return power to the 'people': It is still invested in the re-occupation of the power centre to *re/present* people within the terms dictated by the liberal representative framework, whatever degenerative and authoritarian dispositions it may show. Yet, there is still an ambiguity pertaining to the very nature of the *representative* claim. Bora and Erdogan puts this apropos conservative populism perfectly:

In conservative populism, the authenticity of the community, its quality of being in-itself, attributes to it 'transcendence'... As representative of the nomos that goes from time immemorial to eternity, this community/People is valuable only by this quality of representation but not as a socially active agent.<sup>74</sup>

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<sup>73</sup> See Yuksel Taskin, "AKP's Move to Conquer the Centre-Right: Its Prospects and Possible Impacts on the Democratization Process", *Turkish Studies* 9, no.1 (2008): 53-72

<sup>74</sup> Tanil Bora and Necmi Erdogan, "'Biz Anadolu'nun Bagriyanik Cocuklari': Muhafazakar Populizm," *Modern Turkiye'de Siyasi Dusunce, cilt:5, Muhafazakarlik*, ed. Tanil Bora and Murat Gultekingil (Istanbul: Iletisim Yayinlari, 2006), 632

Thus, while remaining within the liberal-representative framework that introduces a fundamental gap to the conception of ‘ideal unity’ of the people, conservative populism tends to transcend the limitations imposed by this mediation through a recourse to the ‘moral’ homogeneous community.<sup>75</sup> Put in another way, conservative-right wing understanding of ‘democracy’ in terms of popular sovereignty already means majoritarian rule, exemplifying the ‘mediation’ of the ‘People’ through voting mechanisms, while insisting on the presumed ‘internal coherence’ of an essential community life ( *nomos* ) .

What one should also note with regard to the conservative populist legacy is that this absorbed resentment of the people was channelled to an anticipated material gain fostered by capitalist ‘modernization’ as well. DP’s populist strategy was based on a ‘multi-class’ appeal which under the leadership of the ascending Muslim petty bourgeoisie, did encourage ‘modernization’ insofar as it did not clash with the reservoir of traditional values in the society.<sup>76</sup> Thus, it had no clash with or opposition to capitalist accumulation processes but on the contrary, fiercely defended it as a pathway to loosen the ‘inefficient’ bureaucratic mentality of the Kemalist legacy. In that sense, as Galip L. Yalman argues, the transition to the multi-party regime was yet another technique of passive revolution which promotes change without any radical transformation, depriving the *subaltern* classes the possibility to organize and form themselves as autonomous political forces.<sup>77</sup>

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<sup>75</sup> As Stuart Hall puts it in a very illuminating way vis-a-vis Thatcherism, conservative populism ‘interpellates’ popular conceptions to raise the traditional common sense to a more coherent level- but in such a way that it does not claim to have constructed those representations of the people, of the nation, of the culture and way of life through ideological intervention but simply to have rediscovered them. While interpellating popular conceptions, conservative populism intervenes to carve out a unity out of the dispersed and at times contradictory ideological structures of the common sense but conceals the very ‘performative’ nature of its own operation.

<sup>76</sup> See Vedi R. Hadiz, “The genesis of Islamic Populism,” 68 and see Yüksel Taskin, “Turkiye Sagini Anlamak: Soguk Savas ve Sonrasi icin bir Izah Denemesi,” *Iktisat, Siyaset ve Devlet Uzerine Yazilar: Kemali Saybasili’ya Armagan* (Baglam Yayinlari:2006), 337-353

<sup>77</sup> Galip L. Yalman, “The Turkish Sate and Bourgeoise in Historical Perspective”, in *The Politics of Permanent Crisis: Class, Ideology and State in Turkey*, ed. Neseccan Balkan and Sungur Savran (New York: Nova Science Publishers, 2002), 34. For a broader discussion, see Galip L. Yalman, *Transition to Neoliberalism: the case of Turkey in the 1980s* (Istanbul: Istanbul Bilgi Universitesi Press, 2009)



The second fundamental source of AKP's populism is Islamism, which is in fact the constitutive political ideology from which it has emerged as a political actor. Historically speaking, the leader of the AKP movement, Recep Tayyip Erdogan, rose as an influential politician within the ranks of the Islamist political parties including the National Salvation Party (*Milli Selamet Partisi*), Welfare Party (*Refah Partisi*) and Virtue Party (*Fazilet Partisi*) which were all closed down by the Constitutional Court due to their anti-secular activities. The National Outlook Movement (*Milli Gorus Hareketi*) as all these political movements were called had radical Islamic tendencies that displayed their anti-establishment nature by aversion to free-markets and social justice concerns, confronting the secularist/nationalist bourgeoisie on behalf of the marginalized *ummah*, the community of believers.<sup>78</sup> Their different configurations of Islam and Islamism in relation to the changing political/economic context notwithstanding, the parties that comprised the National Outlook Movement have always favoured an egalitarian discourse on behalf of the oppressed and marginalized against the elites perceived as 'the faithless'.<sup>79</sup> The formulation of the *Just Order* in the 90s by the Welfare Party is exemplary in this regard as it appealed to the ever-increasing number of city dwellers trying to cope with the forces of urbanisation with an aggressive redistributive policy. Thus, both the Islamist legacy's never-ending confrontations with the establishment and its radical overtones whilst addressing social justice has led the reformist wing within the latest representative of this movement, the Felicity Party, to split and found a new party, the AKP under the guise of conservative democrat. However, given its oppositional rhetoric to the Republican state tradition and anti-elitist stance, the Islamist National Outlook's major populist references remained intact, especially in their cultural-moral undertones. The Islamist legacy not only imagines an equivalence between the people ('the morally superior ordinary *people*') and the oppressed which connotes a class dimension to its populist construction of the people but, also it uses 'the people' interchangeably with nation (*millet*) which makes it such a rich resource to be adopted for the AKP. As Tuğal puts it, even though millet is

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<sup>78</sup> See Cihan Tuğal, "Islamism in Turkey: beyond instrument and meaning," *Economy and Society* 31, no.1 (2002): 85-111 and Umit Cizre Sakallioglu, *Secular and Islamic Politics in Turkey: The Making of the Justice and Development Party* (New York: Routledge, 2008)

<sup>79</sup> Tuğal, "Islamism in Turkey: beyond instrument and meaning,": 85-111

generally translated as nation, in Islamist discourse it implies a community of believers within clearly defined administrative boundaries- a legacy of the Ottoman system based on the division between religious communities within the borders of the Empire.<sup>80</sup> This reference to the Ottoman administrative system intersected with both the Islamist reference to recurrent oppression and discrimination faced by the Muslims throughout the Republic and the references to Turkey as an Islamic country, a country where the majority of the population is Muslim.<sup>81</sup> Hence, this religious and at the same time, moral verge between the nation and the people proved to be highly useful for AKP's populist agenda as it clearly resonated with AKP's adoption of the conservative right-wing legacy that subordinates the people to the 'majoritarian' idea of the National Will. In both the conservative right-wing and Islamist legacy, the people are *mostly* addressed as a homogeneous entity, either as the 'sovereign' will of the majority and/or an essentially religious community, making them important inspirational sources for the AKP's populism. However, one should never underestimate the anti-elitist and anti-establishment rhetorical force the merge between people and nation has in both of these discourses as they are adopted by the AKP. In both, the target is either the 'faithless' Western elites prone to monopoly capitalism ('Just Order' discourse) or the secularist bureaucratic one-party rule. Both converge on Kemalist 'elite rule' which is demonised as the source of all problems and this gives the constitutive anti-elitist base to be exploited by the AKP movement.

When configuring its populist form of politics, the AKP's particular adoption of the two legacies, the conservative right-wing and Islamist, has been reinforced with a relatively new rhetoric infused with a state-centric narrative that has flourished in academic circles. From its inception onwards, the narrative of state-centrism has been immensely fruitful for AKP's populism to articulate itself as 'democratic' *per se*, concealing the authoritarian leanings of the two adopted legacies. This narrative is state-centric in that it perceives the Ottoman-Turkish history based on a reductionist dichotomy between military-bureaucratic elite and conservative

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<sup>80</sup> Tuğal, Ibid.

<sup>81</sup> Ayşe Bugra, "Political Islam in Turkey in Historical Context: Strengths and Weaknesses," in *The Politics of Permanent Crisis*, 107-145

civil society, providing a useful tool for AKP to construct a populist dichotomy around an antagonistic frontier between People and Republican elites. Not only brought forward by a conservative rhetoric but also refashioned by a ‘left-liberal’ embrace of the autonomous sphere of ‘civil society’, this narrative attests to an understanding of historical continuity in terms of the authoritarian character of the State. What this dichotomization between strong state-weak society (and the academically presented ‘periphery-core’) brings forward is an exceptionalist reading of Turkish/Ottoman history, delineating a *sui generis* social formation which has immutable qualities to it, the prominent one being the omnipotence of the ‘state’ against the ‘weak’ society. Since there is a growing literature with regard to the critical analysis of the different currents of this historiography, I will mainly focus on how its state-centric narrative is used as a leverage point for the AKP’s populist politics.<sup>82</sup>

There are two theoretical premises of this ‘academically’ developed ‘centre-periphery’ discourse which makes it highly useful for a populist form of politics as envisioned by the AKP. First, it attributes an ‘internal coherence’ to the State with its self-generated interests and logic, presuming an autonomous and omnipotent entity monopolized by what is allegedly called ‘civil-military bureaucracy’. Second, and more importantly, it attributes a condition of constant ‘passivity’ to the people, who are presumed to be victimized and oppressed throughout the history of the Turkish Republic. Thus, both these dimensions that undergird this state-centric narrative prove to be helpful as sources to be used for the sake of a ‘conservative-populist’ agenda like the AKP’s. The important point not to be missed, though, is that the state-centric analyses that accompanied and complemented the appropriation of the conservative and Islamist legacies had a particular trajectory of their own that were compatible with a more of liberal-democratic orientation. For in these accounts, the Occidental imaginary

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<sup>82</sup> Some examples of this growing literature around the critique of the thesis of ‘strong state-weak society’ are the following ones: Demet Dinler, “Türkiye’de Güçlü Devlet Geleneği Tezinin Eleştirisi,” *Praksis* 9 (2003): 17-54; Fethi Açıkel, “Entegratif Toplum ve Muarızları: ‘Merkez-Çevre’ Paradigması Üzerine Eleştirel Notlar,” *Toplum ve Bilim* 105 (2006): 70-95; Suavi Aydın, “Paradigmada Tarihsel Yorumun Sınırları: Merkez-Çevre Temellendirmeleri Üzerinden Düşünceler,” *Toplum ve Bilim* 105 (2006): 96-128. Nadir Ozbek, “Alternatif Tarih Tahayyulleri: Siyaset, Ideoloji ve Osmali-Türkiye Tarihi,” *Toplum ve Bilim* (98)2003: 234-254

fused with the ‘exceptionalist’ reading of Turkish-Ottoman history does not only reify the State formation particular to the latter but also, implies a strict reference to the ideal-typical forms of the ‘Western’ liberal-democratic social formations with powerful civil societies. Thus, they end up identifying ‘democracy’ with civil society that can only be emancipated via the removal of the ‘regime of tutorship’ that the civil-military bureaucracy keeps under its monopoly in Turkey. This idealized dichotomization between West/East, civil society/ despotic-authoritarian state mentality tends to see the rise of peripheral powers against the alleged elite power-bloc as intrinsically democratic in the context of Turkey.

One other argument of this thesis is that the ‘regime of tutelage’ rests on a state mentality that intervenes into the networks of the society to exert an authoritarian control, a ‘repression’ of sorts in order to homogenize the population into ‘secular-national’ citizens. Paradoxical as it may seem, the implied reference becomes one that the regime of tutelage is identical to the *politics of denial* that deprives the different identities, primarily ‘religious’ and ‘ethnic’, from asserting their presence in the public and the rise of the peripheral powers can in fact trigger a process of *politics of recognition*. Now, it is not hard to figure out the ambiguities and tensions this narrative introduces into the appropriated legacies of conservative right-wing politics and Islamism. For they are oriented to a Western imaginary around the ideal-typical form of civil society and the politics of recognition which embraces *particularistic* identities against the homogenizing tendencies of the Republican regime. These tensions notwithstanding, the *initial* success of AKP’s populist project lies precisely in articulating the premises of these state-centric analyses with the Islamist and conservative right-wing legacies. In fact, it is the liberal-democratic underpinnings of the state-centric analyses that have served the AKP’s populist agenda to broaden its support among the left-liberal intelligentsia and academic circles who are critical of Kemalism.

Overall, the articulation of the three discursive legacies becomes a general sign of the AKP’s populist politics as it rises upon the latter’s deliberate and strategic choice to merge anti-statism with Islamism’s/ right-wing conservatism’s statist agendas that aim to conquer the state. The pacification

of the masses via the discourse of victimhood that is well apparent in anti-statist/ state-centric narrative fuses with the *statist inclinations of the other two legacies*. The end result is the populist endeavour to *re-claim* the state on behalf of the *victimized people* and this agenda embraces the *representative* modality of the state in its general configuration. Moreover, if there is one constitutive component that undergirds the AKP's articulation of these three discursive legacies, the state-centric discourse, Islamism and conservative-right wing politics, it is their reference to Kemalism's *lack of popular initiatives and 'elitist' alienation from the people*. Based on a reductionist and ahistorical account of Kemalism that identifies it with a monolithically top-down statism<sup>83</sup>, they provide important ideological tools for the AKP's populist hegemonic strategies. What one still needs to interrogate, though, is the AKP's success in infiltrating the political space and generating popular appeal via the use of these discourses. In the general framework of the thesis, the sources of this success can be laid down in the hegemonic deficits of Kemalism that are most visible in the single-party regime in the 30s when the latter was introduced as the official ideology of Turkish Republic in the Constitution. In order to fully comprehend these deficits though, we need to introduce a broader temporal framework that covers the historical background of Kemalism, not only as an ideology but also as the name of the particular route of transition to modern nation-state in Turkey. Thus, first, I use the concept of passive revolution to explicate the trajectories of Kemalist revolution, nation-state formation and its aftermath.

### **3.4. The Hegemonic Crisis of Kemalism:**

#### **3.4.1 The Trajectories of Kemalism and Passive Revolution**

We have already mentioned one particular understanding of passive revolution in order to help us comprehend the AKP's rise to power and its later consolidation, associating it with the pacifying and incorporating nature of the new populist project bound with new neo-liberal forms of governance. However, before Gramsci offered us this kind of a

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<sup>83</sup> For a critical approach on this, see Tugal, *The Fall of the Turkish Model*, 38

‘generalizable logic’ of passive revolutions that extend well beyond his time, he associated it with a historical event or ensemble of events.<sup>84</sup> Originally derived from the Italian context where the *Risorgimento* (Italian unification) was accomplished through *restoration-revolution*, passive-revolution expressed the historical fact that there was “absence of popular initiative in the development of Italian history.”<sup>85</sup> As Peter Thomas puts it, in a later phase, Gramsci extended this concept to cover periods and histories that have been lacking a similar bottom-up popular initiative in transition to modernity, especially in an era of uneven development of capitalism.<sup>86</sup> Gramsci famously argued:

The concept of passive revolution seems to me to be exact not only for Italy but also for other countries that modernise the State by means of a series of reforms or national wars, without passing through the political revolution of the radical Jacobin type.<sup>87</sup>

Kemalist formation of the nation-state was *this type* of a passive revolution, in which the state replaced the local social groups in leading a struggle of renewal and became the agent of political transformation.<sup>88</sup> Emerging from a national liberation war that intersected with class struggles against the *Christian Greek* and *Armenian* propertied classes and with the power struggle against the imperial Ottoman government in Istanbul, the Kemalists pursued their nation-building project against three antagonistic forces: the religious-ethnic identities of the non-Muslim propertied classes, the *ancien regime* of Ottoman sultanate and the ‘colonial’ occupying forces. The crisis and collapse of the Ottoman Empire was appropriated by a radical secular nationalist stratum, a group of military officers who acted as the agents of transition to capitalist modernity.<sup>89</sup> Thus, the political revolution accompanied by the secular transformation of the polity amounted to a process akin to a ‘revolution from above’, a revolution pioneered by the

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<sup>84</sup> Peter Thomas, “Modernity as ‘Passive Revolution’: Gramsci and the Fundamental Concepts of Historical Materialism,” *Online Journal of CHA* 17, no.2 (2006):72

<sup>85</sup> Antonio Gramsci cited by Peter Thomas, *Ibid*, 72

<sup>86</sup> Thomas, *Ibid*.

<sup>87</sup> Antonio Gramsci cited by Peter Thomas, “Contra the Passive Revolution,” 147

<sup>88</sup> Antonio Gramsci, *Selections from Prison Notebooks*, 106

<sup>89</sup> See Brecht de Smet, “Passive Revolution and Imperialism,” in *Revolution and Counter-Revolution in Egypt* (London: Pluto Press, 2016), 136-137

military bureaucratic cadres.<sup>90</sup> The state-led transition was but a direct consequence of the *absence* of a strong *Turkish-Muslim* bourgeoisie class which would lead the revolution, paving the way for a military-bureaucratic elite to foster capitalist modernization from above.<sup>91</sup>

While this brief sketch clearly shows us the relevance of Gramsci's one particular use of passive revolution in order to explicate Kemalism, a direct *transposition and the literal application* of this ideal-typical model ('elite-driven transformation from above') to the Turkish context would miss two important components of the Gramscian insight. First, methodologically, it tends to obstruct Gramsci's own vigilance for the 'concrete analysis of the concrete situation' as it subsumes the Turkish case under the abstraction of *modernization from above, without further qualifications*. More importantly, it misses Gramsci's more nuanced understanding of passive revolution as a concept where he directs his attention to:

the reaction of the dominant classes to the sporadic and incoherent rebelliousness of the popular masses—a reaction consisting of 'restorations' that agree to some part of the popular demands and are therefore 'progressive restorations', or 'revolutions-restorations', or even 'passive revolutions'.<sup>92</sup>

In this second associated sense, Morton argues, there is an emphasis on the "insurrectionary mass mobilization from below" which is now displaced and domesticated in order to fortify a revolution-restoration.<sup>93</sup> In the analysis pursued here, this shift of emphasis is crucial in two respects. First, at the more practical level of questioning the AKP's hegemonic strategy, it introduces a broader perspective and a diversified analysis that includes the discussion of 'displacement of popular demands', problematizing the equation of Kemalism with a *top-down authoritarianism with no popular initiative at all*. Second, it offers a more context-sensitive reading to lay out the contingent relations of forces between *revolution from below* and

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<sup>90</sup> Ellen Kay Trimberger, *Revolution from Above: Military Bureaucrats and Development in Japan, Turkey and Peru* (New Brunswick, New Jersey, Transaction Books: 1978), 9

<sup>91</sup> For an overall discussion see Caglar Keyder, *State and Class in Turkey*. (London and New York: Verso, 1987)

<sup>92</sup> Antonio Gramsci, *Prison Notebooks. Vol. 3*, ed. and trans. Joseph A. Buttigieg (New York: Columbia University Press, 2007), 252

<sup>93</sup> A.D. Morton, "The Continuum of Passive Revolution," 318

*revolution from above* in the unfolding of the passive revolution in the Turkish context in the 1910s and 20s.

In order to assess this dynamic relation within the trajectory of the Turkish modern nation-state formation, one needs to question the very assumption of the Kemalist revolution as a rupture *ex nihilo* or a discrete event in itself. Rather, its trajectories should be sought after in the *Young Turk* movement. The Young Turk movement was formed by a number of young soldiers and bureaucrats in Macedonia (then still part of the Ottoman Empire) in 1906 and it took on the name Committee of Union and Progress (*Ittihat ve Terakki Cemiyeti*) after merging with the older Paris-based opposition movement in 1907. The Young Turks who mainly emerged from the segments of the Westernized bureaucracy in the Ottoman Empire with the introduction of the educational reforms in the 19<sup>th</sup> century led a revolution against the Caliph-Sultan and forced him to reinstate the constitution in 1908.<sup>94</sup> This effectively meant that power was handed over to the *secular political elites*, which created a backdrop for the subsequent state-led modernization and nation-state building project.<sup>95</sup> More importantly, in its initial stages at the beginning of the century, it rose upon various discontents amongst the Ottoman population and subsequently, succeeded to incorporate these discontents as part of a constitutional revolution against the Sultanate in 1908.<sup>96</sup> The bureaucrats succeeded in seizing the state only by “mobilising and increasing their appeal to commercial and lower-class grievances” caused by taxation, usury, and conscription.<sup>97</sup> Thus, there was a dynamic exchange between the bureaucratic transformation from above and revolution from below that culminated in the revolutionary period leading to 1908. Kemalist movement was actually a manifestation of these passive-revolutionary dynamics in a conjuncture overdetermined by the colonial

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<sup>94</sup> See Caglar Keyder, *State and Class*, 28 and Ahmet Oncu, “Plus Hegemony: A Gramscian Analysis of the Turkish State,” *Science and Society* 67, No:3 (Fall 2003): 311-312

<sup>95</sup> Ahmet Oncu, *Ibid*, 312

<sup>96</sup> See Ertan Erol, *Capitalist spatiality in the periphery: regional integration projects in Mexico and Turkey*, (PHD thesis Submitted to the University of Nottingham, 2013), 173-181

<sup>97</sup> Eren Duzgun, “Capitalism, Jacobinism and International Relations: Re-interpreting the Ottoman path to modernity,” *Review of International Studies*, Vol. 44, part 2 (2017): 275



occupation and collapse of the Ottoman Empire.<sup>98</sup> There was a continuum of ideas, practices and cadre resources between two regimes, namely between *the Young Turk Regime* (1908-1918) led by the political organisation called the Committee of Union and Progress (*Ittihat ve Terakki Cemiyeti*) and the Kemalist regime (1918-1945).<sup>99</sup> At the time of colonial occupation and war (1919-1922), the Kemalist leadership managed to take over the legacy of the *Young Turk* movement and revitalized it as part of a broader nation-building project. The war-time policies of the CUP rule, the government which had been taken over by the hard-line Turkist-nationalist faction by then, were also contributory to the upcoming Kemalist nation-building project for sure.<sup>100</sup> The Kemalist movement sprang up as an illegal armed resistance movement in the aftermath of the WW1 and succeeded in incorporating and mobilizing the Muslim population through meetings and mass demonstrations, and established its legitimacy by convening regional congresses.<sup>101</sup> More crucially, the Kemalist leadership geared support from the workers' and socialist movements during the *War of Independence* in 1919 and into the early 1920s.<sup>102</sup> Nationalism and anti-imperialism, which had been two prominent ideologies adopted from the later periods of the *Young Turk* movement, served as the common grounds on which diverse and at times opposing interests like those of the socialist movements and propertied classes (the emerging Turkish bourgeoisie, landlords, etc.) converged with the Kemalist leadership.<sup>103</sup> Subsequently, the end of the war signalled a complete victory of the Kemalist movement, which, being already part of the military bureaucracy of the late Ottoman Empire, finalized its monopolization of political power by turning itself into a political party (*People's Party* and later, *Republican People's Party*) and

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<sup>98</sup> Cemal Burak Tansel, "Passive Revolutions and the Dynamic of Social Change in the Peripheries," *Review of African Political Economy* (2018), 121

<sup>99</sup> Eric J. Zürcher, "The Ottoman Legacy of the Turkish Republic: An Attempt at a New Periodization", *Die Welt des Islams, New Series*, Bd. 32, Nr. 2 (1992): 237-253

<sup>100</sup> The implementation of a national economy programme and the systematic extermination of the Armenian population were the main two policies at this interval between 1914-1918. See Eric. J. Zürcher, "Young Turks, Ottoman Muslims and Turkish Nationalists: Identity Politics: 1908–38," in *The Young Turk Legacy and Nation Building* (London and New York, I.B. Tauris, 2010), 219-220

<sup>101</sup> Eric J. Zürcher, *Political Opposition in the Early Turkish Republic. The Progressive Republican Party* (Leiden, Germany: E. J. Brill., 1991), 13

<sup>102</sup> See Jonas Sylvest, "Labour Movements and State Formation in Turkey: Passive Revolution and Uneven Development," *International Gramsci Journal*, 2(4) (2018): 37-82.

<sup>103</sup> *Ibid.*

leading the transition to the Republican state in 1923.<sup>104</sup> Thus, the Kemalist movement gradually became the embodiment of the *new state*, successfully elevating itself to the sole political agent to fill the political vacuum in the context of the *contingent* balance of forces overdetermined by the collapse of the Empire. In the upcoming stage in the 20s, the implementation of the radical secular reforms that accompanied the constitution and consolidation of the Republic coincided with the rise of the dominant, statist sectors within the Republican cadres who coalesced around the inner circles of the RPP.<sup>105</sup> The RPP's concentration of power gave more *authoritarian* character to the unfolding of the Kemalist passive-revolution as this shift resulted in the liquidation of any possible opposition to the imposition of the radical reforms from above. In the 30s, the authoritarian turn of the Kemalist regime gained new impetus with the emergence of what Tugal calls 'secular corporatism' in the aftermath of the Great Depression which invited more state intervention into the economic as well as political domains.<sup>106</sup> This statism also signalled a new phase in the passive-revolutionary diffusion of subaltern demands ( the co-optation of workers through 'statization' of unions., etc.) via the transition to a planned economy as a form of state capitalism.<sup>107</sup> Thus, overall, the succeeding phases of the Kemalist movement, namely the military bureaucracy's continuation of the Young Turk legacy after WW1, its leadership in the armed resistance , the constitution of the Republican nation-state, the implementation of radical secular reforms and finally, the transition to an authoritarian corporatist regime in the 30s corresponded to different instances of the Kemalist passive-revolution. In all of them:

the crucial element (in passive revolution) is the *statization* of reorganisation or restructuring, so that popular initiatives from below are contained or destroyed and the relationship of ruler-ruled is maintained or reimposed.<sup>108</sup>

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<sup>104</sup> Zurcher, *Political Opposition in the Early Turkish Republic. The Progressive Republican Party*, 30

<sup>105</sup> Tugal, *The Fall of the Turkish Model*, 37

<sup>106</sup> Tugal, *Ibid.*

<sup>107</sup> Jonas Sylvest, *Ibid.*

<sup>108</sup> Bob Jessop, *State Theory: Putting the Capitalist State in Its Place* (Cambridge: Polity, 1990), 213

### 3.4.2 The 1930s and the Hegemonic Failures of Kemalism: Kemalism as the Official Ideology of Turkey

Among these different periods, the 1930s were unique as the Kemalist regime's escalating authoritarianism was 'concretized' in the implementation of an *official ideology*. In the 1930s, 'Kemalism' has been officially clarified as the *Six Arrows* that constituted the pillars of the sovereign ideology: republicanism, secularism, populism, statism, nationalism and revolutionism. The 'Kemalist' ideology was first included in the RPP's programme and later, in the Constitution as an amendment in the 30s. Thus, with the introduction of the constitutional amendment in 1937, the absolute integration of the Republican People's Party and the Turkish state was approved and Kemalist ideology was proclaimed as the official doctrine of the state.<sup>109</sup>

In most general terms, the ideological programme represented the Kemalists' *perception* of the 'new order' in contradistinction with the 'old'. It reflected the Kemalists' aspiration to forge a new secular and modern Turkish identity: The anti-monarchical principal (republicanism), the new form of identification of Turkishness (nationalism), the ideal of popular sovereignty (populism), the modernist break with religious world-view (secularism), the 'rupture' with traditional sources of authority (revolutionism) and the new state as the agent of radical transformation (statism) were all articulated as the cements of an overarching nation-state ideology.<sup>110</sup>

The Republican cadres' success in imposing a new framework of legitimacy notwithstanding, the Kemalist ideology did not succeed in becoming part of an *expansive hegemonic project* that would encourage the active participation of the people. This was mainly due to 1) the authoritarian

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<sup>109</sup> See Taha Parla and Andrew Davison, *Corporatist Ideology in Turkey: Progress or Order* (New York: Syracuse University Press, 2004)

<sup>110</sup> For a general discussion on Kemalist perception of the new order in terms of ideology and discourse, see Nur Betül Celik, "The Constitution and Dissolution of the Kemalist Imaginary", in *Discourse Theory and Political Analysis: Identities, Hegemonies and Social Change*, ed. David Howath, Aletta J. Norval and Yannis Stavrakakis (Manchester and New York: Manchester University Press), 196

nature of its imposition in the single-party regime in the 30s and 2) the *exclusionary undercurrents of the Kemalist ideals*.

First, in the 30s, as mentioned above, the single-party regime was led by the 'statist' power bloc which comprised, in Tugal's words, "the military leadership, the modernizing layers of the civil bureaucracy, an officially protected industrial bourgeoisie and a Western-oriented intelligentsia."<sup>111</sup> Thus, the pillars of the Kemalist ideology, namely the *Six Arrows* were articulated as part of and in accordance with the authoritarian nature of the single-party regime in the 30s. Thus, from the outset, the very mode of its articulation and imposition via the state-party nexus diminished its hegemonic appeal. Second, the overdetermining secular and nationalist republican imaginary in Kemalism, as Özselçuk and Küçük argue, had universal aspirations that would ideally become embodied by the so-called *nation-state*. Through this imaginary, the state and the 'representative' of the state, Republican People's Party (*CHP*) constructed themselves as the 'incarnation' of absolute truth and universality, dissolving the frontier between particularity and universality.<sup>112</sup> So, in this mode of universality the connection between the universal and the 'particular agent' ('state' and RPP) that incarnated it was presumed to be transparent, leading to a postulation of an agent which was, in and of itself, universal. However, contrary to its 'neutral' rhetoric, the state's assumption of universality was actually a source of exclusion in the form of a '*paternalistic*' attitude toward the people who were supposedly not 'mature' enough to approximate the 'ideal Republican citizen'.<sup>113</sup> The outcome of such an attitude was the RPP's exclusionary monopolization of the political space which eventually diminished the hegemonic appeal of the Kemalist ideology.

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<sup>111</sup> Tugal, *The Fall of the Turkish Model*, 36-37

<sup>112</sup> Ceren Özselçuk and Bulent Küçük, "'Mesafeli' devletten 'hizmetkâr' devlete: AKP'nin kısmi tanıma siyaseti", *Toplum ve Bilim* 132 (2015): 162-190. From a Laclauian standpoint, this is the end of politics since the productive tension between universality and particularity that leads to hegemonic struggles is denied and repressed. For a discussion on the dissolution of this imaginary, also see Ceren Özselçuk and Bulent Küçük, "Fragments of the Emerging Regime in Turkey: Limits of Knowledge, Transgression of Law, and Failed Imaginaries," *The South Atlantic Quarterly* (January 2019), 13

<sup>113</sup> Banu Bargu, "Crisis of Sovereignty" in *Starve and Immolate: The Politics of Human Weapons*, (New York: Columbia University Press, 2014) 89-96

The entrenchment of the Kemalist official ideology, especially in the Constitution in the 1930s, became a major source of later military interventions in Turkey as well. Given its role as the ‘arbiter of nation’ in the formation of the nation-state, the military resorted to these ‘founding principles of Kemalism’ and intervened whenever there was an alleged deviation from the latter in the Turkish representative democracy after 1946.<sup>114</sup> Put in Muge Gokcek’s formulation, at these moments, *Orthodox Kemalism* transformed into *Guardian Kemalism* insofar as the military intervened to set things ‘right’.<sup>115</sup> Thus, the military interventions’ reference to ‘Kemalism’ intensified the latter’s hegemonic failures insofar as the electoral system was crushed and ‘authoritarian’ political architecture was rebuilt.<sup>116</sup> The militaristic/ authoritarian reinscriptions of the Kemalist ideology made the latter even more vulnerable to the claim that it is a *static*, *statist* and *anachronistic* mind-set that has to be surpassed in order for democracy to flourish in Turkey. The AKP used both these vulnerabilities which we have associated with Kemalism’s hegemonic failures to boost its own populist/ passive-revolutionary strategy. Hence, it succeeded in cementing right-wing conservatism and Islamism with the anti-statist discourse in the service of its antagonistic condemnation of ‘Kemalist elites’.

### **3.4.3 Final Remarks on Passive Revolution in Turkey: The Continuities and Breaks between Kemalism and the AKP**

The above historical investigation shows us that the concept of passive revolution is helpful in explicating the trajectories of the Kemalist revolution and its aftermath. Most importantly, the use of the concept gives us profound insight into the deficiencies of the AKP’s aforementioned hegemonic strategy that equates Kemalism *exclusively* with a *top-down authoritarianism* that lacks any popular initiative. Instead, our reading of Kemalism in terms of a passive revolution that renders it continuous with the previous revolutionary periods that cover the 1908 Revolution and its

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<sup>114</sup> See Laclau, *On Populist Reason*, 213

<sup>115</sup> Fatma Muge Gokcek, *Transformation of Turkey: Redefining State and Society from the Ottoman Empire to the Modern Era* (London and New York: Ib. Tauris, 2011), 106

<sup>116</sup> Banu Bargu, *Ibid.*

aftermath clearly reveals the shortcomings of such a simplistic narrative. In addition, our suggested approach offers a new framework of research that goes beyond one other aspect of the AKP's populist hegemonic strategy and that strategy dwells on the bifurcation of Turkish modern history into Kemalist (*authoritarian*) and post-Kemalist (*democratic*) periods. Deploying the concept of the passive-revolution alerts us to the 'continuum of passive revolution'<sup>117</sup> underlined by the persistence of different re/configurations of power blocs via the co-optation and neutralization of popular demands in times of political transition/ transformation within a nation's trajectory in capitalist modernity.<sup>118</sup> Thus, as Morton argues, instances of different passive revolutions, in our case the Kemalist nation-state formation and the AKP-led neoliberal transformation can be understood as parts of a cumulative process of historically linked moments of state formation.<sup>119</sup> Thus, this kind of an approach also reminds us of the AKP's entanglements with the state which have its roots, albeit in different forms, in the conservative right-wing politics and Islamism.

As we have seen, the concept of passive-revolution also gives us a new perspective to investigate the trajectories of the hegemonic failures of Kemalism that reach its apogee with the regime's constitution of an official ideology in the 1930s. Hence, it gives us an insight to grasp the roots of Kemalists' hegemonic failure that prove advantageous to the AKP's politics of antagonization. Building on these, in the next chapter, I continue investigating the AKP's populist/ passive revolutionary strategy of antagonizing the so-called Kemalist elites by an analysis of the 2010 Constitutional Referendum.

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<sup>117</sup> A.D. Morton, "The Continuum of Passive Revolution"

<sup>118</sup> See Brecht De Smet, *Ibid*, 68

<sup>119</sup> This does not mean we should collapse the two moments but instead underline their similar strategies of power that avoid a genuine subaltern political subjectivation. One can recall Gramsci's own formulation of the continuum of passive revolution here: "Is not "fascism" precisely a new "liberalism"? Is not fascism precisely the form of "passive revolution" proper to the twentieth century as liberalism was to the nineteenth?" A.D. Morton, *Unravelling Gramsci: Hegemony and Passive Revolution in the Global Political Economy* (London: Pluto Press, 2007), 71.

**The 2010 Constitutional Referendum in Turkey:  
The AKP, ‘Radicalization’ of Passive Revolution and  
Populism as an Internal Periphery of Democracy**

#### **4.1 Turkey’s 2010 Constitutional Referendum**

##### **4.1.1. Some Preliminary Remarks**

Turkey went through an important referendum on September 12<sup>th</sup>, 2010, the date marking the 30<sup>th</sup> year of the military take-over which heightened its symbolic value as a contestation of the ‘past’ anti-democratic assaults against the parliament, the major one being the *coup d’état* that took place in 1980. Resulting in the passage of a package of constitutional amendments with the support of 58 % of voters, the referendum signified a decisive moment in the AKP’s passive revolutionary populism by bringing together many different segments of the society that cut across the conventional *left-right* political division in the society. Following the Gramscian reading proposed in the last chapter , I argue that what the electoral support signalled was nothing less than a new phase in passive revolution akin to *Transformismo* in its second phase whereby the AKP’s power consolidated itself via the inclusion of many forces of opposition along with massive support from the electorate, the exemplary figures of which were the liberals and left-liberals.<sup>1</sup> The AKP’s passive revolution was successful at the moment of the Constitutional Referendum as a result of the ‘populist’ equivalence between different demands against the alleged ‘secular elites who allegedly represented the mentality of the ‘coup’. Thus, The AKP’s

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<sup>1</sup> There have been fruitful discussions around this topic, especially with regard to the different sources of support for the AKP’s Constitutional Amendment Package. For one discussion that summarizes the positions of the political actors regarding the package, see Sinan Ciddi, “Turkey’s September 2010 Referendum”, *MERIA Journal Volume 15, Number 04 (December 2011)* , <http://www.rubincenter.org/2011/12/turkey%E2%80%99s-september-12-2010-referendum/>, accessed on 20/01/2018. For a critical analysis of the left-liberal support for the package see Ismet Akca, “AKP, Anayasa Degisikligi Referandumu ve Sol: Yetmez ama Evetin Acmazlari,” *Mesele 45* (2010) <https://www.scribd.com/document/36962117/AKP-Anayasa-De%C4%9Fi%C5%9Fikli%C4%9Fi-Referandumu-ve-Sol-Yetmez-Ama-Evet-in-Acmazlar%C4%B1> accessed on 20/01/2018

broader hegemonic strategy to gear support from many different segments of the electorate was accompanied by a strategy of majoritarianism which expressed itself in the amendments that removed the obstacles that hindered the AKP's claims for sovereignty. Thus, the 'radicalization' of the passive revolution went hand in hand with the AKP rule's inclinations to conquer the state. The AKP's strategies around the time of the Referendum, as we will see, expressed its claims to elevate itself into a sovereign body that would be the spokesperson for the people, *representing* and *embodying* them at the same time. This actually showed that the AKP's populist strategy was based on a certain negotiation and exploitation of the tension that arose from the aforementioned Lefortian gap between popular sovereignty and representation. Wandering within the boundaries of the liberal-democratic regime, this populist claim of speaking on behalf of constituent power did nonetheless show signs of a new authoritarianism that was made explicit in the sovereign realignment between the people, the party and the leader. The referendum process has been an important moment that brought the AKP's populism's sovereign aspirations into surface. This chapter is a treatise on these twin aspects of the 'radicalization' of the passive revolution and the populist agenda to conquer the state. For the former aspect of passive revolution, I emphasize the constitutive role of the empty signifier, *coup* in 1) incorporating and co-opting oppositional voices to AKP's populist bloc and 2) 'pacifying' the people through recourse to the rhetoric of victimhood. For the latter one which is the populist agenda to conquer the state, I address the populist *excesses* that negotiate with and expand the limits of democracy in authoritarian directions: the leadership and antagonization. In the final parts of the chapter, I extend on my thesis on the role of leadership in populist politics by examining the formative means by which the leader-people nexus is formed. In order to do this, I emphasize the populist leadership's strategies that dwell in claiming to *incarnate/embody* the people and giving them voice via a powerful electoral mechanism, namely the Referendum. Overall, I argue throughout this chapter that Laclau's ground-breaking work on populism can be deployed to address these discussions, albeit without us necessarily following his emancipatory investments in the analytical/political device of populism.



#### 4.1.2 The AKP's Populist Confrontational Politics: The *Coup* as an Empty Signifier

The *2010 Constitutional Referendum* resulted in the passing of a constitutional amendment package which consisted of twenty-six amendments and these all made important changes to the *1982 Constitution* which was and is still in force. As mentioned above, the amendment package rose upon 1) the AKP's populist confrontational politics against the secular elites and 2) strategies to consolidate power via a full-fledged inter-class hegemony. However, the amendment package seemed to address many different issues at once. Leaving aside the individual amendments that proved to be instrumental in presenting the package as liberal and 'civilian', the overall logic behind the proposal confronted two main actors, namely the *military* and the *high judiciary*, which is to say the *Constitutional Court* and the *High Council of Judges and Public Prosecutors*.<sup>2</sup> The general goal of the amendments was reducing the impact of the military in ordinary governance and most importantly, altering the composition of the high judiciary. Contrary to the revolutionary rhetoric of rupture, the very logic behind the proposal confirmed what we have designated as passive revolution, a *top-down reform process* carried out by the AKP *within the limits* imposed by the 1982 constitution drafted by the military after the 1980 coup. The AKP did not attempt to convene a constituent assembly, draft a new constitution and hold a referendum but mainly, imposed an amendment package that proved to be useful in altering the constitutional

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<sup>2</sup>See Orcun Selcuk, *Ibid.*, 576. One can also include the still valid *pro-EU prospect* when analysing the amendments in the package. Hence, the twenty ix amendments included provisions that fell directly within the government's pro-EU stance in 'liberalizing' the coup-era constitution, ranging from making possible individual appeals to the TCC; strengthening gender equality and protection for children, the elderly, veterans and the disabled; and improving collective bargaining rights. In line with these amendments but with much wider implications for the AKP's confrontational populism, there were also constitutional provisions that removed immunities for the perpetrators of the military coup of 1980; that reduced the jurisdiction of the military courts and brought the decisions of the Higher Military Council on the firing and promotion under judicial review. The confrontational populist stance was most visible in the amendments concerning the composition of the TCC and the High Council of Judges and Prosecutors though. For a further discussion on the liberalizing aspects of the package, see Asli Bali, "Unpacking Turkey's Court-Packing Referendum", *Middle East Research and Information Project*, November 2010, <http://www.merip.org/mero/mero110510>

provisions that hindered its claims for sovereignty.<sup>3</sup> Thus, the attempt for an inter-class hegemony via a more direct populist confrontational politics and the active quest for incorporating pro-democratic political forces did not bring forward a *radical* reconfiguration but instead stayed within the general parameters of the *old system*. However, this did not mean that the passive-revolutionary strategy did not use a *revolutionary* discourse of rupture against the coup and its legacy. I claim that the anti-coup rhetoric which was forged in revolutionary terms of rupture gave the AKP's populist agenda an unforeseen credibility during the *Referendum*.

At the time of the referendum and in its aftermath, critical constitutional scholars and intellectuals reasonably pointed out the fact that the amendments that concerned individual rights and liberties, gender equality and even the ones that concerned the political impact of the military, were just a window-dressing on court-packing provisions. According to this line of thought, the essential provisions were those that directly concerned offenses against *judicial independence*. The argument was that the high judiciary's autonomy would be undermined with the ratification of these provisions in the referendum.<sup>4</sup>

The attention to the *real* intentions behind what seems to be a liberal package *per se* does not mean that we should only focus on the provisions that concern the high judiciary when we unravel the AKP's populist logic and articulation at that moment. There are several reasons for this. First, an exclusive emphasis on the contents as such might overlook the impact of the procedure that had been followed in proposing the amendment package to the electorate in the first place. Remembering how the scholarship on populism underscores the predominance of the idea of the strong leadership in populist politics to overcome what is determined as crisis, one can certainly see that the AKP's procedure in delivering the constitutional

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<sup>3</sup> For an account that stresses the AKP's agenda of sovereign capture of the state via court-packing, see Andrew Arato, "The Constitutional Reform Proposal of the Turkish Government: The Return of Majority Imposition," *Constellations*, 17, no.2 (2010): 345-350 and Andrew Arato, "Turkey: Authoritarian Constitution Making, Reform and the Crisis of Constitutionalism," in *Post-Sovereign Constitution Making: Learning and Legitimacy* (Oxford: Oxford University Press, 2016), 223-268

<sup>4</sup> See Arato, "The Constitutional Reform Proposal of the Turkish Government," *Constellations* 17, No. 2 (2010): 345-350

amendments fits perfectly with populist majoritarian tendencies in bypassing the moments of deliberation and reflexive discussion on the issues at hand. The non-deliberative stance of the referendum process had been clear from the onset as 1) the amendments were submitted as a single package and 2) the amendment package went through the parliament with the support of the AKP parliamentary group alone which was *later* signed by the President and presented to the popular vote.<sup>5</sup> The AKP was clearly following the Turkish *conservative right-wing legacy* in adopting the populist majoritarian procedure, elevating itself to the one and only sovereign that was accountable *only* to the ‘people’.

The second reason why we should not only concern ourselves with the provisions on the high judiciary is that even if we agree that the overarching aim of the package was the passing of these provisions, that does not necessarily mean that they were the ‘nodal points’, in a Laclauian fashion, that helped the AKP construct a *populist equivalential chain* against the elite power bloc. These points lead us ask the following question. What was the determinate amendment proposal that seemed to provide a *nodal point*, a point that overdetermined the meaning of the other proposals (ranging from restraining military to restructuring the high judiciary)? I argue that in the constitutional package, the amendment that removed impunities afforded to the perpetrators responsible for the bloody *1980 coup* was the proposal that condensed and signified the AKP’s overall populist agenda to confront ‘elite’ power. While most critical scholars have reasonably relegated this amendment to a *symbolic* level that would only prove helpful for the AKP’s instrumental motive to consolidate its own power, my argument is that the very *symbolic* nature of such a proposal makes it a powerful candidate to be understood as a *nodal point*, as an articulatory point of reference.<sup>6</sup> By affirming its status as symbolic, I do not mean to efface the amendment’s practical force in bringing the high military officers to court after its implementation but rather point out its efficacy as a symbolic nodal point through which the most crucial amendments become meaningful in the

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<sup>5</sup> Thus, from the AKP’s adoption of a majoritarian procedure, one can easily deduce that the concerns about the AKP’s court-packing were immanently linked to the procedure itself as well.

<sup>6</sup> Andrew Arato, “Turkey: Authoritarian Constitution Making”

antagonistic confrontation with the elites. Thus, it is no coincidence that the date for the *Constitutional Referendum* was set for *September 12, 2010* which was exactly thirty years after the coup. It allegedly signified a rupture, a discontinuity from the military coup/ military regime, its legacy and subsequently, the state mentality that accompanied those.

How is it possible that the confrontation with the military coup can become such an important reference point to forge a populist equivalence and give meaning to the whole amendment package? And, how does this axis of antagonization prove helpful to foster AKP's populism in its passive-revolutionary strategy to include and co-opt different forces, some of them in opposition, like *liberal-democrats, left-wing liberals, left-wing socialist and different groups that would define themselves at a distance from the conservative-right wing legacy* of the AKP? What are the further implications of such a populist passive revolutionary strategy? These questions are essential for us to properly interrogate the AKP's populism. The empty signifier September 12 which condensed all that is against the people, served at one fundamental level to bring the aforementioned secular elites, namely the Turkish Constitutional Court and the military together as parts of a coalition. It was precisely a result of this strategy to antagonize these two that the passive-revolutionary strategy was successful in widening the appeal of its equivalential link and incorporating the liberal-democratic agenda and its spokespersons who would otherwise be suspect of the populist-majoritarian tendencies of the government's proposal. Still, one fundamental question remains to be addressed. How did the AKP's strategy to bring particularly the two agents, namely the military and the high judiciary together via the empty signifier of the coup become successful? In order to give plausible answers to these questions, one needs to revisit the discussions on the peculiarities of Turkish history and the supporting discursive legacies that foreground the AKP's populism.

The first thing to note is that the empty signifier, *September 12(1980)* was in certain respects metonymical, standing in for what is allegedly the tutelary regime consolidated over and over again by the *coup d'états* throughout the history of the Turkish Republic. Hence, it is plausible to argue that in the AKP's rhetoric, what was elevated to an 'empty signifier' at this precise

moment, *coup* as such, signifying what is allegedly a ‘*statist*’ *mentality* which is historically grounded in the Kemalist *top-down modernization* that later realized itself via military interventions in 1960, 1971, 1980 and 1997, the last one being the source of both the dismantling of Islamic politics and its later *revival/transformation* in the figure of the AKP. When we come back to our initial question, we see that what enabled the two main actors, the high judiciary and the military to be construed as parts of an elite coalition was their alleged *organic links to one another* in the aftermaths of the ‘military interventions’, especially after 1960 and 1980. In the AKP’s rhetoric, the high judiciary was practically a *continuation* of the military tutelary regime that effectively *usurped* the power of the people via its decisions. For the AKP’s spokespersons, these decisions had no democratic accountability whatsoever. As mentioned above, this kind of an anti-elitist condemnation is no surprise as the conservative right-wing legacy is structured upon the *sacralisation of the will of majority*, identifying the latter with the *national will* which it claims to represent/embody. There is nothing more natural than to target unelected branches of the state that prove to be obstacles to the AKP’s majoritarian/populist politics.

#### **4.1.3. The AKP’s Populist Strategy of Incorporation: How did The Liberals End up Supporting the AKP?**

One fundamental reason that makes this antagonistic frontier intriguing is the support it gets from different forces of opposition, the major one being the liberal-democrats. The liberal-democratic *intelligentsia* interpreted the AKP’s court-packing referendum as a mile-stone in Turkey’s long awaited ‘democratization’ process. It is precisely at this point that we should revisit our discussion on the discursive legacies that foreground the AKP’s populist politics and remember our discussion on the permeability *between the conservative right-wing discourse and the state-centric narrative* at certain moments. I argue that in the particular historical juncture of 2010, the AKP’s populist confrontational politics did not only merge with the state-centric narrative, which is, as mentioned before, a *liberal-democratic yet exceptionalist* take on the trajectory of the Turkish Republican history but effectively incorporates it, *co-opts* it via the antagonization of September 12 (hence, the idea of the *coup as such*). In order to understand this

*incorporation*, one needs to reflect on how the liberal-democratic deployment of the state-centric narrative became a major source in supporting the *2010 Referendum* and unravel how the liberal-democratic imaginary created an equivalence between the high judiciary and the military as extensions of the coup. I will deal with this question in the succeeding discussion as it gives us clues to interrogate the AKP's success as a passive-revolutionary populist political agent. My emphasis will be on the liberal-democratic constitutional scholarship as the case at hand both directly concerns the questions of the Constitution, the Constitutional Court and the latter's alleged organic links with the *coup d'état*.

Let me start from the initial historical premises of this liberal-democratic constitutionalist reading as they structure the backbone of its framework. The idea is basically that the system of the *Republic of Turkey*, established in 1923, cannot be evaluated outside the political and ideological preferences of the military and civilian bureaucracy in a superficial effort for *westernization and modernisation*.<sup>7</sup> In this reading, The Republican People's party which was established by the *founding father (Ataturk)* in 1923 eventually elevated its own ideological perspective to constitutional principles with the constitutional amendments of 1937 and turned 'constitution' into an *ideological* text. When interpreting the 'ideological' nature of constitutionalism in Turkey, this idea has been taken up by different scholars who emphasized the *political engineering* aspect of the allegedly *enlightened* state<sup>8</sup>: In this narrative, from its inception onwards, The *Turkish Republic* endeavoured to build a monolithic legal and cultural system by 'using law and legalism as formative tools to reflect a particular vision of the country.'<sup>9</sup> From the very start, one should disclose the fundamental presuppositions presented here: The very way the question of constitutionalism is presented strongly resonates with the state-centric Turkish *revisionist* historiography that labels Turkish nationalism as a

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<sup>7</sup> Asli Bali, "The Perils of Judicial Independence: Constitutional Transition and the Turkish Example," *Virginia Journal of International Law* 52, no.2 (Winter 2012), 247

<sup>8</sup> See SA Arjomand, "Law, Political Reconstruction and Constitutional Politics," *International Sociology* 18, no.1:7-32 and Hootan Shambayati, "The Guardian of the Regime: The Turkish Constitutional Court in Comparative Perspective," *Constitutional Politics in the Middle East* (Oxford and Portland Oregon: Hart Publishing, 2008): 99-121

<sup>9</sup> Esin Orucu, "The Constitutional Court of Turkey: The Anayasa Mahkemesi as the Protector of the System," *Journal of Comparative Law* 3, no.2 (2008): 254

*project*, a fabrication conducted by the Turkish elite. The prominent idea of this history-writing is that ‘the Enlightenment, which was experienced as a *process* in the West was transformed into a *project* in Turkey.’<sup>10</sup> Hence, the argument goes, if it is a project of the enlightened state ‘elite’, it has to be protected and preserved via *guardians* who are preferably immune to the will of the *ordinary people*. Thus, the parliamentary-democratic transitions in the aftermath of 1946 through which the voice of the people have resurfaced in the political scene had to be ‘controlled’ constantly as they would damage the *state ideology* and subsequently, damage the privileged status of the *unelected guardians of the regime*. So, the reading goes, constitutional safeguards are provided for the immunities and hegemonic positions of the *tutelary authority* that has been administered by the military, judiciary and the intellectual and bureaucratic elite throughout the history of the Republic.<sup>11</sup> One can already see that this interpretation of the history of constitutional politics ultimately rests on the assumption of a bifurcated political system based on the *division* of sovereignty between the state or who acts as the state (*unelected guardians*) and the government (*elected institutions*) which is composed of the parliament and the cabinet. Hence, it is no coincidence that most of the scholars who adopt this kind of a state-centric reading of Turkish history of constitutional politics resort to Ran Hirschl’s famous ‘hegemonic preservation thesis’ when discussing the problem of ‘democratic transitions’- the thesis that ‘political elites whose hegemonic interests are threatened by popular politicians delegate some of their power to constitutionally empowered judicial institutions in order to preserve their privileges.’<sup>12</sup> Hence, in this discourse, we see the *statist* coalition between military and judiciary pure and simple, erecting some

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<sup>10</sup> Ayse Kadioglu cited by Meltem Ahiska, “Notes for Chapter One”, *Occidentalism in Turkey: Questions of Modernity and National Identity in Turkish Radio Broadcasting* (London: Tauris Academic Studies, 2010), 199. As Meltem Ahiska argues here, there is an exceptionalist reading in this historiography, entrapped within a copy/model relation, reading Turkish ‘modernization’ as a deficient copy of the ‘authentic’ model of Western modernity. I think this is implicitly undertaken by these accounts of ‘constitutionalism’ in Turkey as well.

<sup>11</sup> See Osman Can, “Turkish Constitutional Court as Defender of *Raison D’état*”, in *Constitutionalism in Islamic Countries* ed. Rainer Grote and Tillman J. Roder (Oxford: Oxford University Press, 2012), 268 and see Turkuler Isiksel, “Between Text and Context: Turkey’s Tradition of Authoritarian Constitutionalism”, *I-CON* 11, No. 3 (2003): 702-726

<sup>12</sup> Gunes Murat Tezcur, “Judicial Activism in Perilous Times: The Turkish Case,” *Law & Society Review* 43, No. 2 (2009): 305-336

kind of an *'insulated'* state space against the dictates of democratic legitimacy.

This state-centric perspective reproduces itself in similar ways when analysing the reasons and the consequences of the 1980 military intervention as well. In summary, this period, like every *other period* is described in terms of cycles of Kemalist social/political engineering efforts followed by efforts from the opposition to temper the top-down coercive measures of the state elites, in turn provoking renewed Kemalist backlash.<sup>13</sup> The exceptionalist reading hinges on the presumption of a historically continuous 'statist mind-set' shared by the 'centre' occupied by the Republican elites<sup>14</sup>. In this respect, the intervention of the armed forces is considered as the *materialization* of the *State's mind-set* which is represented by the centre (*military-civil bureaucrats*) and posited against the periphery (*people*).<sup>15</sup> In this reading, in 1980, the armed forces intervened in the face of what it perceived as challenges and assaults to the sacred status of the state embodied by the principles of Kemalism. Hence, for the armed forces, while the historical circumstances and nature of the perceived threat change over time - from the threat of populist appeals to tradition and religion to the leftism of the 1960s and 1970s - the strategy of enforcing a return to Kemalist orthodoxy remains constant. The idea is that the armed forces ascribe themselves a guardianship role over the Republic's founding principles and intervene whenever they feel responsible to enforce ideological conformity within the state apparatus and society. Thus, the horizon of this liberal-constitutionalist explanatory mode is always the *origins* that presumably shine throughout the Republic's whole history, the origins pertaining to the centre founding and recurrently consolidating its power against the periphery and doing this through authoritarian measures. Furthermore, the reading goes, in order to achieve ideological conformity to the 'origins', it was not enough to intervene and overthrow the elected government. What was needed was to put in place the structural

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<sup>13</sup> Asli Bali, "The Perils of Judicial Independence", 279

<sup>14</sup> Mehmet Fevzi Bilgin, "Constitution, Legitimacy and Democracy in Turkey, in Constitutional Politics in the Middle East", ed. Said Amir Arjomand (Oxford and Portland Oregon: Hart Publishing, 2008), 133

<sup>15</sup> Asli Bali, "The Perils of Judicial Independence", 248



prerequisites to ensure that the return to civilian rule would respect the core ideological commitments of the Republican elites- hence the components of the high judiciary, the most prominent one being the TCC was purposefully designed for ‘preservation’ of these irrevocable commitments.<sup>16</sup>

This brief summary shows us how the liberal-democratic state-centric narrative relies on a historiography that can easily be incorporated into the AKP’s populism via the antagonistic stance toward the coup. We should emphasise once more that what is important is that the pro-liberal stance which one would assume be sceptical of the AKP’s majoritarian impulses became supportive of the AKP’s populist agenda. As explained, the major reasons behind this are the permeability between the *state-centric (liberal)* narrative and the *conservative-right wing majoritarian populism*, the peculiarities of the Turkish context and finally but most importantly, the success of the AKP in erecting neat antagonistic boundaries around the coup and tossing its arch-enemies *the secular ‘elites’, the high judiciary and the military* across those lines.

The AKP’s passive-revolutionary strategy to incorporate and co-opt different political forces and agendas did not restrict itself to the liberal-

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<sup>16</sup> This over-arching framework which is based on the ‘hegemonic preservation’ thesis, and which argues that the TCC is just an extension of the ‘military guardianship’ has to be read against the historical inception of the Court. The 1961 Constitution, which was drafted after a military take-over, created, for the first time, a constitutional court and introduced judicial review- since the Constitution was a direct product of the military coup against the elected government led by the Democratic (*Demokrat*) Party in Turkey, the origins of the story of Constitutional Court seem to confirm the above-mentioned historical model that revolves around the idea of the ‘recurrent cycle’ of military interventions secured by elite hegemonic preservation through juristocracy. However, the empirical facts do not confirm the ‘abstract’ historical model of state elites *versus* the elected civilian governments that easy. For one thing, the 1961 Constitution contained a detailed *Bill of Rights*, which put rights and liberties, including social rights under effective judicial guarantees- the concept of the ‘core of rights’ was brought in (article 11) which effectively elevated the Constitution into a text that laid out the fundamental philosophy of liberal democracy erected upon ‘the principles of constitutional supremacy, separation of powers and the independence of judiciary.’ But, still, alongside its powers of judicial review based on the imperatives of Constitution, it had the power to close down parties from the day of its inception. Thus, it is more plausible to contextualize the TCC rather than attribute abstract principles to it. Levent Koker brings this dimension forward in an illuminating way when emphasizing the TCC’s dual function: “Put differently, the TCC has a dual function, the function of protecting the rights and liberties of the individuals, on the one hand, and the function of protecting the Republic against the ills of the political parties, on the other. These two functions of the TCC can be contradictory at times for the Constitution has been the product of an authoritarian mind-set as reflected in the problematic case of party closure.” See Levent Koker, “Turkey’s Political-Constitutional Crisis: An Assessment of the Role of the Constitutional Court”, *Constellations* 17, No 2 (2010): 328-345

democrats but extended to the left-liberals and even some fractions of the (radical) left as well. The reasons behind the support differed as a result of several different interests, world-views and political projections for the future but they nonetheless converged in supporting the amendment package based on its alleged *anti-coup attributes*. While the left-liberals' goals had more in common with the liberal-democratic agenda in surpassing the tutelary regime of the civilian-military bureaucracy in order to foster a prosperous civil society, some fractions of the (radical) left singled out the amendment that removed *impunity for the perpetrators of the coup as their main source of support for the government's proposal*.<sup>17</sup> Their different priorities in pledging their support for the package notwithstanding, the common denominator that brought together the liberal-democrats, left-wing liberals and some leftists were their normative commitments to an idea(l) of progress that would bring about a *rupture, a new state of affairs* in the Turkish Republic by surpassing the obsolete tutelary regime which was realized by the military regime in the 1980s. This precise normative commitment to a rupture with the previous regime blinded itself to the AKP's *instrumental/symbolic* elevation of the empty signifier, *coup* to consolidate its own power in the direction of an *inter-class hegemony* and invested in the teleological anticipation of a 'more' democratic future brought about by the *institutional channels* of a constitutional change instead.<sup>18</sup> Thus, the expectation for an institutionally regulated 'transition' process towards democratization already made these aforementioned political actors a part of the passive-revolutionary project.

So far, I have analysed the dynamics of the *second passive-revolutionary* phase of the AKP by emphasizing the Constitutional Referendum's success in incorporating different pro-democracy political actors via the antagonistic discourse against *September 12 coup*. One important point to add, though, is that this *offensive* phase is accompanied by a more direct assertion of, in Stuart Hall's words, passive revolution from below, a technique of statecraft

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<sup>17</sup> See Ismet Akca, "AKP, Anayasa Degisikligi Referandumu ve Sol: Yetmez ama Evetin Acmazlari"

<sup>18</sup> For a critique of the teleological anticipation that underlines the liberals' advocacy of the rule of law and democracy, see Bonnie Honig, "Decision: The Paradoxical Dependence of the Rule of Law," in *Emergency Politics*, 65-86

which the dominant class deploys by drawing subaltern social classes into its political project. Thus, in the case of the moment of the *2010 Referendum*, the co-optation of pro-democracy actors indeed signifies a more *expansive* logic of drawing subalterns to the passive revolution which simultaneously made this co-optation a part of the pursuit of *inter-class hegemony*. The discourse of rupture with the legacy of the coup not only functioned to co-opt different political figures associated with democratic opposition but also, managed to build an *expansive* populist bloc composed of large segments of the society.

Interestingly, the development of the AKP's constitutional/ political project and the way it managed to pull together a wide selection of different parts of the society confirms to the Laclauian schema of populism in so many different ways. I claim that what Laclau offers as a populist hegemonic articulation of the people can in fact be deployed as an intellectual tool to reveal the dynamics of the AKP's passive-revolution's second phase. Contrary to his own intentions, Laclau's schema inaugurates an illuminating and powerful reading of populism as a passive-revolutionary mode of political rule. Hence, it is inevitable for us to revisit his take on populism both for the sake of showing the flaws of a strictly emancipatory reading of the concept and more importantly, deploying it analytically to scrutinize the AKP's passive-revolutionary populist project.

## **4.2 Laclau as an Interpreter of the Passive Revolution**

### **4.2.1. Laclau and Left-Wing Populism: Critical Notes**

Expanding on his anti-essentialist doctrine of hegemony as an articulatory practice, Laclau fundamentally changes the ground of the scholarly disputes on populism by prioritizing *form over content*. His fundamental change of perspective with respect to the literature on populism is rooted in a 'social constructivist' turn, a turn towards the 'constitutive dimension' of the extrinsic representative form over the content which culminates in interrogating how the 'people' are created rather than attributing the latter

an *expressive unity*.<sup>19</sup> For Laclau, in order to account for the construction of the people in populism, one should focus on the two preconditions of 1) the internal frontiers between the people and the power bloc and 2) the production of the empty signifiers that unite different identities as parts of an equivalential link.<sup>20</sup> Both of these preconditions refer to the ‘articulatory practice’ as such, which emerges via the transformation of ‘*differential democratic demands into the equivalential link of popular demands*’ in the wake of a shared frustration with the unresponsive elite power structure. Popular identities emerge as the imaginary equivalences among claims that share the negative trait of being ‘unfulfilled’, which *name, identify* and *antagonize* the power structure that is deemed responsible for the shared frustration.<sup>21</sup> However, and here comes the crucial point, the process of popular unification against the antagonistic other does not emerge *simultaneously* in the aftermath of a shared dissonance but is always accompanied by the emergence of an ‘empty signifier’ (democracy, justice or the ‘people’) that ‘represents’ the *equivalential link as such*.<sup>22</sup> Thus, a *horizon of representation* is primary in partially fixing these demands around an antagonistic ideal and a nodal point.<sup>23</sup> What is striking in Laclau’s account is that this empty signifier can only emerge when one particular demand dissolves or empties itself of its particularity and becomes the signifier of a wider universality.<sup>24</sup> A hegemonic operation as it were<sup>25</sup>, the particular struggle elevates itself to a stand-in for the empty-signifier which simultaneously introduces a split into the other links of the chain, dividing them between the particularism of their own demands and the popular signification imparted by their inscription within the chain.

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<sup>19</sup> See Giuseppe Ballacci, “The Creation of the ‘People’ in Laclau’s Theory of Populism: A Critical Assessment,” *Philosophy Journal* 57, special issue (2017):51-69 and L Salter, “Populism as a fantasmatic rupture in the post-political order: integrating Laclau with Glynos and Stavrakakis,” *Kōtuitui: New Zealand Journal of Social Sciences Online* 11, no. 2 (2016): 116-132

<sup>20</sup> Laclau, *On Populist Reason*, 93

<sup>21</sup> Laclau, *Ibid*, 94-95

<sup>22</sup> Laclau, *Ibid*, 94-95

<sup>23</sup> See Yannis Stavrakakis, “Hegemony or Post-Hegemony? Discourse, Representation and the Revenge(s) of the Real,” in *Radical Democracy and Collective Movements Today: The Biopolitics of the Multitude versus the Hegemony of the People*, ed. Alexandros Kioupiolis and Giorgos Katsambekis (Surrey and Burlington: Ashgate, 2014), 111-132

<sup>24</sup> Laclau, *On Populist Reason*, 95

<sup>25</sup> See Ernesto Laclau, “Why do Empty Signifiers Matter to Politics?,” *Emancipation(s)*, (London and New York: Verso, 1996), 36-46

Laclau's theorization of populism is a *political* intervention in its own right, contributing, in Marchart's words, not only to the theorization of politics but also to the politicisation of theory.<sup>26</sup> His motivations in inverting the terms of debate on populism and making the letter the centre of political thought is no surprise as he was "a life-long Peronist who was at the same time a public advocate of Kirchnerism and other variants of progressive populism."<sup>27</sup> Appropriating the Peronist legacy of the Argentinian politics and proposing a left-wing populist politics based on that legacy, Laclau aimed to reactivate the long-forgotten democratic subject *par excellence*, the people. His work endorsed populism normatively as the ideal left-wing strategy to stand up to the *postpolitical* neoliberal hegemony that pervaded the world-historical scene after the 1990s.<sup>28</sup> On top of that, his intervention also aimed to challenge the liberal-democratic 'pseudo-universality' and its obverse, namely the fragmenting and particularizing force of 'new social movements' based on identity politics and cultural differences and proposed a different politics of *universalism*. He proposed a new reading of universality, positioning it as an empty space to be fought over or embodied by particular groups or forces seeking hegemony. Thus, he shifted his emphasis to the very mode of articulation, i.e. the performative self-designation by means of which any group claimed to incarnate the universal, in our case 'the people'.<sup>29</sup> However, his inclinations for this type of a left-wing populist political mobilization stumbled upon 'authoritarian' drawbacks when his theory extolled the *performative* operation of incarnating the universal space, i.e. the empty signifier of the people. As some critics argue, this is more than likely to end up introducing a vertical relation between the 'leader'- the people, at least in contexts where the leader is elevated to the 'empty signifier' like the Peronist case in Latin America.<sup>30</sup> On top of that, in his account, the elevation of the 'construction'

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<sup>26</sup> Oliver Marchart, *Thinking Antagonism: Political Ontology after Laclau* (Edinburgh: Edinburgh University Press, 2018), 170

<sup>27</sup> Oliver Marchart, *Ibid.*

<sup>28</sup> See Donald Kingsbury, "Populism as Post-Politics: Ernesto Laclau, Hegemony, and the Limits of Democracy", *Radical Philosophy Review* 19, no.3 (2016): 1-23

<sup>29</sup> See Dilip Parameshwar Gaonkar, "The Primacy of the Political and The Trope of the People in Laclau's *On Populist Reason*," *Cultural Studies* 26, 2-3 (2012): 185-206

<sup>30</sup> See Andrew Arato, *Post sovereign Constitutional Making: Learning and Legitimacy*, (Oxford: Oxford University Press, 2016), 281-289 and Nadia Urbinati, *Democracy Disfigured Opinion, Truth and the People* (Cambridge and Harvard: Harvard University Press, 2014)

of the empty signifier to the properly political moment was directly correlative to the constitution of an antagonistic frontier, i.e. a Schmittian friend-enemy relation between the people and the *power bloc*. As we will be discussing in the next few pages, this kind of a Schmittian framework has the potential to unfold in an authoritarian manner of ‘excluding’ the ones who are stigmatized as ‘non-people’, giving immense prerogative power to the populist leader/regime to crash the oppositional voices.

Thus, for our analysis, while his descriptive analysis gave us a sense of the authoritarian dispositions of populism, including the right-wing variants of it, his normative commitments to political subjectivation of the people did not quite find their expression in his much praised populist politics.

#### **4.2.2. Empty Signifier and Passive Revolution: Reading Gramsci with Laclau**

Overall, I argue that contrary to its intention to open up the political space to the contingency of hegemonic practices<sup>31</sup>, the Laclauian *representative* instance of the empty signifier ends up reproducing the political *inertia* of the people. The creation of a particular nodal point that represents the people by forming a collective will out of dispersed unfulfilled demands ends up being a *performative operation, a transcendental moment of constituting what it is supposed to express*.<sup>32</sup> As Giuseppe Ballacci puts it, the democratic demands that are to be expressed remain in a *passive* position as mere receivers of a hegemonic articulation.<sup>33</sup> This hegemonic articulation imposes a *surplus* meaning, ignores the singularities of these demands and speaks on behalf of them.<sup>34</sup> Thus, the passive revolutionary mode of the political rule mirrors this particular relation between the empty signifier which is the transcendental moment of representation/articulation and the demands it constitutes/expresses. The resonance between Laclau’s

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<sup>31</sup> See Aletta J. Norval, “Theorizing Hegemony: Between Deconstruction and Psychoanalysis,” *Radical Democracy: Politics Between Abundance and Lack*, ed. Lars Tønner and Lasse Thomassen (Manchester and New York: Manchester University Press, 2005), 87

<sup>32</sup> Ernesto Laclau, *Ibid*, 98

<sup>33</sup> Giuseppe Ballacci, “The Creation of the ‘People’ in Laclau’s Theory of Populism”:51-69.

<sup>34</sup> See Benjamin Arditi, “Post-Hegemony: Politics Outside the Usual Marxist Paradigm,” in *Radical Democracy and Collective Movements Today*, 31-32

populism and Gramsci's passive revolution emerges fundamentally as a result of the affinities between these two logics in prioritizing the representative moment as a singularity that pacifies and speaks on behalf of the represented. Let me explain this affinity further by uncovering the AKP's particular populist articulatory logic at the time of the 2010 Constitutional Referendum.

We have already addressed the division of the political scene into two camps when discussing the AKP's populist discourse that surrounds the constitutional amendment package. In addition, we have shown that the *metonymic overlap*, *September 12 and 'coup'*, was the *ultimate reference point* that condensed the whole antagonistic camp. Put in a simpler way, it was precisely the *coup* that emerged as an empty signifier which signified simultaneously the *opposite* of 'change', 'justice', 'democracy' and ultimately, the '*people*'. The *coup* was a *nodal point*, an empty signifier that condensed many different and diverse demands, serving as a 'point of reference', a source of blame that unites these demands under the popular identity of the people. Thus, the isolated demands of different *particular/ontic* contents, encompassing demands such as the Kurdish request/claim for recognition/ autonomy, Islamic religious identity claims, the liberal yearning for a *civilian* and democratic constitution, *legal* demands for the recognition of the victims' suffering at the time of the 1980 military coup and *revolutionary* requests to bring *justice* for the past atrocities of the military regime were articulated in an equivalential bond by the *performative* operation of inscribing all these under the banner, *coup*.<sup>35</sup> The word that should be emphasized here is the 'performative', meaning that the empty signifier 'coup', not only *mediates* what precedes it, namely the heterogeneous demands, but at a more fundamental level, retrospectively uproots them from their particularities and resignifies them in their shared *resentment* against the coup and its legacy as popular demands.<sup>36</sup> For

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<sup>35</sup> For Laclau, this performative act is nothing less than a constitutive naming process: 'The name becomes the ground of the thing.' See Laclau, *On Populist Reason*, 104. See Cagdas Ceylan, *AKP'nin Muhafazakar Populizminin Ugraklari*, <http://halkci.org/akpnin-muhafazakar-populizminin-ugraklari/>, accessed on 20/03/2018

<sup>36</sup> See Laclau, *On Populist Reason*, 97. For a further elaboration on the shared surplus meaning that is created via the empty signifier's intervention see Benjamin Arditi, "Post-Hegemony: Politics Outside the Usual Marxist Paradigm," 31-32

example, the Kurdish political demand for recognition which remains particular when addressing power, gains a new *super-ordinate meaning* through its dis-identification with the latter. This ultimately means that the exclusion/antagonization of the power bloc ('coup and its legacy') mutes the particularism of Kurdish political identity (its *logic of difference*) and *prioritizes* its shared rejection of the excluded element, the coup (*logic of equivalence*). In Laclau's framework, this split between logics is not only a split but is always already a sign of the transition to the properly political moment, the moment which is nothing less than the *universal (form)* transcending the *particular (content)*, formulated in refined terms as a hegemonic articulation. Taking its cue from the *social contractualist* thematic<sup>37</sup> of transforming the multitude into the people via the 'properly' political moment of *representation, the moment which is equal to the emergence of the people*, the Laclauian split mirrors the passive-revolutionary mode of 'capturing' the people's transformative capacities in a *sovereign/representative* agency.<sup>38</sup> It de-politicizes the particular demands, evades their *hetero-genesis*<sup>39</sup> and subsequently, dissolve them in a political *countermarket*<sup>40</sup> of unaddressed demands which coalesce around the '*general equivalent*' of the empty signifier.<sup>41</sup> Laclauian populism's striking affinity with the presumptions of the foundational myth of the (liberal) social contract and hence, the liberal representative framework only gives us more clues to comprehend populism's affiliations with passive-revolution.

At this point, one still needs to pose the fundamental question of whether it is reasonable to simply identify the 'empty signifier' with the passive-revolutionary sovereign agency and leave it at that. To reiterate, the Laclauian empty signifier is actually the product of the *emptying process* which does not emerge as such but occurs as one differential element *among others* comes to signify or represent these same *others* in the chain of

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<sup>37</sup> Etienne Balibar, "Populism and Politics: The Return of the Contract," in *Equaliberty*, (Duke University Press, 2014), 192-193

<sup>38</sup> Donald Kingsbury, "Populism as Post-Politics: Ernesto Laclau, Hegemony, and the Limits of Democracy," *Radical Philosophy Review* 19, no.3 (2016): 3

<sup>39</sup> Michael Kaplan, "Capitalizing on the Dialectical Economy of Hegemony," *Cultural Studies* 26, no. 2-3 (2012), 359

<sup>40</sup> José Luis Villacañas Berlanga Jorge Ledo, "The Liberal Roots of Populism: A Critique of Laclau," *The New Centennial Review* 10, no.2 (2010); 166

<sup>41</sup> Ardití, "Post-Hegemony: Politics Outside the Usual Marxist Paradigm," 31



equivalence.<sup>42</sup> In a nutshell, a particular element starts representing the whole by emptying itself of its particularity. As Laclau puts it apropos oligarchy, when the AKP refers to widespread injustices, social grievances and attributes their source to the coup and its legacy, it manages to constitute the people by finding the common denominator of a set of social claims in their opposition to *coup and its legacy*.<sup>43</sup>

Thus, it signals foremost a hegemonic operation which amounts to the constitutive act of a ‘particular’ signifier ‘representing’ the community (‘universal’) as such. However, and here comes the crucial point, the empty signifier is always *tendentially* empty that means it never loses touch with the ‘differential remainder’, namely its differential content that has been the source of its appearance to begin with.<sup>44</sup> In terms of our discussion, the particular-differential content of the signifier ‘coup’ is more or less the AKP’s particular objectives against the power structure, namely the *coalition of Kemalist elites*. When the AKP presents itself as the incarnation of the empty signifier, (*anti*)coup, one should never forget that this act of *representation* takes place in a political context which is already penetrated by relations of power and this historicity subsequently dissolves any possibility for the particular group (the AKP) to emerge in the pure act of naming as such. The particular group strives and competes to incarnate the empty-signifier which in turn always already points out the most probable fact that the differential content contaminates the *universal form* of the empty signifier. Thus, the material bearer of the empty signifier cannot be simply erased from the picture once we designate the process as a struggle to elevate oneself to the representative of the whole community. Consequently, the demands that are articulated in an equivalential chain not only ‘*surrender*’ to the empty universal form of the signifier, leaving their

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<sup>42</sup> Laclau, *On Populist Reason*, 131

<sup>43</sup> Laclau, *On Populist Reason*, 97. In fact, one can always offer a reformulation from this side of the equation as well. The obverse of the empty signifier of the coup which falls on this side of the antagonistic dichotomization has been named differently- ‘democratization’, ‘the end of the military tutelage’, ‘justice’ and ultimately, the ‘people’. In the particular instance of 2010 Constitutional Referendum- the AKP presented its own objectives as a signifier of ‘all these’ which was a hegemonic operation in itself, the presentation of a group as the incarnation of all those empty signifiers. Thus, the AKP became an empty signifier itself.

<sup>44</sup> Laclau, *On Populist Reason*, 217

particularities behind but also, subordinate themselves to the *sovereign particular group's objectives and agenda, in our case the AKP.*

To come back to our initial point, then, this particular relation of subordination to both the empty-signifier and its material bearer captures perfectly the essential dimensions of a passive revolutionary mode of political rule. Thus, it is essential to note that there are two roles that *the empty signifier (anti-coup) and its material bearer, the AKP*, play in keeping the people in a state of political *inertia*, a *passive condition of subordination*. If one is at the aforementioned formal level that concerns the emergence of the empty signifier that mutes the particularities of other demands and assigns them the role of passive receivers, the other dimension concerns the particular differential content, the AKP's particular agenda that 'contaminates' the 'universal form'<sup>45</sup> which, as we will see, furthers the pacification of the people.

#### **4.2.3. Populist Affects as *Particular Remainders*: The AKP as a Locus of Identification for Victimhood**

In terms of the differential content, the AKP's anti-coup rhetoric, or conceptually speaking, its incarnation of the empty signifier of the (anti)coup is, among other things, defined by the affective investments of *victimhood on the one hand and resentment on the other*.<sup>46</sup> The association of populism with *resentment* and *victimhood* has been noted many times in the scholarly literature on populism.<sup>47</sup> Based on a closer inspection of these

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<sup>45</sup> See Laclau, "Why do Empty Signifiers Matter to Politics?," 36-46

<sup>46</sup> There are some fruitful discussions on the AKP's and conservative right-wing's emotional politics in terms of resentment and victimhood. Some of these are the following: Zafer Yilmaz, "The AKP and the spirit of the 'new' Turkey: imagined victim, reactionary mood, and resentful sovereign," *Turkish Studies* 18, no.3 (2017): 482-513. Bulent Küçük and Ceren Özselçuk, "The Question of Democratic Citizenship in Turkey: Two Social Imaginaries in Postcolonial Matters," *Tra gesti politici e scritture poetiche* (Naples, Italy: L'Orientale University Press, 2015), 57-76. Fethi Acikel, "'Kutsal mazlumluğun' psikopatolojisi," *Toplum ve Bilim* 70 (1996): 153-198. Fethi Acikel, "Post-Muhafazarlık, Melankolik Ofke ve AKP'nin Restorasyon İdeolojisi," *Birikim* 309-310 (2015):

<sup>47</sup> One should not conflate victimhood and resentment when thinking about them in general terms as affects. Yet, populist form of politics uses both as parts of its agenda against the antagonistic Other. For the resonance between populism and victimhood, see Jan-Werner Müller, *What is Populism?* (Philadelphia: University of Pennsylvania Press, 2016), 42. For the resonance between populism and resentment see Cas Mudde, "The populist zeitgeist," *Government and Opposition* 39, no.4 (2004): 542-63 and Müller, *What is Populism?*,<sup>88</sup> and Katherine J. Cramer, *The Politics of Resentment* (Chicago: University of Chicago Press, 2016)

studies, we can argue that populism's dichotomization of the social space into two antagonistic camps whereby the *Other (elites)* is elevated into a figure of oppression and an object of blame is the reason for the emergence of these particular affective investments.<sup>48</sup> How are these related to the 'differential content' of the AKP as a *particular group*? I think the answer lies in the *aforementioned amalgam of the three discursive legacies of (anti)- state-centrism, conservative right-wing legacy and Islamism that undergirds the AKP's identity*. The variations between them notwithstanding, all three legacies converge on the particular historiographic narrative that works through dichotomies of the *Republican oppressive and obsolete regime versus the 'victimized' people*. What is particularly of interest is that the AKP inserts its own '*particular/ontic*' struggle as a movement and party within this particular narrative and claims to be *oppressed and unrecognized* by the Republican/ secular elites. Thus, as Özselçuk and Küçük point out, victimhood has always been a locus of identification for AKP, a key element to articulate the demands of its *constituency* within a chain of equivalence.<sup>49</sup> The AKP's 'hegemonization' of the empty signifier, 'anti-coup', is precisely an extension of its general populist mode of articulation in which it claims (as an ontic content/particular struggle) to 'represent/signify' the other *victims* that cut

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<sup>48</sup>In fact, Laclau's analysis, contrary to his own intentions, provides us an illuminating insight to pinpoint the essential role of these affects in building up the populist dichotomy. As Žižek mentions in his critical essay on Laclau, *Resisting the Populist Temptation*, 'democratic' demand which appears as the smallest unit of analysis that Laclau takes as his point of departure involves a whole theatrical scene in which a subject is addressing his demand to an Other presupposed to be able to meet it. It is precisely the frustration of these demands, the shared resentment against the power structure that force these demands to inscribe themselves into an antagonistic series of equivalences. The equivalential bond rises upon a shared affective register of frustration/resentment that supports the populist cause and becomes a source of political subjectivization targeting the enemy, at least for Laclau. However, these same affective bonds can also mean a 'parasitical' relation to the antagonistic Other as they imply the presupposition of an addressee and its unresponsiveness. Contrary to Laclau's anticipation of the flourishing of the people's political capacities, this has the potential to trigger a *revengeful and recriminatory response on the side of the oppressed which can easily be translated into the discourse of victimization and resentment*. Thus, on the one hand, the excluded enemy becomes a target, an obstacle to be removed while on the other hand, it persists as the essential reference point of blame, a figure of oppression that consolidates/perpetuates the existence of the popular identity. The unresponsiveness of the power bloc becomes or better put, always has the potential to become the ground of the popular identity as such which puts the latter in a circular relation with the enemy. The AKP's populist politics is a major example. See Slavoj Žižek, "Against the Populist Temptation," *Critical Inquiry* 32, No. 3 (Spring 2006): 551-574

<sup>49</sup> See Küçük and Özselçuk, "The Question of Democratic Citizenship in Turkey," 57-76

across the society against the alleged power bloc of the Republican elites.<sup>50</sup> In fact, one might easily claim that the ‘coup’ which is an empty signifier at the particular moment of the 2010 Referendum, is also an extension of the secular Republican elites, the ‘alienated’ sovereign power structure, that should be ‘removed’ by the heirs of the real sovereign, the people, of which the genuine representative is the AKP.<sup>51</sup>

Thus, the differential/particular content, the AKP, that emerges as the ‘sovereign’<sup>52</sup> to encapsulate the demands of others is first and foremost determined by a rhetoric of victimhood and resentment. It retrospectively subordinates the other equivalential popular demands into its own narrative of victimhood. In this particular way, the AKP’s populist articulation of the people against the coup and its legacy not only dislodges the other ‘particularistic’ demands to be subordinated to the signifier ‘anti(coup)’ but

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<sup>50</sup> It is rather striking to see the affinity between the AKP’s *particular* use of victimhood and Wendy Brown’s famous notion of the ‘wounded identities’. To give a general impression, Wendy Brown’s main argument dwells on the point that what we conceive as the victims’ claims to identity-based rights in the US political context after the 80s (race, gender and sexuality) and which are founded on injury actually obfuscate the state’s role in regulating identities. As a consequence of the regulatory practices of late-modern liberal and disciplinary modes of power, politicized identity forecloses its own freedom and desires to “inscribe in the law and other political registers its historical and present pain rather than conjure an imagined power to make itself.” The victim here foregrounds its identity through its collective suffering and demands a recognition- which paradoxically becomes invested in its own subjection. Rather than self-affirmation, the loss or victimhood bounds the victim’s identity to its rejection by an ‘external world’ embodied by history and the ‘present’ conditions of being. Brown associates this dependency on the external world and investment in its own subjection with the Nietzschean term *resentment* which is rooted in *reaction*- an effect of domination that reiterates impotence, and a substitute for action, for power, for self-affirmation that reinscribes incapacity, powerlessness and rejection. So, politicized identity’s demand is not only reduced to recognition but is also determined by the fixity of the language of ‘I am’ or ‘we are’ that is defined by reference to the enduring pain and suffering that is both past and present. Thus, identity politics makes claims for itself only by entrenching, restating, dramatizing and inscribing its pain in politics; it can hold out no future that triumphs over this pain. At first glance, the wounded attachments of identity politics seem to be opposed to the populist equivalential link (*logic of equivalence*) because of their stress on the ‘differential contents’ (*logic of difference*) of their claims-making. However, one should ask 1) whether populism can in fact become immersed in the ‘wounded attachments’ that Brown points out as it is essential for a populist logic to *externalize, to exclude and blame the Other and this might result in becoming attached to the wound indeed* and 2) whether the particular agent that carries the populist flag, in our case the AKP, can in fact carry its own identitarian ‘wounded attachment’ (differential content) to the properly populist scene of articulation. These two questions are important as they concern the ambiguous relation between populism and identity politics that in turn pose new questions to the Laclauian set of differential and equivalential logics and their particular relation as well. See Wendy Brown, *States of Injury*, “Wounded Attachments,” (Princeton and New Jersey: Princeton University Press, 1995). For an outstanding approach that defines populism as a form of identity politics see Muller, *What is Populism?*, 571-589

<sup>51</sup>See Küçük and Özselçuk, *The Question of Democratic Citizenship in Turkey*, Ibid.

<sup>52</sup> Küçük and Özselçuk, Ibid.

also ‘particularizes’ that signifier by its ‘own’ inherited language (and affects) of resentment and victimhood.<sup>53</sup> What is of interest here is that both at the formal level (the empty signifier of the anti-coup) and at the level of content (the AKP as a particular/ontic content imposing its own language of victimhood), the AKP’s populist project rests on one fundamental bulwark of passive revolution which is the political inertia and de-subjectivation of the people.

### **4.3 Populism as an Internal Periphery of Democracy: Revisiting Laclau’s *On Populist Reason***

#### **4.3.1. Some Preliminary Remarks**

The AKP’s passive revolutionary populist articulation of the people against the empty signifier, coup brings us back to the theoretical model proposed and explained in the second chapter, namely ‘populism as an internal periphery of democracy’. But, how? As I will show in the succeeding discussions, this theoretical model that stresses populism as a particular mode of representation that expands the limits of liberal democracy without transcending it, has important affinities with passive revolution, not least because they both attest to the capture of the ‘*constituent power (of the people) by a constituted authority*’.<sup>54</sup> This is especially true when we think populism not solely in terms of an oppositional movement but as a political paradigm of sovereign rule, a particular regime form of democracy.<sup>55</sup> Moreover, populism’s agenda anticipates and works forward a *gradual*

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<sup>53</sup> One should underline that as a universal form, the empty signifier is not only contaminated by *affects* but the particular agent’s whole political vision regarding first and foremost the conception of the people. I am specifically isolating the affective dimensions to point out populism’s affinity with antagonization.

<sup>54</sup> Donald Kingsbury, “Populism as Post-Politics: Ernesto Laclau, Hegemony, and the Limits of Democracy,” 3

<sup>55</sup> In the literature on populism, there have been major attempts to elaborate populism as a paradigm of political rule rather than a social movement, emphasizing its ‘statist’ vocation and overarching aim to consolidate state power. See especially, Federico Finchelstein, *What is Populism in History: From Fascism to Populism in History* (California: University of California Press, 2017), 98-174, Nadia Urbinati, “The Populist Power,” in *Democracy Disfigured: Opinion, Truth and the People* (Cambridge and Harvard: Harvard University Press, 2014), 128-170, Nadia Urbinati, “Democracy and Populism,” *Constellations* 5, no. 1 (1998): 110-124, Nadia Urbinati, “Populism and the Principle of Majority” in *the Oxford Handbook of Populism*, 571- 587, Jan-Werner Muller, *What is Populism?*, 571-589 and Jon Beasley-Murray, “Argentina 1972: Cultural Studies and Populism,” in *Posthegemony: Political Theory and Latin America* (Minneapolis and London: University of Minnesota Press, 2010), 54-67

expansion of its own *politics*, pushing the limits of the liberal-democracy in an authoritarian and eventually, totalitarian direction. <sup>56</sup>In fact, as pointed out earlier, the aforementioned two stages of the AKP's passive revolution, the former defensive and the latter offensive can be interrogated not as isolated moments but as moments in a temporal continuum of populist governmental strategy which consists of a *gradual* attempt to *expand* the limits of representative/liberal democracy. Thus one can read the AKP's second passive revolutionary populist confrontational mode ('war of manoeuvre') and the concomitant strive for 'inter-class' hegemony in terms of the 'gradual' move to *stretch* these limits to effectively consolidate its power and to conquer the state. The Constitutional Referendum was such a 'turning' point that disclosed the affinity between *passive revolution in its second stage* and populism's expansionist logic under the AKP rule.

In this section, based on the insights above, I will present a more elaborate understanding of populism as an internal periphery of democracy, emphasizing its authoritarian *excesses* with regard to liberal-democracy. First, I will revisit my discussion of the topic and propose a dialogue between Laclau and Lefort to historically ground populism within the modern democratic imaginary of popular sovereignty. Second, I will explain the two particular ways that populism expands the limits of liberal democracy by exploring *how people are interpellated and through which mechanisms they appear on the political stage in a populist strategy*. A Laclauian scrutiny as it were, at least in the minimal sense of directing our attention to the formative practice that shapes, calls or constitutes the people rather than delving in the bottomless question of 'who the people are', this attempt of mine will stress two fundamental dimensions that are 1) the construction of antagonistic frontiers and 2) 'leadership' and its modes of addressing the people. I will address these dimensions in order to scrutinize them as particular modes of *representation* that attest to populism's gradual expansion of the limits of liberal-democracy. I will argue that they are not only essential for our discussion in general theoretical terms but they also

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<sup>56</sup> I will discuss populist power's gradual expansion and its ambiguous space in the gradations between authoritarianism and totalitarianism in the later pages.

point to fundamental and constitutive dimensions to understand the AKP's populist strategy around the Referendum as well.

#### **4.3.2 The 'Absent' People as a Precondition of Populism: A Lefortian Dialogue with Laclau**

Laclau's account, among others, gives us theoretical material to substantiate our analysis of populism as an internal periphery of democracy.

Furthermore, it gives us ways to understand different instantiations of how this internal periphery unfolds as a *unique* political logic, which becomes most explicit in its gradually intensifying expansionist agenda.<sup>57</sup>

Let me start with the general discussion of the empty signifier, the emergence of which is one definitive trait of populist politics, at least according to Laclau. This point of departure is not coincidental but is related to my general argument that distinguishes 1) populism as an internal periphery of democracy and identifies 2) the antagonization of the political space and the leadership as the two fundamental preconditions of populism. Laclau's theory of the empty signifier gives us important ways to rethink these two definite and inseparable points. However, just like we did while we were discussing passive revolution, we need to relocate his *formal/transcendental and ontological* reading of the empty signifier on the level of liberal/representative politics. Thus, my overall aim is to understand these defining traits of populism, namely its tension-ridden relation with liberal-representative democracy on the one hand and the central roles antagonism and the *excessive role* of leadership play in bringing out this tension on the other.

Laclau defines the empty signifier through a differential dialectic between *negativity* and *positivity*, *lack* and *fullness*: "The fullness of society is an impossible object which successive contingent contents try to impersonate

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<sup>57</sup> It is essential that we revisit his take on the question of populism not only for the sake of enriching our discussion on this particular topic but also, because it gives us a way to go back to our discussion on the affinity between Laclauian populism and passive revolution. Thus, his account effectively offers us a unique insight or better put, emerges as a point of mediation to link the theory of *passive revolution* and *populism as an internal periphery of democracy* and subsequently, to figure out their affinities.

*ad infinitum.*”<sup>58</sup> It is precisely because the *ontological horizon of negativity* discloses the incomplete and open character of the social that ‘a series of indefinite substitutions strive to fill’ and hence, hegemonic articulatory practices emerge.<sup>59</sup> For Laclau, the *ontic* content of the (empty) signifier is secondary to its ontological role to address the ‘impossible fullness of society’, hence his formalist account of the substitutability of signifiers - order, change, revolution, justice and *the people*. I cannot do justice to his deployment of different theoretical approaches, two of which are deconstruction and Lacanian psychoanalysis here, but can only point out to what I perceive as a deadlock in Laclau’s account of the people as the empty signifier. This deadlock has to do with Laclau’s formal/transcendental rendering of the empty signifier in his tripartite identification of populism-politics-hegemony that rests on the claim that ‘chains of equivalence can be constructed around many different empty signifiers, not only around the name of the people—which implies the hypothetical possibility of populism without the ‘people’. Thus, one might easily substitute signifiers like ‘order’, ‘justice’, ‘revolution’, ‘change’, ‘happiness’ for the people which entails the risk, in Stavrakakis’ words, of losing the ‘conceptual particularity of populism as a tool for concrete political analysis’.<sup>60</sup> Thus, in the Laclauian schema, we run the risk of turning a blind eye to the very question of what makes people a distinctive feature, a trademark of the populist equivalential bond. Then, what is the solution? I propose rereading Laclau’s empty signifier *of the people* in dialogue with the Lefortian empty space of power. Controversial and unproductive as it might seem as Laclau explicitly *insists* on distinguishing his approach from Lefort based on the claim that the latter identifies ‘emptiness’ as a structural location, as a place, while he himself stresses the contingent production of that emptiness as such (empty signifier), I still believe there is much merit in bringing the two accounts into dialogue. However, we need a different ground to rethink their dialogue, which is, in Stavrakakis’ words, the structural location of the people within the symbolic dispositive of (liberal) democracy. First we should

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<sup>58</sup> Ernesto Laclau, “Identity and Hegemony,” in Judith Butler, Ernesto Laclau and Slavoj Žižek, *Contingency, Hegemony and Universality* (London and New York: Verso, 2000), 79

<sup>59</sup> Aletta J. Norval, “Theorising Hegemony: Between Deconstruction and Psychoanalysis,” 86-99

<sup>60</sup> See Yannis Stavrakakis, “Antinomies of Formalism,” 263



note the very structural location of the people in the liberal-democratic dispositive of power. It is precisely the *unique place* of the people, its structural location in the *ontological and historical imaginary* of the democratic dispositif, that marks its distinctive trait and hence, its irreducibility to other signifiers like justice, order, unity and so on. Thus, we should read Laclau against himself and oppose his formalist distinction between the *hegemonic process of emptying the signifier* and Lefort's 'emptiness' as a structural location, at least in the context of discussion on the populist construction of the people.

As we have addressed in the second chapter, the Lefortian view on the empty space of power addresses the impossibility of any political agent to legitimately claim to occupy the symbolic locus of power in the advent of the democratic revolution.<sup>61</sup> In Marchart's way of putting it, the symbolic place of power does not extinguish but now addresses the 'absent' ground of the name of 'the people' which designates the figure of the sovereign people without sovereignty.<sup>62</sup> My claim is that Laclau's *ontological horizon of negativity* can be reread along the lines of Lefort's empty space of power, the locus of power which inscribes 'lack' and 'negativity' into the very functioning principle of democracy by forever separating 'popular sovereignty as ideal ground' and the mediated institutional expressions of people.<sup>63</sup> Laclau's empty signifier of the people *mirrors* the form of politics ontologically grounded in the democratic imaginary of the people: 'the fullness of communitarian being is very much present, for [those excluded from the community], as that which is absent; as that which, under the existing positive social order, has to remain unfulfilled'<sup>64</sup>. This brings us to the ontologically constitutive dimension of the 'gap' which Laclau pinpoints by using the name, the empty signifier of 'the people'. In other words, 'the fullness and universality of society is unachievable and yet it does not disappear'<sup>65</sup>, which in a Lefortian interpretation amounts to the *presence of*

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<sup>61</sup> Claude Lefort, *Democracy and Political Theory*

<sup>62</sup> See Oliver Marchart, "In the name of the people," 3–19

<sup>63</sup> Stefan Rummens, "Populism as a Threat to Liberal Democracy," 558

<sup>64</sup> Ernesto Laclau, *On Populist Reason*, 94

<sup>65</sup> Ernesto Laclau, "The Subject of Politics, Politics of the Subject," in *Emancipation(s)* (London and New York: Verso, 1996), 53

*absence* of popular sovereignty, the forever elusive gap of failed representative authorization of the people.

### **4.3.3. What Distinguishes Populism as a Political Logic: Two Features of Populism in Laclau**

Still, our proposal to shift the terrain so as to provide a Lefortian reading of Laclauian *ontology of lack* does not properly address the peculiarity of the form of politics we call populism. Yet still, it gives us a new way to posit populism within the modern democratic imaginary of popular sovereignty and this is an essential ‘anchorage point’ to theoretically develop our argument on the question of populism as an internal periphery of democracy. So, if we get to the question of the distinctive features of populism that rise upon the empty signifier of the people *per se* (*the historically unsurpassable ‘ground’ of democratic imaginary*), what are the main characteristics that distinguish it from the liberal-representative ‘institutionalized’ politics? As I have already argued, while there are so many substantial distinguishing features of populist form of politics in this manner, the present purposes of delineating populism’s *expansionist* agenda direct me to suggest an analysis of 1) the antagonization of the social/political space between ‘people’ and the power bloc 2) the central figure of the leader/ship. These both provide the essential cores of populism. In fact, although Laclau’s tripartite identification of populism-politics-hegemony collapses the ontic and the ontological, suggesting every politics is populist to a certain degree and has its *ground in the ontological horizon of ‘lack’*, I argue that a close reading of his text shows that these two features are still upheld as the main criteria to distinguish populism (as an ‘*ontic’ form of politics*) from others.<sup>66</sup>

#### **4.3.3.1 Populism and Antagonization**

Let me start with the discussion on antagonization. While most of the scholarly literature isolates antagonism as the distinctive trait of populism, there has not been much of a systemic investigation to scrutinize the role of antagonization as part of the populist ‘expansionist’ agenda to stretch the

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<sup>66</sup> See Laclau, *On Populist Reason*, 93

limits of liberal-democracy from within. One can detect the reason for this neglect, Laclau included, in the shared association of *populism* with *popular movement*, a movement of protest against the ‘power bloc’ which reduces populism to, in strict terms, a negative phenomenon. What the AKP case shows us, along with other examples, instead is that populism as a *within-state-power phenomenon* ‘collapses’ or better put, puts on stage a *performance of collapsing* the distinction between the two (*protest movement and ruling power*) and perpetrates its antagonistic agenda against the alleged *enemy* of the people as a ruling power as well, endlessly substituting one figure of the enemy with another in the course of events.<sup>67</sup> In our particular case, the AKP’s populist confrontation against the coup and its legacy exemplifies this kind of a persistence of the antagonistic discourse within-state-power, attributing to the ‘enemy’ an ‘*obsolete*’ yet *still continuing* ‘*sovereign power*’ to be resisted by the people. I claim that this persistent ‘condemnation’ of the enemy of the people and the ‘gradually’ intensifying mode of confronting it through state-power does in fact reveal important distinctive characteristics about the particular nature of ‘populist antagonization’.<sup>68</sup> Thus, the questions are the following: How *does* ‘*antagonization*’ *acquire a different characteristic in populism with regard to the institutionalized regular politics in liberal-representative democracy? What are the implications of antagonizing the political space in populism and how does this relate to the latter’s expansionist agenda? And, how does this help to understand AKP’s populism at the instance of the 2010 Constitutional Referendum and afterwards?* Again, Laclau’s account, just like in the other discussions, provides us with key points to further our arguments on these dimensions, not least because he provides alternative points to complicate the question of antagonization.<sup>69</sup> We have already seen

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<sup>67</sup> Benjamin Moffitt, *The Global Rise of Populism*

<sup>68</sup>I have already addressed the populist aversion’s proximity to ‘identity politics’ in the form of ‘wounded attachments’ to one’s own injury. I will not go into that for the purposes of the discussion here but note that the dependence on the Other (power bloc) which the theory of ‘wounded attachment’ shows to be constitutive in today’s identity politics seems to be present in populism as well, albeit with variations. Populism is not far removed from making a ‘substantialist’/particularistic identity claim (for the people) against the elite power and one should take a note of this as it gives us a clue to understand the populist construction of the ‘Other’.

<sup>69</sup> Besides its emphasis on the process, I prefer using antagonization instead of antagonism to avoid a certain confusion that stem from the latter’s multifarious uses in Laclau’s general work. When we deal with the question of antagonism in Laclau’s work, we inhabit a terrain that goes well beyond the scope of this chapter insofar as it necessarily opens up a

that in Laclau's account the unification of the people relies on a shared position of a given set of popular demands against the antagonistic 'other' which is the power bloc, the elites. Thus, antagonization is a necessary structural feature of unification.<sup>70</sup> Put in his terms, equivalence's emphasis on a dichotomised 'them v us' antagonistic frontier is the first 'precondition of populism'.<sup>71</sup> In fact, the equivalential link against the antagonistic other is so pre-dominant in his account of populism that it nearly overrides the unresolvable tension between difference and equivalence, the tension that is the very condition of *contingency* to call a political act properly hegemonic.<sup>72</sup>

Arditi argues that the specific difference that populism introduces vis-a-vis hegemony is the division of society into two camps in order to produce a relation of equivalence among demands and to construct a frontier or antagonistic relation between them.<sup>73</sup> However, and here I revisit my discussion above, both Laclau and Arditì embrace this populist equivalence as it refers to a '*counter-hegemonic*' species that calls into question the existing order for the purpose of constructing another.<sup>74</sup> I argue that there are important problems with this kind of a reading. It does not properly

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discussion on the Lacanian concept of the Real, i.e. the constitutive and unsymbolizable kernel of the social order. While Laclau's general framework, as well as Mouffe's, in *Hegemony and Socialist Strategy* associates antagonism with the Lacanian Real ("Antagonism, far from being an objective relation, is a relation wherein the limits of every objectivity are shown"), his later usage gets closer to a Schmittian understanding of constructing an enemy, i.e. antagonization. Laclau describes this shift in his general work in the following way: "There was a certain ambiguity in the way the category of antagonism was formulated in *Hegemony and Socialist Strategy*. Today I believe that the constitution of the other as antagonistic already presupposes a certain discursive inscription – in other words, conceiving the other as an enemy presupposes a prior identification of ourselves with a particular position within the framework of the Symbolic order (It also presupposes, in most cases, the imaginary-fantastic construction of both antagonistic poles)." See Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy*, (London and New York: Verso, 1985), 112 and Yannis Stavrakakis, "Laclau with Lacan: comments on the relation between discourse theory and Lacanian psychoanalysis" in *Jacques Lacan: critical evaluations in cultural theory (Volume III – Society, Politics, Ideology)* ed. by S. Žižek, (London: Routledge, 20003), 324.

<sup>70</sup> For a brief summary of Laclau's take on the question of antagonism/antagonization see Kevin Olson, "Sovereignty is an Artificial Soul: Ernesto Laclau and Benedict Anderson in Dialogue," in *Imagined Sovereignities: The Power of the People and Other Myths of the Modern Age* (New York: Cambridge University Press, 2016), 21-25

<sup>71</sup> Ernesto Laclau, *On Populist Reason*, 93

<sup>72</sup> A similar differentiation between hegemony as genus and populism as a species is developed in L Salter, "Populism as a fantasmatic rupture in the post-political order," 116-132

<sup>73</sup> Benjamin Arditì, "Populism is Hegemony is Politics? On Ernesto Laclau's On Populist Reason," *Constellations* 17, No.3 (2010), 492

<sup>74</sup> Arditì, *Ibid*, 492

address what this equivalential logic and populist antagonization turns into after accessing the ‘institutional’ power of the state but instead, offers a ‘transitional’ account of *sedimentation, the formation of a power system that forgets its own ‘political excess’, namely the populist moment of antagonization.*<sup>75</sup> What if, like the example of the AKP shows us, the populist agent perpetrates and even gradually intensifies (remember the AKP’s *second passive-revolutionary phase with aggressive tones against major state actors like military and the high judiciary*) the antagonistic discourse? It is essential to realize that populism is a phenomenon directly intertwined with both performance and the performative, which consists in staging and effectively *forming* a crisis the reasons of which are attributed to *an alleged enemy of the people*. Antagonization does not diminish but rather, escalates when populism is a ruling power. Thus, one can only imagine the outcomes of such a state-backed aversion to the enemies of the people as this aversion becomes the source of derogation and degeneration of the ‘minimal’ conditions of a pluralistic democratic framework at best and ‘violent’ assaults on *anti-people* at worst.

Populism’s possible yet most probable state-backed *consolidation* of the antagonistic discourse brings us to a further point that is to do with the *exclusionary nature of the populist discourse*. The *exclusionary* nature of the establishment of the populist dichotomy is not big news and neither is its confirmation by the populists, not least because many democratic theorists applaud precisely this exclusionary nature as a corrective *antipode* to liberal *apathy*. However, many of the potential undersides of such a dichotomy are not addressed properly, at least with respect to Laclau’s theory. As I underlined in one of my discussions in the third chapter on the permeability between people as *underdog* and people as *nation*, there is no guarantee that the ideal Laclauian scenario of the *plebs* (as *populus*) versus the ‘power bloc’ opposition does not turn into a disastrous one where the power-bloc is

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<sup>75</sup> Etienne Balibar stresses the constitutive dimension of the political ‘excess’ for Laclau’s account of populism: “It(*politics*) includes a dimension of excess, this excess has to figure at the centre of the operation, constantly reiterated (and always thrown back into question), of the formation of a collective individuality. Its denial—for example in the form of a purely procedural conception of democracy—thus appears as itself the effect of society’s blindness to its own bases.” See Etienne Balibar, “Populism and Politics: The Return of the Contract,” in *Equaliberty* trans. James Ingram (Duke University Press, 2014), 190

‘re-signified’ as the *racial/national/religious Other*. One should remember Žižek’s point here. In his critical engagement with Laclau’s populism, Žižek stresses the crucial role that the ‘displacement of antagonism’ and the construction of enemy play in populism. Following a thoroughly Marxist account of antagonism as the void that traverses the social field as a whole, Žižek argues that populism *externalizes* the enemy and reifies it into a positive ontological entity whose annihilation would restore balance and justice. Thus, he identifies a *proto-fascist* tendency in populism as the latter ‘displaces the immanent antagonism’ into the antagonism between the unified people and its ‘external’ enemy.<sup>76</sup> Žižek’s lack of historical perspective to mark the important historical distinctions between fascist and populist enemy-making theories and practices notwithstanding,<sup>77</sup> his account is important to discover populism’s *anti-pluralistic* and *authoritarian* credentials. Thus, in our particular case, the AKP’s antagonistic discourse against the coup and its legacy can never really be isolated from the two dimensions of 1) using state-power to consolidate the antagonistic discourse which in turn empowers their control of the state even more (*remember the ‘war of manoeuvre’ against the Republican state elites to perpetuate its rule*) and 2) using an ‘exclusionary’ rhetoric to merge the ‘substantial’ identity of the people with religious and national tones (*Sunni-Muslim-nation*) with the people as the oppressed and underprivileged.<sup>78</sup> Remembering our discussion of the remnants of the particularity and the particular objectives that ‘contaminate’ the empty-signifier, we can reformulate this last point concretely in the following way. The AKP’s own particular vision of the people ‘contaminates’ the empty signifier of the (anti)coup and hence, the signifier of the people, filling it with predominantly exclusionary tones of religion and nationhood.<sup>79</sup>

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<sup>76</sup> Slavoj Žižek, “Against the Populist Temptation,” *Critical Inquiry* Vol. 32, No. 3 (Spring 2006): 551-574

<sup>77</sup> For a critique of Žižek’s reading See Frederico Fichelstein, *From Fascism to Populism in History* (California: University of California Press, 2017), 95

<sup>78</sup> Cenk Saracoglu interviewed by Erol Babacan, “Islamic-conservative Nationalism- The ideological Foundations of the AKP’s Hegemony in the Neoliberal Context,” <http://infobrief-tuerkei.blogspot.co.uk/2012/08/neoliberalism-and-political-islam-in.html>, accessed on 26/2/2016

<sup>79</sup> Cenk Saracoglu, *Ibid.*

These dimensions become all the more important if we think them in terms of our theoretical quest to posit populism as a political *modality* that *expands* and *stretches* the limits of liberal-democracy. In the populist mode of power, the aforementioned gap in the liberal-representative authorization is exploited to the degree that it challenges the *constitutive and modifying* role of the prefix *re- of representation, the re- which is the liberal-democratic reflexivity about the constructed nature of the rules of the political game that rises upon a shared commitment to the 'legitimacy' of every actor in the instituted political scene*. Instead it opts for a direct appeal to *the people* as it delegitimizes *most* of the political actors as *anti-people* and *gradually* disfigures and degenerates the Lefortian empty place of power. For, the empty place of power not only marks a moment of *dis-incorporation of power* but also, a reflexive acknowledgement of this gap by the political actors as well.<sup>80</sup> Yet this appeal to the *People-as-One* occurs only to a certain degree and stops at a certain threshold as it does not *transgress* the boundaries set by the electoral playing field. Thus, keeping in mind the aforementioned fatal tendencies of populist antagonization, one should still remain aware of the historical and logical nuances that differentiate populism from fascism. Regarding the last point, my discussion of the other essential feature of populism, namely the figure of the leader and leadership will provide us some important points to further this discussion.

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<sup>80</sup>When she distinguishes *agonism* from *antagonism*, Chantal Mouffe underlines the role of the reflexive nature of the shared commitment to the presuppositions that underlie the liberal-representative framework. Her point is that in the agonistic struggle, the 'antagonistic' Other is transfigured into 'an adversary' and the competition between two parties proceed along the lines of a reflexive acknowledgement of their 'constitutive failures' to occupy the empty-place once and for all. However, she also offers reading populists as political actors in the agonistic struggle and assume that they reinvigorate the undeniable dimension of 'adversary' that is allegedly long forgotten by the pre-dominant liberal-technocratic rhetoric that pervades institutionalized settings. This is a rather perplexing issue as this thesis argues that the populists wander in the *grey zone* between *antagonism in the Schmittian sense* and *agonism* recurrently. See Chantal Mouffe, "For an Agonistic Model of Democracy," in *The Democratic Paradox*, 80-107 and Mark Wenman, "Agonism and the Problem of Antagonism," *Agonistic Democracy: Constituent Power in the Era of Globalization*, 180-218. For a critique of her account of populism as an agonistic form of politics see Stefan Rummens, "Populism as a Threat to Liberal Democracy," 563-566

#### 4.3.3.2 Populism and the Leader

The centrality of the leader and leadership is essential for any discussion on populism and in most of the literature on populism, it has been addressed as one of the defining traits of the latter. However, my concern with this question does not reside in an attempt to mark these discussions at a descriptive level but in fact, emerges initially as both a critique and appreciation of these accounts, not least because they offer different perspectives that cannot be subsumed under one. To summarize in a selective way which risks being reductive, in the general scholarly literature, the essential reference point when discussing the role of leadership in populism is the *vertical* relation between the leaders and followers based on an affective identification in which the mediating institutions of ‘liberal’ constitutionalism are surpassed and the people are supposedly *incarnated by the leader(ship)*.

There are specifically two accounts that underline the centrality of the leader as the constitutive pole in forging the unity of the people. Both of the accounts, which are similar yet distinct, namely ‘*populism as a style of performing political relations*’ and *populism as a political strategy*, have important contributions insofar as they underline the people as the product of political performances on the one hand and as the product of political strategy of a power-seeking *personalistic* form of politics on the other. These are important analyses. However, I follow Jason Frank’s important reservation that this general preoccupation with populism’s *extraordinary* appeal to people beyond the mediating institutions of the state obscures populism’s important characteristics because they simply ignore or overlook the intricate and ambiguous relation between the *people-leader nexus* and the *liberal-representative mechanisms of mediation*.<sup>81</sup> Emerging from these overall concerns, my interest on the centrality of the leader(ship) in populism resides in a) uncovering the role of the leader as a constitutive figure in expanding the limits of liberal democracy b) ‘contextualizing’ the leader’s role in expressing/articulating the people within the grey area of the *excess* in relation to ‘liberal rules of the game’ and subsequently, c)

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<sup>81</sup> Jason Frank, “Populism and Praxis,” in *Oxford Handbook of Populism*, 629-643



emphasizing the *formative means* (referendum, plebiscite, or simply voting) through which this leader-people nexus submerges.

#### 4.3.3.3 The Empty Signifier of the Leader: A Critique of Laclau

Taking my point of departure from these concerns, I claim that Laclau's analysis of the 'empty signifier', this time the signifier of the leader in populism is both intriguing and deserves a close attention as it not only offers us a systemic theoretical view on the matter but also, is a fruitful object of contestation, not least because it reveals the shortcomings of an *ahistorical* approach. We have already addressed the affinities between Gramscian passive revolution and Laclauian populism by delineating the empty signifier's pacifying and subordinating quality in bringing different demands, grievances and frustrations together around itself. This affinity, I have also argued, resides in empty signifier's role in removing from these demands their particularistic hetero-genesis and subordinating them to its own hegemonic articulation as *passive* receivers.<sup>82</sup> This line of reasoning – that associates passive revolution with populism - becomes all the more important when we see that the Laclauian empty signifier reaches its ultimate expression in the figure of the leader. Deriving from his general theory of the name ('*name becomes the constitutive ground of the thing*')<sup>83</sup> and dialectics of presence/absence, the 'leader' (or leadership) as a *name*, marks and signifies the 'absent fullness' of the community as *presence*: 'The equivalential logic leads to singularity, and singularity to the identification of the unity of the group with the name of the leader.'<sup>84</sup>In a nutshell, the leader becomes the transcendental point of guarantee, the quilting point through which the people emerges as a unity. Or, in Jon Beasley-Murray's words, the populist leader, or rather the tendentially empty signifier that is populist articulation's nodal point, comes to incarnate

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<sup>82</sup> Giuseppe Ballacci, "The Creation of the 'People' in Laclau's Theory of Populism: A Critical Assessment," 51-69 and Michael Kaplan, "Capitalizing on the Dialectical Economy of Hegemony," 346-369. Still, what was essentially important for our present purposes was the claim, a claim that rested on a reading of Laclau himself, that the empty signifier is never *purely* empty which means it is already contaminated by the 'particular objectives' of the political subject that assumes to incarnate it. Thus, the particular/differential demands are not only subordinated to the empty signifier as such ( in our example, the (anti)coup)) but also, to the *particular* political subject (AKP) who claims to be the sovereign agency in *incarnating the ideals of anti-coup*.

<sup>83</sup> Laclau, *On Populist Reason*, 104

<sup>84</sup> Laclau, *On Populist Reason*, 100

the sovereign.<sup>85</sup> I believe that Laclau's account of the leader's central role in populism inadvertently mirrors the *statist* vocation of populism that revolves around the signifying totality of a sovereign agent, be it a particular group or a leader.<sup>86</sup> However, we should not take Laclau's account at face value but investigate the deeper problems with it.

In Laclau's account of the leader, we encounter a major problem which I think we should avoid at all costs. Laclau's 'sovereign' empty signifier highly resonates with a *social contractualist* thematic in which the 'democratic people' emerge at the precise moment of their identification with *the* sovereign representative who lays down the fundamental laws of 'being-together' as a community. Thus, it is no coincidence that he explicitly makes a reference to Hobbes to state his position on the centrality of the leader, claiming that the Hobbesian sovereign marks the transcendent, singular moment of the unification of the people.<sup>87</sup> In fact, if we stay strictly within the coordinates of his thought, we also seem to approximate a Rousseauian *foreign law-giver*, the agency that impersonates the *general will* and solves the riddle of the paradox of democratic peoplehood by *laying down the fundamental law* of the community. One can remember Honig's words here which state that the foreign founder's foreignness symbolizes the necessary 'distance and impartiality needed to animate and guarantee a General Will that can neither animate nor guarantee itself.'<sup>88</sup>

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<sup>85</sup> Jon Beasley-Murray, "Argentina 1972: Cultural Studies and Populism," 54-67

<sup>86</sup> Jon Beasley Murray, *Ibid.*

<sup>87</sup> Simultaneously, he argues that contrary to Hobbes' Leviathan as an indivisible singularity, his model of the sovereign is but a name, a structural function that only fulfils its role within the formal matrix of signification. My counter-argument is that in fact, by dissociating the 'fictional ideality' of the name of the sovereign from its material bearer, he perpetuates the fantasmatic underpinnings of the model of the social contract even more.

<sup>88</sup> It is not a sheer coincidence that Honig substantiates her discussion of the paradoxes of democratic peoplehood, the famous chicken-and-egg problem not solely in terms of the emergence of law but most visibly, through the figure of the sovereign 'law-giver'. Honig focuses on Rousseau's famous law-giver, the virtuous 'outsider' who 'relegates' the paradox of democratic peoplehood to the moment of 'founding' (of the 'social contract') and solves the riddle by laying down the 'enlightened reason', the good law *per se* and read it in a different light. In her reading, the emergent figure of the 'law-giver' (the sovereign, the leader) actually marks the problem of the people's constitutive alienation rather than solve it. What does this actually suggest for our reading of populism? First, it suggests that popular sovereignty is always marked by heteronomy of the sovereign order that exceeds and imposes unity on the people and this aspect already dissolves the 'abstract ideal' of the equation between *will* and *reason*. Second, and more fundamentally, it means that, at least in Honig's reading, this essential heteronomy of the 'law-giver' ends up reflecting the very permeability between will of all and general will *onto itself*, already dissolving its 'pretension' of the *incarnation* of the 'general will'. Thus, it becomes all the more logical

Laclau's empty signifier of the populist leader can be read along the similar lines with Rousseau's law-giver: a fantasy construction, a myth that 'externalizes' itself and provides a 'reference point' to transform the multitude (*the differential/particular demands*) into the people (*the 'abstract' denominator of equivalential link*).<sup>89</sup>

At this moment, the question arises as the following one: On what grounds should we resist Laclau's reading and how will it clear our path toward interrogating populist leadership? I have two essential points of objection to his account. First, Laclau's initial identification of the populist leader with the *Hobbesian sovereign* and (implicitly) *Rousseau's 'foreign' law-giver* evades the historically particular characteristics that define the populist leadership. Second, his 'abstraction' of the name of the leader oversees the aforementioned permeability between the particular (*multitude, 'will of all'*) and the 'universal' (*people, 'general will'*). Thus, in an ideal case scenario, Laclau would associate the empty signifier of the leadership of the AKP - embodied by R.T. Erdogan - with the 'universal' *nodal* point through which the unity of the people emerges. In this kind of an ontological and formalist rendering of populism, we do not really take notice of an historically attuned understanding of populist leadership and simultaneously, lose sight of how the populist leadership is *concretely* bound to its own particular objectives within a particular setting which is overdetermined by the representative framework: The populist leader cannot simply be *an abstract name* but is always a political agent with its own expansionist agenda that exploits the undecidability between *general will* and *will of all*.

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that Honig refers to the figure of the cheap impersonator, the charlatan that appears in Rousseau's final comments on the lawgiver: 'Just as the will of all can masquerade as the general will, so too the charlatan can impersonate a true law-giver.' While Honig does not derive a pessimistic conclusion from this remark and argues instead for a political augmentation based on this undecidability, there is still and always the possibility that this permeability can be a source of '*populist demagoguery*', that consists in presenting the 'will of all' as the general will, or 'majorities' as the *will of the people* as such. However, to underline once more, it is not the case that we can erect a 'normative standard' or a firm ground of legitimacy through which we can measure the shortcomings of the 'demagoguery'. It is precisely this lack of a firm ground that populism exploits in the manner of the leader's identification with the majority which the leader reformulates as the true expression of 'popular sovereignty'. See Honig, *Emergency Politics*, 12-39 and Mark Wenman, "Agonism and the Paradoxes of (Re)foundation: Bonnie Honig," 218-267. On populist demagoguery see Nadia Urbinati, "The Populist Power," in *Democracy Disfigured*, 128-170

<sup>89</sup> Etienne Balibar, *Ibid*, 193

#### **4.4 Liberal-Democracy, Populism and Totalitarianism: Semi-Embodiment and Populism as a Problem of Gradation**

So far, we have managed to isolate three important characteristics of populism through a critique and reinterpretation of Laclau's general account of antagonism and the empty signifier (*the people, and the leader*). First, historically, we made a Lefortian interpretation of Laclau and argued that populism is predicated on the *imaginary of popular sovereignty* as the absent ground which takes its roots from the democratic revolution and onwards. Second, we discovered how antagonism is a major source of populism's (*as a unique political logic*) expansionist agenda when it is backed by the state and formulated in terms of the substantial identity of the people. And, finally, we argued that populism's other distinguishing feature resides in the populist leadership's expansionist tendencies to exceed the limits of the liberal-democratic 'rules of the game' in favour of the 'people', that forever absent unity. We argued that this particular relation between the leader and the people gives us a fundamental definitive criterion to understand populism. But, how does this 'particular relation' take shape? Since the people remain a 'virtual reference', an absent ground in liberal-democracy, we need to focus, just like in the case of antagonism, on the *formative means through which people and the populist leader allegedly meet and form a bond of affective identification*. This particular meeting point gives us a chance to discuss how populism negotiates and exploits the inherent representational gap between popular sovereignty and its institutional mediations.

What a critical account should not miss is that this vertical relation of 'immediacy' *has to go through the zero-point* of the structural effects of 1) historical and ontological condition of modern democratic imaginary of the people as the 'absent ground' that 'authorizes' *any legitimate claim on the part of contending parties* and 2) the liberal-'representative' democracy the rules of which still provide the ineffable ground of any form of politics that expresses itself via electoral representation. Thus, as Nadia Urbinati puts it, populism is parasitic on both *democracy* and *representative democracy* as it presupposes first, democracy as the political regime in the name of which it claims its own legitimacy and second, and more importantly, presupposes

representative democracy as it is not external to it but competes with it in the name of a different mode of representation. My contention is that these two aspects are not only ‘external’ impositions which populists use, instrumentalize and eventually manipulate to the extent of hollowing them out, but more fundamentally, they provide the very ground that populism *is born into and give its voice ‘legitimacy’ to begin with*. Concretely speaking, the populist *illiberal* impatience with normative rules of the game emerges as a *negotiation with* rather than a straight-forward *rejection of the* mechanisms of representation. This means that one should still emphasize the tension between populism and the ideals of representative democracy without being seduced to equating it with a fascist repudiation of electoral politics.<sup>90</sup> I will now deal with this aspect.

Carlos de La Torre notes that populism oscillates between *totalitarian* temptations of ‘*full embodiment*’ of the *empty* place of power and the democratic acknowledgement of the emptiness; he associates populism with a *gradation* in between the two.<sup>91</sup> In a different text, he restates this position in a different and more open way:

Populists did not fully colonize the public sphere and civil society. Populists’ source of legitimacy was not based on uniformity of opinions staged in mass rallies and elections with just one ticket. Their legitimacy was grounded in winning elections that in theory could be lost.<sup>92</sup>

Power in populism is semi-embodied because populists claim legitimacy through winning open and free elections that they could conceivably lose, confirming its ambiguous, uncertain and definitely uneasy relation with

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<sup>90</sup> This kind of a conflation between populism and fascism or totalitarianism is discernible in some scholars’ deployment of Schmitt’s discussion of democracy in his book *Parliamentary Crisis of Democracy*, Schmitt’s friend-enemy distinction in *On the Concept of the Political* and Lefort’s view on the totalitarian closure of the empty place of power. For some examples that deploy Schmitt, see Jason Frank, “Populism and Praxis,” 633, Nadia Urbinati, “Democracy and Populism,” 110-124, Stefan Rummens, “Populism as a Threat to Liberal Democracy,” 559 and Paulina Echoa Espoja, “The Idea of the People in Populism,” 612. For examples that deploy Lefort’s concept of the totalitarian closure of the empty place of power to understand populism, see Jason D. Ingram, “Populism and Cosmopolitanism,” in *The Oxford Handbook of Populism*, 640-660, Stefan Rummens, “Populism as a Threat to Liberal Democracy,” 561 and Nadia Urbinati, “Populism and the Principle of Majority,” 581

<sup>91</sup> See Federico Finschelstein, *From Fascism to Populism in History*, 131 and Carlos de La Torre, “Introduction,” *The Promise and Perils of Populism* (USA: University of Kentucky Press, 2015), 1-28

<sup>92</sup> Carlos De la Torre cited by Finschelstein, *Ibid*, 132

liberal democracy. The populists' *fetishistic*<sup>93</sup> split between a minimal acknowledgment of the empty place of power and the *belief in their own role in incarnating the people* imposes on us a slippery ground with no firm criteria to assess the standpoint of populism. Maybe, one should interpret the idea that populism is a gradation and is a semi-embodiment that lies between totalitarianism and democracy in a different light. Based on Urbinati's fruitful reading of populism as a disfigurement of democracy, we can identify populism (*with-in state power*) as *the very gradual process of intensification of extending the limits of liberal democracy towards a totalitarian direction, albeit without dissolving the minimal gap (of 'empty place of power')* and simultaneously, without dropping the *acknowledgement of that very gap that is the precondition of the liberal-democratic representative regime.*<sup>94</sup> Thus, when that line is crossed what we have is no longer populism or even a sub-species of populism but a totally different logic pertaining to totalitarianism.

Here, let me note the ramifications of such an approach for understanding the vertical politics of populist leadership and its formative means that are associated with it, both in general and in particular with respect to the case of the AKP. Going back to Laclau, our emphasis on semi-embodiment in populism pushes us in the direction of dropping his *contractualist* thematic (the fictional unity and singularity of the leader transforming the multitude into the people) and his *political-theological* presuppositions based on the doctrine of 'embodiment' (the leader incarnating the people in a Christological manner or like a king).<sup>95</sup> In both cases, Laclau seems to evade the historical dimensions of populist leadership and instead opts for an understanding that *exclusively* focuses on the 'unifying role of the representational form' (the 'king's role transubstantiated to the figure of the leader or the Hobbesian Leviathan making the multitude into the people)

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<sup>93</sup> I am mainly referring to the phrase that underlines the split between *knowledge* and *belief* in fetishism: 'I know (I am not really the *embodiment* of the People) but nevertheless (I still believe I am the *embodiment* of the People). For an elaborate theoretical formulation of this split in a different context see Slavoj Žižek, "Much Ado About a Thing," *For they Know Not What They Do?: Enjoyment as a Political Factor* (London and New York: Verso, 2002), 229-278

<sup>94</sup> See Kaplan, "Capitalizing on the Dialectical Economy of Hegemony," 360-361

<sup>95</sup> For a critique of the political-theological presuppositions of Laclau's account, see Arato, "Political theology, Populism and the Constituent Power"

which subsequently leads to blinding oneself to the very historical scene of populist leadership. The striking part is that most scholarly literature rests on a similar ahistorical perspective albeit without the theoretical nuances he develops, not least because they also fix their eyes on the *people-leader* nexus *as such*. Second, we should not isolate the scenes where the people-leader nexus expresses themselves *from populists' gradual intensification of the use of the state power to consolidate their own political power and to extend the limits of liberal-democratic framework towards an 'extreme' majoritarianism*. Finally, to reiterate a statement mentioned above, since the main medium of semi-embodiment concerns different electoral mechanisms, we need to direct our attention to these *mediums of expressions*, not least because they are the terrains where the ambiguities of populism become most apparent.

## **4.5 Referendum and Populism**

### **4.5.1 Referendum: Stretching the Limits of Liberal-Democracy**

These general considerations have crucial impacts on how we should scrutinize our particular object of attention in this chapter, namely the *moment of the 2010 Constitutional Referendum in Turkey*. Let me start from the very beginning. The *majoritarian* procedure that generated the constitutional amendments which was accompanied by the imposition of the package as a whole already indicated that the AKP's populism saw the 'representation primarily as a strategy for embodying the whole people under a leader, rather than regulating the political dialectics among citizens' plural claims and advocacies.'<sup>96</sup> Thus, it was no surprise that the contending parties that opposed the 'majoritarian procedure' reasonably associated the referendum with a plebiscite whereby people were simply interpellated to acclaim or disapprove the AKP Government. As we have already addressed, the result was the passage of the amendment package with support from 58% of voters. Thus the AKP claimed this result to be a victory of the *People* against the coup and its legacy. From the outset, we should point out that this pinpoints an essential ambiguity that pertains not only to

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<sup>96</sup> Nadia Urbinati, "Populism and the Principle of Majority", 577

populism but the very ideal of ‘liberal-democracy’ as such: The people’s authority that is invoked by the AKP is based, in Jason Frank’s words, in ‘the continually reiterated but never fully realized reference to the sovereign people beyond representation, beyond the law, the spirit beyond the latter, the Word beyond words.’<sup>97</sup> This reference is nothing but an *imaginary reference*, a futile attempt to *incarnate/represent* popular sovereignty as the very formal constraints of the electoral representation introduces a gap and fragments the ‘People-as-One’ from the very beginning. However, and here comes the populist trick, the leadership (the AKP and Erdogan) claims to supersede the ‘elusiveness’ of the people by simulating a ‘*virtual immediacy*’ and simulating identity between the people and the leader that allegedly transcends the mediating institutional forms erected by the ‘*liberal rules of the game*’, i.e. the constitutional norms of democracy. Through the medium of Erdogan as the leader, the AKP’s populism blurs the difference between will of all/general will and ‘electoral majority’/ the ‘hypothetical’ absent ground of the people and claims to ‘realize’ the latter while remaining strictly within the bounds of the former. Still, the populist leader presents an excess, a remainder that cannot be subsumed within the liberal-democratic framework and this is so because it represents the heteronomous register of *singularity*, a sovereign unity and agency. Thus it seems *as if* this vertical relation of approval and affective identification evades the ‘*abstract*’ level of liberal rules and *as if* the leader(ship) speaks directly on behalf of an undivided people. However, this populist *pseudo-transgression* still goes through, at least theoretically, an acknowledgement of a possible defeat that pertains to the very reflexive awareness of the gap that constitutes representative democracy. Since the determining feature in the outcome of the *Referendum* is statistical in the last instance, namely the counting of ‘individual’ votes, and the dissolution of the people to a numerical element at the very moment of the manifestation of their will<sup>98</sup>, the AKP *surrenders to a possible alternative outcome as its logic relies on ‘the victory of the majority of the votes’*.

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<sup>97</sup> Jason Frank, “Populism and Praxis,” 631

<sup>98</sup> Claude Lefort, *Democracy and Political Theory*, 234



#### 4.5.2. The Question of Constitutional Amendments: Populism, Constituent Power and Sovereign Apocryphal Acts

Still, there is something unique in the referendum as an electoral mechanism that distinguishes it from ordinary voting procedures and which eventually proves to be advantageous for a populist ‘expansionist’ agenda. This is even more the case when it is no ordinary referendum but a constitutional referendum. In ideal terms, in Stephen Tierney’s words, a constitutional referendum amounts to a reversal of the original act of transference, or at least a temporary return of power to the people who now have the competence to control definition of its self-identity and that identity’s constitutional manifestation.<sup>99</sup> This nature of the constitutional referendum has to do with the distinctive feature that defines constitutional amendment as well. As Tekin argues, the very process of constitutional amendment has an anomalous status: the amending power is hard to classify.<sup>100</sup> He cites Stephen Holmes and Cass Sunstein to draw our attention to this difficulty:

The amending power is simultaneously framing and framed, licensing and licensed, original and derived, superior and inferior to the constitution. The acrobatic both/and pattern alerts us to the undertheorized dilemma posed by the constitutionally regulated power to revise constitutional regulations of power.<sup>101</sup>

Deriving from French constitutional theorists’ efforts to shed light into the twilight zone between authorizing and authorized powers, Tekin’s account gives us a way to differentiate between three phases of constitutional construction: constitution making, constitutional amendment and ordinary political life under a constitution.<sup>102</sup> Schmitt makes a similar argument as well, underlining the ‘extra-ordinary’ nature of the constitutional amendment power: ‘Changing constitutional laws is not a normal state function like establishing statutes, conducting trials, undertaking

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<sup>99</sup> In Turkey, according to the article 175, if a law related to the constitutional amendments is adopted by a three-fifths or less than two-thirds majority of the total number of votes of the Assembly and is not referred by the President for further consideration, it shall be published in the *Official Gazette* and shall be submitted to referendum. This actually shows that the constitution-making law differs from ordinary legislation- a super-majority is needed to change the laws but on top of that if it remains under two thirds majority of the votes of the Assembly, it has to be taken to a referendum.

<sup>100</sup> Serdar Tekin, “Revolution and Constitution,” *Founding Acts*, 139

<sup>101</sup> Tekin, *Ibid*, 139

<sup>102</sup> See Kim Lane Scheppele, “Unconstitutional Constituent Power,” *Paper Prepared for the Penn Program on Democracy, Citizenship and Constitutionalism*. 9

administrative acts, etc. It is an extraordinary authority.’<sup>103</sup> Constitutional amendment occupies the threshold space between the inside and the outside of the constitutional order. The fact that procedures for adopting constitutional amendments differ from the procedures for ordinary legislative processes in most constitutions as well as in the Turkish Constitution points to its superior status. These qualities of constitutional amendments and constitutional referendum prove their viability for a populist expansionist agenda that strives to stretch the limits of the liberal-democratic rules of the game for the sake of representation of People beyond institutional mediations. Yet, again, we stumble upon the representative gap that forever eludes people from exercising their authority. First thing to note is that people who vote ‘yes’ or ‘no’ to the constitutional amendment package are strictly bound by the mandates of the constituted power; in fact, they are intrinsically a part of the *constituted power*. It is basically ‘the people *within* the constitution exercising constitutionally regulated powers.’<sup>104</sup> They are interpellated as *citizens but at the same as individuals* to use their constitutional competences to vote. As Schmitt argues, this amounts to a reduction of the people to secret individual votes that is nothing less than the transformation of the distinctly democratic or *political* figure into a private man who from the sphere of the private, expresses a private opinion and casts his vote.<sup>105</sup> Thus, the representational gap always already marks an aggregation of citizen-voters, the people who are ‘aggregated’ into what Rousseau would call the ‘will of all’, the arithmetic sum of their ‘counted’ opinions: ‘the statistical determination of the majority’ as Schmitt puts it.<sup>106</sup> In fact, while most of the literature on populism directs its attention to the Schmittian underpinnings of the vertical

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<sup>103</sup> Carl Schmitt, *Constitutional Theory*, trans. Jeffrey Seitzer (Durham and London: Duke University, 2008), 150

<sup>104</sup> Carl Schmitt, *Constitutional Theory*, 268 One might indeed oppose this argument on the grounds that it adopts the misgivings of the Schmittian dichotomy of the constituent/constituted in which the latter always implies procedural limitation and passivity. One extension of this dispute would be to state an objection that simply asks how it is even possible for people to publicly appear in the present without the ‘forms’ of the constituted power. In fact, contrary to what one would expect from him given his ‘statist’ preferences, Schmitt elaborates the notion of popular assemblies where “the people continue to exist as an entity that is directly and genuinely *present*, not mediated by previously defined normative systems, validations, and fictions.” See Carl Schmitt, *Ibid*, 271

<sup>105</sup> Carl Schmitt, *Ibid*.

<sup>106</sup> Carl Schmitt, *Ibid*, 304

relationship of ‘identification’ between the *ruler* and the *ruled* which is laid out in the *Crisis of Parliamentary Democracy*<sup>107</sup>, they miss one crucial Schmittian notion that is later laid out in *Constitutional Theory* and is better suited to capture populism’s ambiguous place in the liberal-democratic political setting. This notion goes by the name ‘sovereign apocryphal acts’.<sup>108</sup>

In Andreas Kalyvas’ reading, Schmitt identified the ‘apocryphal acts’ as those manifestations which are ‘*inauthentic*’ acts of sovereignty:

They are apocryphal because, although they do not signify a conscious, explicit manifestation of the self-constitution of society, they regain something of their extraordinary character as they occasionally emit constituent decisions, while still mediated and affected by a generalized passivity and depoliticization.<sup>109</sup>

Populism is *an inauthentic* sovereign posture but with one precise advantage that it uses to its own benefit: in the general gap of representative authorization, there is no clear indication that would clearly serve to distinguish an *authentic act from an inauthentic one*. The AKP’s constitutional referendum, as it has been shown, serves as an exemplary point to lay down populism’s *inauthentic* nature.

We should make a further note before concluding our chapter. We have addressed one essential component of populism’s strive to stretch the limits of liberal-democracy and that was the gradual intensification of populism’s incremental move in a more authoritarian and eventually, a totalitarian direction, albeit without risking the dissolution of the liberal-representative gap. This means that we should never isolate but rather contextualize the

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<sup>107</sup> Carl Schmitt, *The Crisis of Parliamentary Democracy* trans. Ellen Kennedy (Cambridge, Massachusetts and London: the MIT Press, 1985)

<sup>108</sup> Carl Schmitt, “Preface,” in *Constitutional Theory*, 55

<sup>109</sup> Andreas Kalyvas, *Democracy and the Politics of the Extraordinary*, 176. Kalyvas’ illuminating insights into the nature of the sovereign apocryphal acts notwithstanding, I have some reservations about his interpretation. He defines the ‘apocryphal acts’ as ‘inauthentic’ but he does not go far enough to sever their links with a presumption of *genuine/authentic ‘constituent power’ of the people*. He still identifies, relying on a different reading of Schmitt, the apocryphal acts with the important manifestations of democratic resistance to and within proceduralism and hence, he exclusively thinks of these acts within terms of ‘originary constituent power’ of the people finding *inauthentic ‘channels of expression’*. But, in my view, what makes the sovereign apocryphal acts so captivating for our analysis is that they are not *expressions of any substantial identity essential (people) that is antecedent to legal formal constraints but only expressions of themselves, mostly disguising themselves as the ‘representative of the people’*.

important manifestations of populism, our example being the 2010 Constitutional Referendum, in this continuum of gradual intensification of the populist expansionist agenda. We will elaborate more on these aspects in the next chapter by focusing on its tension-ridden relations with constitutionalism and law.

## Chapter 5

### The AKP's Constitutional/Legal Politics and Populism

#### 5.1 The AKP's Ambiguous Encounters with Constitutionalism

##### 5.1.1 Constitutionalism and Representative Democracy

In the previous chapter, I offered a detailed account of the AKP's populism and its characteristics at a precise moment, namely that of the 2010 Constitutional Referendum. Taking my cue from two sources, the Gramscian concept of passive revolution and an understanding of populism as an internal periphery of (liberal) democracy, I interpreted these general characteristics in two different yet interrelated ways. To put in somewhat a simplified manner, on the first level of analysis, I stressed the passive-revolutionary process of co-optation and incorporation through which the AKP garnered support from liberals and left-liberals, along with other segments of society, arguing that the AKP's success in achieving this consensus lied in constructing a populist equivalential link around the empty signifier 'coup'. On the second level of analysis, I made the point that the AKP's populist politics manifested a broader 'expansionist' agenda and further that the concrete manifestations of the leadership-people nexus (as evidenced by the *Referendum*) and of antagonization signified the AKP's gradual move to stretching the limits of liberal democracy. Regarding this last point, I have mainly made note of the formative role of populist electoral politics, one of which was the Constitutional Referendum, noting that the AKP's populism leaned towards extreme majoritarianism. I argued that while 'parasitical' upon the mechanisms of representative democracy, the AKP nonetheless strove to stretch the limits of the latter in order to elevate itself to *pure representative of the people*. Thus, regarding the tension between populism and liberal-democracy, our main emphasis was on the former's uneasy relation with the liberal-democratic representative *mediation*, namely the aforementioned 'gap' that forever restrains the majority from becoming the 'People' as such. Based on our interest in populism's unique position in liberal-democratic 'rules of the game', one

can indeed further specify this claim and argue that the liberal-democratic ‘gap’ does not only concern mediation that pertains to *representative* democracy but also the *limits* that control and monitor the possible arbitrary exercises of power. As Yves and Meny put it, this second dimension of liberal democracy, namely the *limitations* on the arbitrary exercise of power, can be identified in terms of the fundamental rights, freedoms and constitutional checks and balances which one might associate with the fundamental principles of constitutionalism.<sup>1</sup> These two dimensions, namely the representative gap of *mediation* and the *constitutional limitations* on power are inseparable as they both attest to the impossibility of the identification between *the will of the majority* and *the will of the people*.<sup>2</sup> Put in simpler terms, the will of the majority is limited and mediated at the same time, requiring that the principle of mediation only succeed when based on a network of institutional guarantees (the ideal of ‘rule of law’, the primacy of the Constitution, the fundamental rights and liberties) that validate and regulate the ‘*symbolic emptiness*’ of power.<sup>3</sup> The coexistence of the principles of representative democracy and the liberal limits on the exercise of power has many important implications for our thesis. However, we should first note that the acknowledgement of such a coexistence does not imply that the very institutional design of the liberal-democratic model is perfect, particularly in terms of maintaining an equilibrium among the so-called checks and balances, as well as between them and the power of the *demos*.<sup>4</sup> Our discussion below takes into account the gap between ‘existing democracies’ and the liberal-democratic ideal, namely between the *empirical* and the *normative*. Thus, it attempts to offer a *minimal* account that aims to withhold the normative assumptions as much as possible,

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<sup>1</sup> Yves Meny and Yves Surel, “The Constitutive Ambiguity of Populism in Democracies and the Populist Challenge,” in *Democracies and the Populist Challenge* ed. Y. Meny and Y. Surel (Hampshire and New York: Palgrave Macmillan, 2002), 10

<sup>2</sup> Daniele Albertazzi and Sean Mueller, “Populism and Liberal Democracy: Populists in Government in Austria, Italy, Poland and Switzerland,” *Government and Opposition* 48, No. 3 (2013): 343–371

<sup>3</sup> See Stefan Rummens, “Populism as a Threat to Liberal Democracy,” 559–562

<sup>4</sup> Cristóbal Rovira Kaltwasser, “The Responses of Populism to Dahl’s Democratic Dilemmas,” *POLITICAL STUDIES* 62, no.3 (2014): 470–487

emphasising how a Lefortian political ontology of modernity can articulate the liberal and democratic dimensions.<sup>5</sup>

In the most basic terms, our proposal to read the liberal limitations on power alongside the workings of representative democracy in a liberal-democratic setting complicates the relation between populism and constitutionalism. Thus, in the first part of the chapter, I will offer an interpretation of the particular relation that the AKP's populism entertains with constitutionalism. This part of the chapter can be construed as a further discussion of the underlying political logic of the constitutional amendments that were laid down in the previous chapters. This type of enquiry is necessary as it discloses how the populist dynamics of 'expansion' and state colonization unfold in ambiguous and tortuous ways in the domain of constitutional and legal politics. My basic argument will be that the AKP's constitutional politics is solely based on *constitutionalizing* policies that consolidate its power and help its 'expansionist' agenda to colonize the state<sup>6</sup>. The AKP's 'expansionism' degenerates *constitutionalism* to the extent that the latter is gradually hollowed out, 'instrumentalized' and displaced by the prerogatives of the populist sovereign power. This concretely corresponds to the executive's control and command over the judiciary. Thus, one cannot isolate populism's particular relation with constitutionalism outside the context of its expansionist agenda to colonize the state, the culmination of which is the executive's growing command over the allegedly independent judiciary. In the second part, I offer a reading of the political trials in the context of the AKP's authoritarian-populist 'politics of the courts' with a special emphasis on the trials against the junta. I analyse the populist undercurrents of the legal process of the political trials by 1) analysing the broader political context of the AKP's rule, and 2) by highlighting the determining role of two key presuppositions

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<sup>5</sup> The coexistence debate has been mostly associated with Habermas and his take on the mutual implications of private and public autonomy. However, as Rummens states, this coexistence can in fact be interrogated without sharing the normativist presumptions of the Habermasian framework of 'deliberative rationality'. An important reference in that sense is Lefort's political reading which embeds the liberal limitations in the advent of the democratic revolution and the idea of the '*emptiness of power*'. For a productive discussion on this topic see Rummens, "Populism as a Threat to Liberal Democracy," 557-558

<sup>6</sup> See Jan Werner Muller, "Populism and Constitutionalism," in *The Oxford Handbook of Populism*, 598

of populism in the ‘judicialization of the political’, namely the role of leadership (‘decision’) and the antagonization of the political scene into enemies and friends (‘discriminatory legalism’). Thus, in these two complementary sections, I aim for a further specification of the claim that populism is an *internal periphery* of liberal democracy and has its own ‘expansionist’ agenda to consolidate *intra-state* power by shifting my object of attention from the electoral politics of the 2010 Referendum to the AKP’s legal/constitutional politics.

In the previous chapter, we already argued that the two presuppositions that serve as populism’s distinctive traits were the centrality of the leader(ship) and the dichotomization of the social/political space between ‘the people’ and ‘non-people’, at least with respect to the shared liberal-democratic commitments of competing factions/parties. I argue that these two distinctive traits are also amply present in the populist disfigurement of constitutionalism and law in contemporary Turkey. First, the leader’s centrality is reflected via the centrality of ‘*decision*’ which overrides deliberation and procedural formalism when constitutional and legal matters are at stake. The alleged leadership/people nexus not only emerges via the formative means of referendums or elections but also through decisions that amend or even enforce legal/constitutional rules. Second, the overriding logic behind the populist constitutional/legal politics is 1) removing the obstacles which are presumably either the un-elected representative bodies that are alienated from the people or their extensions in the ‘political-representative realm’, and 2) enforcing an ‘ideal’ majoritarian vision of the People and the majoritarian principle in general via legal/constitutional mediums.

### **5.1.2 Liberal-Democracy, Constitutionalism and Populism: Revisiting the ‘Gap’**

Jan-Werner Müller argues that in the literature on populism there is a general agreement that ‘populism is inherently hostile to the mechanisms and ultimately, the values commonly associated with constitutionalism: constraints on the will of the majority, checks and balances, protections for



minorities, and even fundamental rights.”<sup>7</sup> In this standard account, given that populist forces are at odds with minority rights and intend to dismantle the checks and balances inherent to the liberal democratic model, they tend to foster the construction of a political regime with weak rule of law, where political power relies on a strong leader who governs almost without institutional constraints.<sup>8</sup> Lately, however, populism’s anti-constitutionalist stance has been scrutinized more deeply and the framework of this scrutiny provides ways to complicate this bifurcation of populism and constitutionalism. I have already discussed this relation in the second chapter but for the sake of our discussion here, I will reiterate some basic points.

This ambiguous relation can be captured through the literature on paradox of constitutionalism. The paradox of constitutionalism refers to the idea that modern constitutionalism is underpinned by two fundamental though antagonistic imperatives which on the one hand claim that governmental power is generated from the consent of the people’ while on the other hand, call for the division and constraint of this power through distinctive institutional forms.<sup>9</sup> Thus, in Emiliios Christodoulidis’ interpretation, the paradox amounts to the entanglement of, 1) the commitment to democracy and thus to the right of a sovereign citizenry to determine the terms of public life with 2) curtailing that right in the name of constitutional principles.<sup>10</sup>

The ambiguous relation between *rule-of-law* and *rule-of-(the-)people* in constitutional democracy is invaluable for an analysis of populism. As we have already addressed, this particular relation can be thought as part of the aforementioned Lefortian ontological imaginary, which can be seen to ground the advent of democratic revolution.<sup>11</sup> At the risk of repeating myself, the constitutional pillar of (liberal) democracy cannot be isolated

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<sup>7</sup> Ibid, 590

<sup>8</sup> Paul Taggart, “Populism and the Pathology of Representative Politics,” in *Democracies and the Populist Challenge*, 62-80

<sup>9</sup> Taggart, Ibid.

<sup>10</sup> Scott Veitch, Emiliios Christodoulidis, and Lindsay Farmer, *Jurisprudence: Themes and Concepts*, 65

<sup>11</sup> See Claude Lefort, *Democracy and Political Theory* and Oliver Marchart, *Post-Foundational Political Thought*, 92-96

from the representative gap of authorization that prevents closure of the ‘empty place of power’. For the reflexive acknowledgement of the ‘emptiness’ of power, as endorsed by competitive parties, resorts – at least on a minimal level – to the ground of an ‘institutional’/constitutional sphere that controls and limits arbitrary exercises of power that would not respect the fragmented and elusive nature of different legitimate representation(s) of the People. Thus, for our purposes, the fundamental rights, the restraints on the will of the majority and checks and balances are invaluable in so far as they provide us the *institutional mediations* that prevent the closure of this ‘empty place of power’. Hence, when we discuss populism’s expansionist agenda within the limits of liberal democracy, we do not restrict ourselves to the degeneration of electoral representative democracy but also address populism’s disfigurement of liberal-constitutionalist principles.

### **5.1.3. Does Populism Have to Oppose Constitutionalism?**

While most of the literature on populism strictly adheres to the aforementioned unequivocal understanding of the dichotomy between populism and constitutionalism, this chapter does not share such a view, opting instead for a perspective that unravels constitutionalism’s ambiguous relations with populism. This is not a matter of bifurcation between ‘populism’ and ‘constitutionalism’ as that would simply dichotomize the *liberal-normativist* principle of the *rule of law* against the ideal of an ‘*unbounded*’ *popular sovereignty*. Instead, we are trying to answer the following question: how do populists in power *still* present themselves as legitimate political actors within the limits and mediations of the liberal-democratic rules of the game while simultaneously eroding and gradually displacing those very limits? Contrary to the idealized bifurcation, populism-within-state-power does not usually transcend the limits imposed by constitutional settings but operates through them in a strategic and at times opportunistic manner. Or, as Theo Fournier puts it apropos the paradox of populism, populists still respect the constitutional rules to

implement reforms which in turn threaten the rule of law.<sup>12</sup> Put in a nutshell, populism is not only parasitical on representative democracy but on constitutional democracy as well. However, this parasitical relation turns out to be a destructive one as populism gradually overturns these limitations and expands and consolidates its own political power at the expense of the very limits that putatively impeded its majoritarian impulses. The relation is both parasitical and destructive in that populists wander within the limits imposed by the constitutional rules of the game while gradually displacing the limiting effects of the latter and instead bringing forward a different conception of law. Thus, the constitution is no longer seen as a safeguard against majoritarian abuses but as an accommodation tool for majoritarian expression<sup>13</sup> and rule of law becomes a platform to infuse the sovereign's own policy preferences rather than a limitation on possible arbitrary uses of power. In Urbinati's words, the populists strive to occupy the state and use its institutions as if these belonged to them/their 'people' and to entrench their own political vision at the expense of opposition parties and an independent judiciary.<sup>14</sup> Hence, one can claim following Jan-Werner Muller that, populists in power will be fine with institutions – which is to say: *their* institutions.<sup>15</sup> In the broader framework of liberal-democracy, the institutions signify the set of mechanisms that organize and regulate the democratic procedures in order to prevent majoritarian abuses and hence are based on the premises of rule of law, checks and balances, separation and division of power. These are all anchored in the idea of 'negative' constitutionalism that emphasizes the controls and limitations on power.<sup>16</sup> In populism's move to *control the controllers*, there is the gradual displacement of the liberal-constitutionalist constraints by transforming their 'negative' nature in a substantial way, which means they no longer function

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<sup>12</sup> Theo Fournier, "From Rhetoric to Action – a Constitutional Analysis of Populism", *EUI Working Paper LAW*, 2018

<sup>13</sup> Theo Fournier, *Ibid*

<sup>14</sup> Nadia Urbinati, "Populism and the Principle of Majority," 584

<sup>15</sup> Jan-Werner Muller, *Ibid*, 598

<sup>16</sup> Martin Loughlin, "The Constitutional Imagination," *Modern Law Review* 78, no. 1 (January 2015): 1-25.

in order to *constrain* 'majoritarianism' but, are instead infused by the populists' ('positive') political vision and agendas.

#### **5.1.4. The 2010 Constitutional Referendum: The AKP's Populism, The High Judiciary and Constitutionalism**

With this general framework, we can revisit our take on the 2010 Constitutional Referendum once more and refine our analysis of the AKP's populist politics by shifting our object of focus to the underlying constitutional politics. However, there are several points to make before continuing our discussion. When approaching the question of populism and constitutionalism, what one needs to keep in mind is that different populist forces approach constitutionalism differently, not least because the very framework of constitutionalism unfolds in manifold ways in different contexts. However, the very flexible nature of populism's relation to constitutionalism begs an overall consideration of its strategic and opportunistic stance regarding constitutional matters. Keeping these considerations on mind, the case of the AKP and the 2010 Constitutional Referendum gives us a unique context which is marked by 1) tensions and complexities that pertain to the historical unfolding of constitutionalism in Turkey, and 2) the AKP's strategic/opportunistic manoeuvres to exploit these historical tensions in order to perpetuate and consolidate its intra-state power. At this point, I will not repeat my general arguments concerning the Turkish historical context (see Chapter 3) but rather revisit them in light of the concerns of this chapter.

Let me rephrase my take on the politics that surrounded the 2010 Constitutional Referendum briefly. My initial thesis was that the 2010 Constitutional Referendum was a *moment* within the AKP's second phase of passive revolution, which rested on the building of a 'populist' coalition against the coup and its legacy. In keeping with the populist schema, this legacy was continued by the guardians of the secular Kemalist establishment, pre-eminently the TCC (Turkish Constitutional Court) and the military. Drawing on the hegemonic failures of Kemalist passive-revolution from above, the AKP's populist confrontation with the sovereign claims of un-elected guardians effectively co-opted the liberal-democratic

intelligentsia, left-liberals and even some fractions that positioned themselves strictly on the left of the political spectrum. Paradoxical as it may seem, the co-optation and incorporation of those who would otherwise be sceptical of a populist ‘antagonization’ of the political scene actually revealed the peculiarities of the Turkish context. That peculiarity can be summarized as the continuity of the Kemalist authoritarian mode of organizing the political space, which can come to interrupt the political scene when it is felt to be necessary.<sup>17</sup> The liberal-constitutionalist paradigm read this peculiarity in terms of a ‘dual state’, namely the assumption of the bifurcation between the democratically elected government and (unelected) guardians; eventually, this dichotomic reading was effectively moulded into the AKP’s overall populist rhetoric. As one might expect, for liberal democrats, the empty-signifier ‘coup’ signified the very opposite of what stood for liberal democracy, namely ‘rule of law’, individual liberties, and constitutional checks-and-balances. In the opinion of liberal democrats, the un-elected guardians of the Kemalist establishment that continued the legacy of the coup (one of which, ironically, was the TCC itself), never resorted to ‘constitutionalist-liberal’ principles but instead directly opposed them by prioritizing the ‘red lines’ of the founding ‘authoritarian’ principles of the Republic.

The uniqueness of the situation, namely the populist co-optation of the liberals, was mainly a consequence of the AKP’s success in incorporating the liberals’ dichotomic reading into its binary opposition of the people and the elites. However, the liberals’ attunement to the peculiarities of the Turkish political and historical context overlooked a crucial defining characteristic of populism in power, namely the populists’ aim to colonize the state gradually and thus consolidate their power. In this regard, as Bargu argues, the flipside of the elimination of the vestiges of the *dual state* and the imposition of greater civilian control was, precisely and paradoxically the ‘elimination of the checks and balances put in place to curb an electoral

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<sup>17</sup> The difference between our approach and the liberal one lies precisely in our invocation of the concept of passive revolution when deciphering the legacy of Kemalism. Turkish liberal analysts and commentators generally commit themselves to a ‘normative’ framework that associates Kemalism with the ‘*lack*’ of the liberal-democratic axioms and hence, misses its historical background.

system designed to accentuate majoritarian gains.<sup>18</sup> Thus, the AKP's reform proposal was not only designed to dissolve the alleged dual state by dissolving the political influences of the military and the TCC but, more importantly, it aimed for a new composition of the high judiciary; this was nothing less than a strike at the system of 'checks and balances' that was anchored in an independent judiciary, at least ideally. The most exemplary move in this regard was equating the military's sovereign transgressions with the Turkish Constitutional Court's competencies for 'judicial review', as they were both thought to be organically linked to the coup and its intent to authoritatively decide on the 'founding principles' of the Republic.<sup>19</sup> The AKP's choice was to alter the structure of the Constitutional Court. In the guise of greater democratic accountability in the appointments process and civilian control over the judiciary, the AKP passed a reform package that followed the pattern of other populist and authoritarian leaders and governments in attacking the supreme or constitutional courts that stand in their way.<sup>20</sup> To briefly recall this state of affairs, the AKP's proposal to reorganize the structure of the high judiciary concerned mainly two organs. One concerned the composition of the Turkish Constitutional Court (*TCC*), the other the composition of the Supreme Board of Judges and Prosecutors (in Turkish, *Hakimler ve Savcılar Yüksek Kurulu*, or *HSYK*). With respect to the TCC, the amendments in question increased the size of the Court from 11 permanent and four alternate justices to 17 permanent justices. It was not only the size of the Court that changed, but the very procedure for the appointment of the justices, as the new proposal *expanded* the TCC by widening 1) the number of institutions that the pool of candidates can be drawn from and that are not exclusively represented by the members of the high courts, and 2) the role accorded to the political branches in appointing

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<sup>18</sup> Banu Bargu, "Year One: Reflections on Turkey's Second Founding," 25-26. In fact, my initial use of the Gramscian notion of 'war of manoeuvre' can be thought precisely within populists' 'expansionist' agenda to colonize the state at that particular instance of the Referendum.

<sup>19</sup> In Andrew Arato's words, the liberal democrats were fighting the battles of yesterday and failed to see the very possible if not inevitable dangers of the future in Turkey. Following Arato, I argue that if yesterday is the historically sedimented relations of power that are peculiar to the complexities of the Turkish historical context, tomorrow is the authoritarian-populist colonization of the state power. Andrew Arato, "The Constitutional Reform Proposal of the Turkish Government," 345-350.

<sup>20</sup> Andrew Arato, *Ibid.*

the candidates.<sup>21</sup> With respect to the Supreme Board, the amendment package intended to break the domination of the senior judiciary over the HSYK and to make it more representative of the judiciary as a whole, by allowing a strong majority of the Council to be composed of judges from all levels elected by their own peers.<sup>22</sup> I will not go more into the technical details of the amendments on the organization of the TCC and the HSYK but simply underline what is at stake for our purposes. The expansion and broader representation of the high judiciary and the so-called greater democratic accountability in appointing the justices was polished as both *liberal* (the dissolution of the clique of the Republican elites) and *democratic* (the end of un-elected guardianship). However, what was missed out of this picture was the very possibility for populist-majoritarian pressures to mould the very structure of the higher courts according to the dictates of the AKP.<sup>23</sup> Moreover, the president, who was directly elected after another AKP-initiated amendment, was approved by a referendum in 2007 still maintained the predominant role the appointments. The persistence of the president's dominant role in the appointments not only disclosed the democratic deficits behind the façade of tearing down unelected guardianship, it also revealed populism's generally opportunistic stance towards the idea of constitutionalism, not least in the way that the latter was used strategically to consolidate state power.<sup>24</sup> This overall picture

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<sup>21</sup> Asli Bali, "Unpacking Turkey's Court-Packing Referendum," *Middle East Research and Information Project*, November 5 2010, <http://www.merip.org/mero/mero110510>, accessed on 20.01.2018

<sup>22</sup> Asli Bali, *Ibid.*

<sup>23</sup> At this point, let me revisit my initial argument that populism is not only parasitical on representative democracy but constitutional democracy as well. As mentioned earlier, the AKP's populist confrontation against the secular elites expresses itself via the electoral moment of the Referendum the rules of which are regulated and organized according to the Constitution. Hence, the AKP's populism is well embedded within the rules and procedures of the constitutional democracy. Thus, like the populist parties in general, the AKP is parasitical upon the very organizing rules of the constitution in order to survive as the legitimate representative of the People. It takes part in elections and make use of perfectly democratic procedures such as the referendum in order to pass and implement its preferred policies. Our idea is that even though the very end result of the constitutional reform might amount to the demise of constitutional checks and balances, we should still underline that the AKP manipulates the 'constitutional' rules of the game to further its authoritarian agenda.

<sup>24</sup> <https://www.theguardian.com/commentisfree/2010/sep/04/turkey-constitution-undemocratic>. For a discussion on populism's opportunistic stance, see Cas Mudde, "Are Populists Friends or Foes of Constitutionalism," *The Foundation for Law, Justice and Society*, and Cristóbal Rovira Kaltwasser, "Populism vs. Constitutionalism, Comparative Perspectives on Contemporary Western Europe, Latin America and the United States," *The Foundation for Law, Justice and Society* (2013)

validates our initial observation that populists approach constitutionalism differently in different contexts, and that these differences are embedded in their general strategic/opportunistic stance towards the question of constitutionalism. In that sense, the AKP is a very unique example, as it upheld the very ideal of ‘liberal rule of law’ (*constitutionalism*) that cemented the ‘populist coalition’ at the moment of the Referendum, which eventually led to the demise of the very principles of constitutionalism themselves.

With these notes on the court-packing incentives of the Referendum, we can finalize our comments on the Referendum’s role in *disfiguring constitutionalism*. Overall, there are three ways that the 2010 Constitutional Referendum, a *moment in the continuum of the AKP’s populist expansionism* signifies a populist-majoritarianist disfigurement and derogation of ‘liberal’ constitutionalist principles and they are the following: 1) the strictly political intention to occupy the ‘independent judiciary’ through reorganizing its structure; 2) the constitutionalization of the AKP’s ‘political vision’ and policy preferences via a constitutional change; and 3) the opening of the high judiciary to majoritarian pressures. In the next section, I will explore the further ramifications of the AKP’s populist constitutional/legal politics in a legal setting, namely the so-called ‘political trials’, with a special emphasis on the one against the military junta leaders of the 1980 Coup.

## **5.2 The AKP’s Populism, Law and Political Trials**

### **5.2.1. Populism and Discriminatory Legalism**

We have already depicted populism’s overall logic as one that strives to occupy the state and use its legal/constitutional institutions as if they belonged to the leader(ship) of the populist party and ‘the people’. We have also made note of the fact that this leads to the disfigurement of the alleged ‘independence’ and ‘neutrality’ of these institutions (most prominently the Constitutional Court), as they are gradually colonized and used as instruments to entrench the populist political vision. The same goes for law, albeit with certain nuances that should be explored in order to enrich our



perspective. One prominent thinker of populism, Kurt Weyland, uses the notion of ‘discriminatory legalism’ to explicate the populists’ instrumentalization of law, which culminates in attempts to ‘use formally legal authority in discretionary ways to promote their cronies and allies while punishing or intimidating critics and opponents in politics and society.’<sup>25</sup> This ‘discrimination’ is no surprise, as the very logic of populism relies on targeting its adversaries as non-people, leading to the marginalization of opponents deemed ‘illegitimate’ on the political scene. In Muller’s words, only some of the people will enjoy the full protection of laws while others, who do not belong to *the* people, will be treated accordingly.<sup>26</sup> In terms of the arguments presented above, ‘discriminatory legalism’ is nothing other than the derogation of that rule of law which should ideally constrain the majoritarian abuses of state power. Thus, the law is used ‘discriminately’ to overturn the constitutionalist principle of the ‘rule of law’ and expose it to the directives of the sovereign populist power. Hence, it ‘desubstantiates’ the ‘rule of law’ and strips it of its substantial principles and values, which rest upon constitutionalism, in other words, the counterweights to the unbalanced supremacy of the majority.

Populism uses law as means to consolidate power rather than limit it; it thus empties power of any normative value.<sup>27</sup> Instead, it binds the law to the populists’ political agendas. To recall our initial point, namely that populism’s two presuppositions are the leader(ship) and antagonization of the political space between people and non-people, populist discriminatory legalism can be discerned in the leadership’s (whether in the figure of the leader himself, the ‘cadre’ around him, or, more generally, the Party) substantial discretionary power and decision to use ‘law’ against the antagonistic other, the ‘non-people’. Here, one should underline the point that the centrality of ‘decision’ is no minor feature but rather a determining feature of populism in general, and it most effectively plays out in the use of

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<sup>25</sup> Kurt Weyland, “The Threat from the Populist Left,” *Journal of Democracy* 24, no.1 (2013): 18-32

<sup>26</sup> Jan Werner Muller, “Populism and Constitutionalism,” 597

<sup>27</sup> Nadia Urbinati, “The Populist Power” in *Democracy Disfigured: Opinion, Truth and the People*, 159

law as an instrument for political ends.<sup>28</sup> As Urbinati puts it, populist decisionism ‘repels the liberal calls of advocacy, control, monitoring, and a constant dialogue between society and politics’ in order to remove obstacles on the ‘uncontested decisions’ of the leader(ship).<sup>29</sup> The populist exaltation of decision is built upon contempt for mediation, compromise and deliberation, which are all seen to signify a ‘gap’ that introduces a moment of monitoring and reflection vis-à-vis the ‘possible’ *anti-democratic* outcomes of political decisions.<sup>30</sup> This general distaste for any kind of interruption of the decision is projected onto the legal domain, as the latter becomes simply a matter of enforcement, a matter of the *force of law* in the service of the populist agenda to ‘criminalize’ and marginalize its opponents.<sup>31</sup>

### **5.2.2. Instrumentalization of Law in a Populist Context: The Example of Political Trials**

Political trials are scenes infused with the use of law for political ends. They designate the ‘judicialization of the political’, referring to the process whereby political problems become judicial cases. The expansion of the judiciary in charging the defendant with a criminal offence in a political trial is far from straightforward though and is ridden with ambiguities and tensions that pertain to the uneasy relation between law and politics. This uneasy relation becomes self-evident as the two domains of law and politics interpenetrate and the expansion of the legal medium becomes a sign of its obverse, namely the expansion of politics to absorb juridical actors.<sup>32</sup> The legalistic ideology that is premised upon keeping apart law from politics, with law understood as the ideal sphere of objectivity and neutrality from

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<sup>28</sup> For a discussion on the centrality of ‘decision’ in populism, see Nadia Urbinati, *Democracy Disfigured: Opinion, Truth and the People*, 128-170

<sup>29</sup> Urbinati, *Ibid*, 137

<sup>30</sup> Urbinati, “Populism and the Principle of Majority”

<sup>31</sup> However, this does not necessarily mean that the law is totally colonized by the leader as populist power does not totally abolish but rather disfigures constitutional and representative democracy. As we will see, the populist decisionism unfolds in different ways that does not *totally* absolve the juridical independence. For a critique of ‘pure decisionism’/ ‘rule of law’ dichotomy, see Bonnie Honig, “Decision: The Paradoxical Dependence of the Rule of Law,” in *Emergency Politics*, 65-87

<sup>32</sup> In fact, the ‘judicialization of the political’ becomes a political act in its own right, and this is not simply because it opens the space of the judiciary to political influences but also, because it *conceals* the political motives in the disguise of neutrality and objectivity of law.

competing political interests and ideologies, crumbles, as the ‘political stakes’ attendant to *using law* becomes apparent.<sup>33</sup> In a populist-authoritarian political context, it is more likely that this quality of political trials become apparent in ways that will intensify the ‘expansion’ of the political to the extent that judicial power of the state and courts are ‘instrumentalized’ for the political ends of populism in power.

Political trials more often than not present a regime’s attempt to eliminate its political foes. As Otto Kirchheimer argues in his famous book, *Political Justice*, classic political trials designate spaces in which politics uses the ‘juridical forms, devices, symbols and mechanisms of justice, to promote and consolidate its power and defeat its enemies’.<sup>34</sup>

In the Turkish context under the AKP rule, this general logic of political trials becomes explicit: trials are carried out in order to eliminate political ‘foes’ who are simultaneously made part of populism’s antagonistic Other (non-people) and criminally charged with ‘crimes against the state’. As Yildizcan and Ozpinar argue, the juridical basis of AKP hegemony enables bringing diverse political currencies together in a crucible of political crime with the help of the claim that they are ‘trying to crash down elected government with extra-parliamentary actions’.<sup>35</sup> In this regard, one can draw upon two important trials, KCK and Ergenekon, as they 1) exemplified the populist logic of antagonizing the ‘other’, and 2) showed to what extent populist politics had expanded to absorb the juridical. I will briefly mention their common characteristics and juxtapose them with the case of the trials against the junta. My main attempt is to lay down the populist-authoritarian context of the AKP’s legal politics and unravel how this context pervaded all three trials.<sup>36</sup>

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<sup>33</sup> Judith N. Shklar, *Legalism: Law, Morals and Political Trials* (Cambridge: Harvard University Press, 1964), 111

<sup>34</sup> Otto Kirchheimer, *Political Justice: The Use of Political Procedure for Political Ends* (Princeton: Princeton University Press, 1961)

<sup>35</sup> Cemil Yildizcan and Cihan Ozpinar, “Policing Dissent: Authoritarian Reformulation of the State in AKP’s Turkey”

<sup>36</sup> Maybe it will be enough for the moment to simply state that the trials against the junta stand out as *unique among the other two*. While it is similar to the Ergenekon trial as they both concern *illegal* acts within the state, there is something more to it, as it does not concern an *illegal attempt* but actually a ‘successful’ act in abolishing the constitutional order and ‘founding’ a new one. Thus, the major differences between the three cases make

## 5.2.3 Ergenekon and KCK Trials: The AKP's Elimination of Political Enemies

### 5.2.3.1 The KCK Trials

When we interrogate the KCK and Ergenekon trials, we see that in both cases, it is the political opposition to the governing AKP that is being charged in the courts. While the former case concerns the Kurdish political opposition, the latter concerns the military, which has been the AKP's arch-enemy from the very beginning of its rule. In the former case, which started after 2008, the KCK (*Koma Civaken Kurdistan*) investigations and trials mainly proceeded along the lines of 'criminalizing' Kurdish dissent and politics – to the extent that the police raids were carried out on regular bases. As one might guess, it was mostly the leadership and members of the Kurdish political parties, the then-dissolved DTP (*Democratic Society Party*) and BDP (*Peace and Democracy Party*), who were interrogated, taken into custody, charged and arrested. The indictment of the main trial was presented to the court in Diyarbakir and incriminated the defendants based on the allegations of “violating the unity and indivisible integrity of the state with its territory”, “being a member of armed terrorist organization”, “heading an armed terrorist organization” and “aiding and abetting a terrorist organisation”.<sup>37</sup> All in all, the way the state dealt with political opposition via courts and the ‘content’ of the indictment showed that the AKP instrumentalized the law for its political ends.

What made the Kurdish political opposition such an important target for the AKP resided in its capacity: 1) to restrain the AKP's majoritarianism on the basis of its own massive support among the Kurdish People, especially in the south eastern regions of Turkey; 2) to undermine the AKP's populist claim to embody the people of Turkey, both Turkish and Kurdish, in terms of forms of religious community and commonality rooted in the Ottoman ‘millet system’<sup>38</sup>; 3) to resist the terms of the AKP's populist equivalential

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it all the more interesting to figure out the controversial legal/political attempts to *subsume* them under similar charges and narratives.

<sup>37</sup> See Ayşegül Kars Kaynar, *Interaction of the AKP with the Constitutional State in Turkey: AKP's Political Justice* (PHD thesis Submitted to the Graduate School of Social Sciences of Middle East Technical University, 2014), 244

<sup>38</sup> See pages 80 and 81 in this thesis.

link which positions Kurds as ‘victims’ of the Kemalist-Republican legacy and the AKP as the spokesperson for their suffering and *denial*.<sup>39</sup> These three elements suggest that the AKP’s populist strategy relied on separating Kurdish opposition from ‘Kurds’ and winning over the latter to its populist coalition against the Kemalist elites. Hence, it was no mere coincidence that the strategy of repression of political opposition via courts was complemented by concessions, particularly by an attempt to win over Kurds ‘by a combination of individual rights, an affirmation of Muslim brotherhood, economic incentives and infrastructure projects - while the pro-Kurdish parties would be crushed in one sweep.’<sup>40</sup> Thus, it is no surprise that these cases were filed against the Kurdish political opposition, since the latter does not just oppose the AKP as a social/political movement among others, but effectively presents an obstacle to the AKP’s overall populist effort to reconfigure the Turkish political system.

The AKP’s populist politics did not simply provide the background but effectively unfolded through the criminal investigations and the preparation of the indictments. I will mention three of them. First, the accusation in the main indictment according to which the KCK was an extension of the PKK (Kurdish armed movement, *Kurdistan Workers’ Party*) directly fit with a key element of the overall populist agenda: to delegitimize one’s opponent. As most of the defendants consisted of the members and leaders of the democratically-legitimate party, BDP, the direct association of the KCK and the PKK helped the AKP to delegitimize a rival within the electoral representative system itself. Here, one should recall our point in the last chapter, namely that the populists tend to delegitimize and marginalize their rivals in the competitive electoral system based on the allegation that they do not form part of the *People* and hence, they do not have the right to represent these people. We have argued that this expansionist logic *disfigures* representative and constitutional democracy and aims to ‘cleanse’ the political field from opposition, leading to the gradual demise of the

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<sup>39</sup> See Bulent Küçük and Ceren Özselçuk, “The Question of Democratic Citizenship in Turkey,” 57-76

<sup>40</sup> Kerem Oktem, “Turkey’s Passive Revolution and Democracy,” *OpenDemocracy*, <https://www.opendemocracy.net/kerem-oktem/turkeys-%E2%80%9Cpassive-revolution%E2%80%9D-and-democracy>, 09/06/2011 accessed on 08/03/2018

premise of the ‘empty place of power’. The AKP’s populism adopted this logic to claim that the Kurdish political opposition is not part of the People and not even the Kurdish People but instead an ‘extension’ of an armed, illegitimate and ‘terrorist’ organization.<sup>41</sup> Second, the investigation, interrogations, trials and arrests were carried out regularly but most intensely during the time of elections. Among these, was the 2011 general elections which basically showed the law to have been instrumentalized in order to consolidate state power and crush the opposition.<sup>42</sup> This gradual intensification of repression towards the political opposition right before elections only gives us more clues as to the AKP’s majoritarianist impulse to control and manipulate the electoral representative democracy to its own ends.

### **5.2.3.2. The Ergenekon Trials**

The Ergenekon political trial, on the other hand, was conducted as part of a criminal process that began in June 2007. The indictment that was submitted to court more than a year after the start of the criminal investigation, included charges against the retired and active senior military officials, police chiefs, civil leaders, ultranationalist militants, politicians, and so on, on the allegations of ‘membership to a terrorist group’ and ‘attempting to overthrow the government by using violence and coercion’.<sup>43</sup> What made the case interesting was that the *Ergenekon Terrorist Organization* was explicitly equated with the deep state, and described as ‘a key obstacle to Turkey securing the Rule of Law’ and as having been active for many years as the dark force behind countless actions, involved in mafia and acts of terror.<sup>44</sup> The argument was that the ‘deep state’ is an obscure organization from the Cold War era that did not dissolve but has changed its aim as securing the military tutorship regime after that era ended. Thus, the concept

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<sup>41</sup> Of course, the twist of the AKP’s politics of courts lied in disguising the very political stakes at hand by accusing the Kurdish opposition itself as targeting the constitutional order and democracy and this is achieved by turning politics into a legal matter which would ideally be dealt with in *impartiality, objectivity and neutrality*.

<sup>42</sup> See Kaynar, *Interaction of the AKP with the Constitutional State*, 230-235

<sup>43</sup> See Kaynar, *Ibid*, 235-242

<sup>44</sup> See Basak Ertür, “Turkey’s Deep State Trials” in *Spectacles and Spectres: Political Trials, Performativity and Scenes of Sovereignty* (PHD thesis, Birkbeck, University of London, 2015), 181

of the ‘deep state’ had a central role in solidifying the AKP’s populist strategy.

The Ergenekon trial served the sovereign power (AKP) to dissociate itself from the extra-legal activities of the state, which presumably belonged to the pre-history of Turkish Republic. As Basak Ertür puts it, the appearance of a conflict between the prosecuting authorities and the deep state concerning what a state’s relation to legality ought to be ‘performatively enacts the very rule of law it purports to submit’.<sup>45</sup> Thus, in this case, the very idea of the rule of law was effectively employed to ‘antagonize’ a political opponent, namely the military as part of the ‘deep state which was ‘translated’ as a ‘terrorist/criminal organization’ via the legal rhetoric of criminality. We have already addressed the particular ways the AKP’s populism antagonized the military in its long period of rule, underlining its success in using the fault lines of Turkish political history to its own ends. Thus, I will not go into those discussions but rather point out how this *particular trial process* proved to be advantageous to solidify and empower the AKP’s populism. First, one should point out the already stated fact that the indictments opted for a ‘translation’ of the (anti)state-centric narrative around the binaries of Republican elites/people and centre/periphery into the legal imaginary around the binary of illegal ‘deep state’/rule of law (democratically-elected governments). Thus, it provided a legal shield that made it possible not only to condemn and marginalize but also to *criminalize* elites who were now made part of an agency called the deep state. The same mode of criminalization continued in the trials against the junta as well. Yet what makes the Ergenekon political trial interesting is that the criminalization of the deep state did not just function to assign the latter to the ‘pre-history’ of Turkey and to uphold the image of the present state as the new arbiter of a ‘social contract’; it simultaneously *conjured it up* as a ‘*spectre*’ that is constantly *present*. Ertür’s argument that the prosecutors of the Ergenekon trial constantly evoked the past deeds of the Turkish deep state while leaving them in their ‘spectral’ status, resistant to illumination

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<sup>45</sup> Basak Ertür, *Ibid*, 178

and adjudication, should be thought along these lines of conjuration and spectralization.<sup>46</sup>

Both these dimensions assisted the AKP's political strategies. While the former aspect helped the AKP to uphold the image of 'confronting the past' and relegating it to the pre-history of democracy and rule of law, the latter dissociated the deep state from *its concrete manifestations and made it a 'ghostly' figure that still haunted the present*. The *spectralization* of the deep state consolidated the AKP's rule as the latter defined itself as the sole agent that will 'pin down', identify and remove these 'vestiges of the past' (the 'extensions' of the deep state), threats that had never faded away and were still *present*. Thus, the expansion of the investigations to include many unrelated criminal political offences and the association of many opponents with the Ergenekon terrorist organization built on this 'spectralization' and in turn helped the AKP to monopolize the power to 'decide who the enemy is'.<sup>47</sup>

### **5.2.3.3 The Similarities Between the Two Trials: The Exceptional Spaces of Jurisdiction**

These two brief accounts of the KCK and Ergenekon cases show that the AKP used the political trials in line with its populist agenda 1) to eliminate its foes, considered to be non-people (Kurdish political opposition and military); 2) to consolidate state power by 'criminalizing' political opposition. Yet, what still seems missing in these accounts is the peculiar 'legal' nature of prosecution and courts that determined the unfolding of the political trials. I will argue in the following section that in these two political trials, the very nature of the prosecution and the courts also materialize the AKP's populist legal politics, which expresses itself via the construction of '*exceptional*' spaces within jurisdiction. These spaces are politicized to the maximum extent, in order to distinguish the 'enemies' of the people and hence, the enemies of the *new* state embodied by the AKP.

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<sup>46</sup> Ertür, *Ibid*, 187-189

<sup>47</sup> I am basically referring to Schmitt here. See Carl Schmitt, *The Concept of the Political*, 38. For Schmitt, sovereign is the one who decides on the enemy, who has the capacity for political decision *par excellence* or, better put, the capacity for political decision defines the sovereign as such. Hence, Schmitt would argue that the AKP's monopolization of the decision on the enemy confirms it as the sovereign.



My analysis is all the more relevant provided these same exceptional spaces were used for the trials against the junta as well.

In these two political trials, the criminalization of political opposition took place in the *Specially Authorized Courts* (OYMs) and the criminal charges were based on *Anti-Terror Law*. Let me briefly mention the historical background of these two legal devices, as they will be important in my interrogation of how the uneasy relation between law and politics played out. In 2005, the new Penal Code redefined terror crimes (which included many legitimate political and social protest acts), while special courts for serious crimes (*OYMS*) replaced the old *State Security Courts*.<sup>48</sup> According to the Articles 250-252 of the Turkish Criminal Procedure no 5271, the crimes that were defined in Articles 302-339 of the Turkish Criminal Code were not going to be tried in regular courts but were instead going to be assigned to assize courts whose judicial district was to be determined by the Supreme Council of Judges and Prosecutors (HSYK) at the proposal of the Ministry of Justice.<sup>49</sup> On top of that, according to the Anti-Terror Law, offences defined under articles 302, 307, 309, 311, 312, 313, 314, 315, 320, and paragraph 1 of art. 310 of the Turkish Penal Code were deemed terrorist offences.<sup>50</sup> All in all, there was a proper Schmittian moment in all these regulations as 1) sovereign power embodied by the AKP decided on the ‘exception’ which meant the suspension of ‘regular law’ in cases that directly afflicted the state and 2) the decision on the ‘exception’ merged with the decision on the ‘enemy’ which is the utmost condition of a Schmittian conception of politics.<sup>51</sup> However – and here comes yet another ambiguity with respect to the relation between law and politics in the AKP’s legal politics – these exceptional court rulings that equated the political

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<sup>48</sup> Kaynar, “Political Trials and The Second Jurisdiction of the State: Normalcy of the Exception,” in *Contemporary Turkey at a Glance II: Turkey Transformed? Power, History and Culture*, ed. Meltem Ersoy and Esra Ozyurek (Wiesbaden: Springer Vs, 2017), 25 -38

<sup>49</sup> Kaynar, *Ibid.*

<sup>50</sup> The ÖYMs are abolished on July 2, 2012 by Law No 6352, or what is popularly known as “third judicial reform package”. Law No 6352 abolished Articles 250-252 of the CMK. However, problems related to exceptional judgment did not end with this amendment. First, a provisional article was added to Law No 6352 concerning trials already being overseen by the ÖYMs. According to Provisional Article 2 of the Law No 6352, trials being conducted by the ÖYMs will continue to be overseen by the ÖYMs until the final verdict.

<sup>51</sup> See Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Cambridge: MIT Press, 1985), 1 and see Carl Schmitt, *On the Concept of the Political*

crimes and ‘terror’ simultaneously concealed and revealed its Schmittian premises. On the one hand, the criminalization of *political acts against the state* as ‘terrorist’ meant that the sovereign disavowed the very political nature of its decision by deferring it to the ‘legal’ terminology adopted by the ‘courts’. On the other hand, the concept of ‘terror’ only intensified the political nature of the act to the extent that it was not *properly* political anymore. All in all, the association of the terrorist act with both criminal activity and ‘extreme’ politicization served the AKP’s populist ‘expansionism’ to narrow down the political space and delegitimize, and even dehumanize,<sup>52</sup> the political opponents.

Ayşegül Kars Kaynar points out that the jurisdiction that belonged to the political trials divided the Turkish judicial system into two. While, on the one hand, there was legal justice and courts of general jurisdiction based on constitutional rights, on the other, there were OYMs operating with exceptional judgment procedures. Kaynar argues that these exceptional judgment procedures – some of which violate basic human rights and freedoms of the defendants – only show that the AKP arbitrarily and directly involved in judicial decisions, subsuming ‘concrete situations under exceptional norms’ in a Schmittian manner.<sup>53</sup> Along similar lines, Ginsburg and Moustafa state that one way in which authoritarian regimes attempt to eliminate political threats in courts is by introducing fragmentation into the judicial system. They argue that in fragmented systems, one or more exceptional courts run alongside the regular system and the tight control of

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<sup>52</sup> The dehumanization aspect brings us to Agamben’s famous definition of the ‘bare life’. For him, sovereignty lies precisely in the production of bare life as the object of sovereign power. Sovereign power operates by producing a distinction between natural life shared by all living beings (*zoe*) and politically qualified life exclusive to human communities (*bios*). In Agamben’s words, “the inclusion of bare life in the political realm constitutes the original- if concealed- nucleus of sovereign power. It can be even said that the production of a biopolitical body is the original activity of sovereign power.” In that sense, the duality of the judicial system that deprives the political criminals of their rights to be tried in regular courts exemplify this logic of sovereignty in the most general sense. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998), 6

<sup>53</sup> Kaynar, “Interaction of the AKP with the Constitutional State in Turkey: AKP’s Political Justice,” 315

the executive over these courts is used to ‘side-line political threats as needed.’<sup>54</sup>

One can reasonably argue that the exceptional spaces granted to special courts are inseparable from the AKP’s ‘court-packing’ intentions. The latter became very explicit in the 2010 Constitutional Referendum and attested to the expansion of the sovereign power in the instrumentalization of law, both constitutional and ordinary, for its political ends. However, one should also add that while the court-packing attempts remain indirect, the political trials reveal the direct influence of the political authority. This second aspect only makes the uneasy relation of populist politics with law more explicit. The organization of the assize courts, whose judicial district was to be determined by the Supreme Council of Judges and Prosecutors (HSYK) at the proposal of the Ministry of Justice, linked the process directly to the sovereign prerogatives of the ruling power, not least because HSYK was under direct influence starting with the approval of the constitutional amendments in 2010. What’s more, the investigations of cases covered by the OYMs were carried out by specially authorized prosecutors which only added further to the ruling power’s political influence in the trials.<sup>55</sup> Hence, Sarat and Clarke’s point that prosecutors’ ‘decisions’ exemplify the logic of sovereignty in a constitutional democracy, meaning they ‘prosecute’ at the limits of law with powers of substantial discretion, becomes all the more valid in our case, in which the prosecutors are specially authorized.<sup>56</sup>

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<sup>54</sup> Tamir Moustafa and Tom Ginsburg, “Introduction: Function of Courts in Authoritarian Politics,” in *Rule by Law: The Politics of Courts in Authoritarian Regimes* ed. Tamir Moustafa and Tom Ginsburg (New York: Cambridge University, 2008), 17

<sup>55</sup> Kaynar, *Interaction of the AKP with the Constitutional State in Turkey*, 267

<sup>56</sup> If one adds the extended role of the police in all these investigations to this picture, it is all the more plausible to suggest that law constantly blurs with politics to the extent that the former is directly influenced by the ‘executive prerogatives’ at all levels. In these, the police had limitless power in collecting evidence and starting the investigations with using extraordinary power along with the prosecutor. This reminds us of Walter Benjamin’s notes on the function of the police in modern democratic settings: “In this authority the separation of law-making and law-preserving violence is suspended. If the first is required to prove its worth in victory, the second is subject to the restriction that it may not set itself new ends. Police violence is emancipated from both conditions. It is law-making, for its characteristic function is not the promulgation of laws but the assertion of legal claims for any decree, and law-preserving, because it is at the disposal of these ends.” Benjamin’s point is relevant for our discussion as it shows the implementation of law in ways that do not restrict itself with the letter but refounds it according to the ‘concrete’ situation at hand. See Walter Benjamin, *Selected Writings, vol. 1, 1913–1926*. ed. Marcus Bullock and Michael W. Jennings (Cambridge: Harvard University Press, 1996)

Overall, the general political context and the way the legal process unfolded in these trials gives us more clues about how the AKP's populism expressed itself via the medium of legal politics. On the one hand, the 'judicialization of the political' meant that the political expanded to the scene of the judiciary, in order to eliminate political enemies, with the latter being determined by the AKP's decision about who is *not part of the people*. Thus, this decision was also a decision about who was a threat and an obstacle to the AKP's aim to forge a new 'populist' social contract between the people and the state. On the other hand, the judicialization of the political played itself out in the particular way of 'excepting' the political trials from regular ones, which was only a sign of the AKP's intensification of what literature on populism calls 'discriminatory legalism'.<sup>57</sup>

#### **5.2.4 The Political Trials Against the Junta**

##### **5.2.4.1 The Historical Background of the Military Junta (1980-1983)**

After provisional Article 15 was removed from the Constitution as a result of the referendum on 12 September 2010, the prosecution of the military officers became possible. In the wake of the removal, the indictment regarding the coup d'état on 12 September 1980 was accepted by the Ankara 12<sup>th</sup> High Criminal Court on 10 January 2012. It included as prime suspects Kenan Evren (Chief of General Staff at the time of the events and later 7<sup>th</sup> President of the Turkish Republic) and retired General Tahsin. Special Authority Public Prosecutor Kemal Cetin prepared the document and the indictment sought 'aggravated life sentences' for defendants Evren and Şahinkaya, according to articles 146 (offences against state forces) and 80 of the Turkish Criminal Law (No.765) which were in force when the military seized power in 1980.<sup>58</sup>

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<sup>57</sup> Kurt Weyland, "The Threat from the Populist Left"

<sup>58</sup> Article 146 of Turkish Penal Code that was in force at the time of the military take-over stated the following: "Anyone who attempts to partly or fully destroy, change or abolish the order established by the Constitution as established by the Grand National Assembly or to prevent the actual implementation of that order by the use of force or violence shall be sentenced to strict life imprisonment. Article 80 on the other hand stated that for the execution of a decision on committing a crime, a multiple violation of the same provision even at various times shall be regarded as a single offence. The incumbent penalty shall be increased by the duration of one sixth up to half of the penalty." <https://bianet.org/english/politics/135225-masterminds-of-1980-coup-face-life-sentence>

One needs to get a sense of the military regime and its history in order fully to grasp the political trials and the logic that pervades them. To that end, I will first provide a brief historical account of the coup. On 12 September 1980, a National Security Council which brought together the chief of General Staff, general Kenan Evren, and chiefs of staff of army and security forces took power by proclaiming a state of siege throughout the country. The coup d'état was announced on state radio, following the blaring out of the national anthem, by a presenter who passed on the coup leader General Kenan Evren's statement: "Glorious Turkish nation, the country which the great Atatürk entrusted to us is facing treacherous attacks to its existence, regime and independence." The presenter continued by addressing the aim of the intervention: "In this atmosphere, the Turkish Armed Forces have seized complete control of the country's administration... with the aim of protecting national unity and preventing a probable civil war."<sup>59</sup> The justificatory discourse was simple: in that concrete situation of state of exception, the military's seizure was simply a means to correct the 'deviations' and to put the country back on the 'right course'. In this manner, the basic aim of the military coup d'état of 1980 was to put an end to 'terror' and 'anarchy' caused by the threat of civil strife on the streets and to bring order to a country that not only lacked proper government by the civilian parliament but had also become unruly and "ungovernable".<sup>60</sup> The junta exercised legislative, executive and judiciary power through the military courts.<sup>61</sup> Although on September 21, the NSC (National Security Council) installed a predominantly civilian cabinet and named Bulent Ulusu, a recently retired admiral, as prime minister to draft a constitution, the power was exclusively in the hands of the executive body of the NSC as the embodiment of the rule of Nation. Martial law was extended to all provinces. As a consequence, the criminalization of dissent reached unprecedented numbers in the history of the republic – in three years 650,000 people were arrested, 230,000 were prosecuted and some 65,000

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<sup>59</sup> *TBMM Darbe ve Muhtıraları Arastırma Komisyonu, 12 Eylül Darbesinin Yargılanmasına İlişkin İddianame* (November, 2012), 869

<sup>60</sup> *Ibid*, 867

<sup>61</sup> <https://anfenglish.com/news/remembering-the-12-september-1980-military-coup-of-turkey-22060>, accessed on 20.01.2018

were convicted.<sup>62</sup> Charged with membership in illegal organisations or crimes defined by the articles of the Penal Code 141, 142 and 163<sup>63</sup>, these people faced the brutality of the state to an appalling extent. This perpetual war to eliminate internal threats to the state reached its climax when 7000 people were tried for capital offences, 571 were sentenced to death and 50 of them were executed.<sup>64</sup> This unleashing of state terror was accompanied by the quest for a new Constitution, as General Evren wanted to restructure the Turkish political system so as to prevent the political recurrence of violence, polarization and deadlock that had allegedly afflicted the country in the late 1970s, with the aim of then returning to civilian democratic rule. Since the aim of the intervention was a total restructuring of the institutional design of the state, it effectively abolished the 1961 constitution, which although itself a result of a military intervention had contained a detailed Bill of Rights, and had put rights and liberties, including social rights, under effective judicial guarantees. The very liberal framework of the 1961 Constitution, which restricted the scope of legislative action with respect to civil liberties through the principles of constitutional supremacy and separation of powers was unacceptable for the ‘authoritarian’ goals of the new military leaders since it had allegedly paved the ground for ‘excessive’ rhetoric of rights which tore the national fabric’ of Turkish society.<sup>65</sup> The authoritarian incentives of the Constitutional Draft were unprecedented.<sup>66</sup>

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<sup>62</sup> “1980 coup leaders given life sentences in Turkey,”

<http://www.dailymail.co.uk/wires/ap/article-2661270/1980-coup-leaders-given-life-sentences-Turkey.html>, accessed on 20.01.2018

<sup>63</sup> Banu Bargu, *Starve and Immolate: The Politics of Human Weapons* (New York: Columbia University Press, 2014), 102

<sup>64</sup> Banu Bargu, *Starve and Immolate*, 102

<sup>65</sup> Hence, it is no surprise that the agent of the coup d’état, the *National Security Council* composed of the heads of services lead by General Kenan Evren did not hesitate to override the republican prospect of deferring the constitution-drafting authority to the Constituent Assembly as it had been the case in 1960. Instead, it appointed a *Consultative Assembly* composed of ‘apolitical’ bureaucrats and professionals which were then assigned the task to prepare a draft. There was to be no politics whatsoever involved in order to disguise itself as above all the detrimental effects of political factionalism- everyone who had a connection to any political party that existed prior to the intervention was excluded from the *Consultative Assembly* and the *Constitutional Commission*, and even a smaller group within the *Consultative Assembly* which actually drafted the Constitution was chaired by a law professor favoured by the military regime. See Andrew Arato, “Turkey: Authoritarian Constitution Making, Reform, and the Crisis of Constitutionalism,” 224

<sup>66</sup> The intentional securitization and the exclusive reorganization of the political space was explicitly laid down in the Constitutional provisions that related to fundamental questions of freedoms and liberties, civil and political rights and the rule of law: for instance, Article 13 which has been amended in 2001 enumerated the general reasons for restrictions of all

In 1982, the constitution that the generals drafted was approved by 92 percent of the voters in a referendum and from the day of its ratification remains in force and informs Turkey's political present. The 1982 Constitution not only *reflected* the authoritarian redesign of the state in its overall structure but also contained articles that would organize an *insulated space* that would keep the military's influence on politics alive. This effectively happened in two ways. First, as Arato argues, the Constitutional draft institutionalized the powers of those who made the coup through forms of conversion<sup>67</sup>, which are reserve mechanisms for the military elites to ensure an ongoing check on *civilian politics* through the wide range of privileges and prerogatives granted to the military – this has been recognized in Turkey as the problem of the 'tutelary regime' similar to the problem of 'authoritarian enclaves' in Chile, the 'institutional spaces in the state or regulatory spaces in society that adhere to authoritarian norms at odds with those of a democratic regime.'<sup>68</sup> For instance, Provisional Article 1 of 1982 Constitution stated that upon its ratification and approval, the leader of the military regime, general Kenan Evren would automatically occupy the position of *President* for the next seven years. Similarly, the political power of the National Security Council – the core institution of the 'reserve domains' where the military retained its majority representation – was enhanced.<sup>69</sup> Second, and more crucial for our analysis, the influence of the military continued as legacy in the form of 'exception' which mainly exempted the military officers who ruled during the military regime (1980-1983) from any kind of prosecution. According to Provisional Article 15 of

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rights and freedoms; namely, the aim of safeguarding; a) the indivisible integrity of the state with its territory and nation, b) national sovereignty, c) the Republic, d) national security, e) public order, f) general peace, g) the public interest, h) public morals and i) public health. More importantly, Article 13 stipulated that the rights and freedoms in the Constitution can be restricted on these general grounds as well as for specific reasons in related articles. In a similar manner, the article 69 which concerned political rights and liberties and regulated principles obeyed by political parties, the articles 33,34 and 51 regulating collective rights and freedoms ('the right to hold demonstrations', 'freedom of association', 'right to organize labour unions') or articles 36, 38 and 40 that concern fair trial and due process all made it clear that the Constitution was prepared for the sake of 'authority' and 'order' in order to make it immune to 'over'-politicization.

<sup>67</sup> Andrew Arato, "Turkey: Authoritarian Constitution Making, Reform, and the Crisis of Constitutionalism," Ibid.

<sup>68</sup> Mehmet Fevzi Bilgin, "Constitution, Legitimacy and Democracy in Turkey," in *Constitutional Politics in the Middle East* ed. Said Amir Arjomand (Oxford and Portland Oregon: Hart Publishing, 2008), 135

<sup>69</sup> Andrew Arato, "Turkey: Authoritarian Constitution Making," 224

1982 Constitution, no allegation of criminal, financial or legal responsibility can be made, nor can an application be filed with a court for this purpose in respect of any decisions or measures whatsoever taken by the Council of National Security formed after the 1980 coup d'état.<sup>70</sup> These two spaces of influence that continued the legacy of the military by first, 'excepting' the military regime officers from any possible legal accountability and second, giving them constitutional grounds directly to influence politics have been main targets in the AKP's Constitutional Referendum. We have already seen how the AKP targeted the second aspect, namely the 'reserve domains' of junta. The removal of the impunities granted to the military officers was part and parcel of the same process.

#### **5.2.4.2 The Populist Context of the Trials Against the Junta**

As we have already seen, the 'coup' was not only a matter of the criminal trial but a point of reference, an 'empty signifier' that helped the AKP forge a 'populist' coalition against the alleged representatives of the 'legacy' of the coup that resided in the very 1982 Constitution drafted by the coup leaders themselves. Thus, the removal of the impunities granted to the leaders of the coup was symbolically elevated to a major watershed moment and a rupture in the Turkish political history, which signified a 'clean page', a new 'social contract' between the 'people' and their sovereign 'state', now embodied by the AKP. The trials were an extension of this 'populist' social contract, heavily imbued with the rhetoric of confronting past atrocities, the need for democratization, and the break with the 'tutelary' regime – all of which depended on the return of 'rule of law'. However, we have already seen that this theme of rupture from the past (the antagonization of the 'empty signifier' coup) was overridden, coloured and overdetermined with the AKP's populism at the moment of the Referendum. I argue that the same populist undercurrents that underlined the moment of the Constitutional Referendum determined the overall political logic of the trials against the junta. My overall argument is that despite its appearance as the utmost expression of rule of law, the trials' overall political/legal context

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<sup>70</sup> [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/d-tr/dv/0520\\_07/0520\\_07en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/d-tr/dv/0520_07/0520_07en.pdf), accessed on 20.01.2018



transforms them into yet other moments in the AKPs populist consolidation of state power.

The political trials against the junta were definitely different from the other two cases of the Ergenekon and the KCK trials. First, strictly in terms of the classical definition of political trials, they do not concern eliminating a concrete contemporary political enemy as this was the case regarding the Kurdish political opposition and the military. It concerned the military but did not actually target the military in the present, namely the figures of the deep state allegedly planning a coup against the AKP. Second, the defendants, namely the generals who orchestrated the establishment of the junta did not just attempt but succeeded in overthrowing the government and founded a new Constitution that was still in force at the time of the trials which added a paradoxical twist to the case. ( The trials were conducted as part of the constitutional order that was laid down by the generals themselves.)<sup>71</sup> Third, in terms of Kirchheimer's take on political trials, the AKP's motives were mostly based on convenience, as it had recourse to the trial in order to create effective political images as part of a propaganda campaign to manipulate public opinion.<sup>72</sup> *Performing* as the agent of 'democratization' and a new political unity, the AKP *performatively* distanced itself from the junta and its history to solidify the image of

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<sup>71</sup> The defendants' and their lawyers' defense against the indictment claimed that this paradox made the whole political trial and the charges void. The lawyer utilized a strictly Kelsenian point of view and argued that the coup d'état in Turkey in 1980 has been successful in elevating itself to a legitimate foundation of a valid constitution since it has met the criteria of 1) successfully imposing a basic norm and 2) gaining people's *a posteriori* compliance with that norm. In that line of defense, the 'origin' can be 'empirically anyone, any framer; basically 'the individuals who laid down the constitution to found the postulate of the *Grundnorm* that will validate the whole constitution. Hence, the empirical founding is fictitious- it is a logical construct. On the other hand, the defendants themselves resorted to a Schmittian rhetoric in arguing that they 'decided' on the state of exception and succeeded in overthrowing the government. ('We made a coup d'état, we didn't attempt it. The difference between a coup and an attempted coup must be clear to all.'). From different angles, Kelsenian positivism and Schmittian decisionism were adopted as counter-arguments to make the whole case void. For an elaborate discussion on the compatibility of Kelsenian positivism and the practice of a coup d'état laying down a constitution, see Andreas Kalyvas, "The Popular Constituent Sovereign and the Pure Theory of Democratic Legitimacy", *Democracy and the Politics of the Extraordinary: Max Weber, Carl Schmitt and Hannah Arendt* (New York: Cambridge University Press, 2008), 111 and for a Schmittian analysis of the coup d'état and constituent power see, Renato Cristi, "The Metaphysics of Constituent Power: Schmitt and the Genesis of Chile's 1980 Constitution," *Cardozo Law Review* 21 (2000), 1748

<sup>72</sup> Otto Kirchheimer, *Political Justice*, 419

breaking from the past.<sup>73</sup>The AKP's amalgam of performance and performative played itself out in manipulating the image-making capacity of the legal proceedings.

However, these three differences, namely the absence of concrete enemies, the fact that a *successful overthrow of the government was put on trial and finally, the significance of performance and image-making capacity of the trial* did not alter the populist nature of the political trials against the junta. On the contrary, the significance of its image-making capacity solidified the AKP's self-image as the embodiment of the new state, the new social contract and hence, the people. Thus, the trials were more effective and salient in rendering legitimate the AKP's imaginary around the new populist social contract. That is why the trials did not cause much controversy as they did in the cases of the KCK and the Ergenekon. The differences between the trials of the junta and the other two notwithstanding, there were many similarities as well and these similarities actually made the case far more relevant for our analysis. To make these similarities visible, I will first examine the indictment briefly and then, scrutinize the way the criminal proceedings were carried out.

#### **5.2.4.3 The Indictment Against the Junta: Fetishization of the State**

As we have mentioned, the main indictment in the trials against the junta sought 'aggravated life sentences' for defendants Evren and Şahinkaya, according to articles 146 (offences against state forces) and 80 of the Turkish Criminal Law (No.765), which were in force back then when the military seized power in 1980. In the indictment, the distinguishing feature of this particular case, namely the military's success in seizing power, was made *explicit* and was *disavowed* at the same time. This tension in the indictment gives us invaluable insights which help to decipher the pervasive

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<sup>73</sup> One can invoke Berber Bevernige's statement on the *performative of history* to clarify the socio-political implications of this distantiation: "History can be performative. By this I mean that historical language is not only used to describe reality (the so-called 'constative' use of language) but that it can also produce substantial socio-political effects and that, to some extent, it can bring into being the state of affairs it pretends merely to describe (the so called 'performative' use of language). Berber Bevernige, *History, Memory and State Sponsored Violence: Time and Justice* (New York and London: Routledge, 2012), 13

populist logic that determined these political trials. This tension can be detected in three ways.

First, the generals were not only charged for the overthrow but their crimes covered the whole period following the military take-over, namely the declaration of the state of siege in the whole country and the official return to parliamentary-democratic rule which basically covers the time span between 1980 and 1983.<sup>74</sup> Thus, one can argue that the indictment in fact criminalized the ‘military regime’ *as such*. The indictment stated that the infringement against the Constitution did not come to an end on the day of the military take-over but *continued* as the conditions that undergirded the coup stayed in place, as evidenced by the ongoing violations of basic human rights and freedoms.<sup>75</sup> Based on this framework, one might reasonably expect investigations into the crimes of the state in that particular period. However, the indictment narrowed itself down to charging the *originary crime, the extensions of which were simply ignored*. So, on the one hand, the indictment upheld the ‘rule of law’ with references to the state’s crimes in violating basic human rights and freedoms, while it disavowed its own findings and simply repeated the allegations made against the political opponents in the two other cases.

Second, this tension played itself out in the indictment’s erasure of the difference between attempting to overthrow the government and overthrowing the government. Based on an *interpretation* of the law concerning the crimes against the state in article 146 of the Criminal Law that was in force at the time of the take-over, the prosecutor claimed that the *realization and success* of the criminal act already presupposed that there was an attempt and this transitive quality between *attempt* and *realization* made it legally valid to invoke the article on crimes against the state for trying the junta leaders.<sup>76</sup>

Third, this disavowal played itself out in repeating the argument of the deep state that was the core of the Ergenekon trial, accusing the generals of

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<sup>74</sup> <http://www.hukukihaber.net/kamu-hukuku/12-eylul-iddianamesinin-tam-metni-h20120.html>, accessed on 20.01.2018

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

plotting the coup and preparing the conditions for the seizure of political power. In the indictment, what we see is the pervading narrative of the *military clique*, according to which the ‘deep state’ engaged in a conspiracy that allegedly unfolded via provoking events that would lead the society to chaos and civil strife, which in turn would provide the conditions for a military-take over.<sup>77</sup> The conspiracy narrative in the indictment simplified the whole pre-1980 political atmosphere – which was permeated by radical political movements and political tensions, the rise of the left-wing politics and the right-wing paramilitaristic reaction to it (which revealed the state’s political involvement in the civil strife) – and simply transposed it to the now highly useful ‘populist’ bifurcation of the ‘deep state’ elites and the people. Hence, the indictment performatively constructed a historical account that was not just built upon the binary of the elites and the people, but most importantly attributed exclusive political agency to the former, relegating the people to a persistent state of victimization and political inertia.<sup>78</sup>

In the end, the indictment invoked different arguments, both historical and legal, to legitimize the prosecutorial decision and narrow down the junta’s political crimes to ‘crimes against the state’. This narrowing-down the scope of the crimes put political trial on the same level with the other two trials and this absurdity actually reveals the AKP’s populist logic in illuminating ways. Put in a nutshell, the AKP’s purely parliamentary idea of majoritarianism simply ‘reduced’ all political crimes to ones that targeted the democratically-elected governments. While doing this, it adopted an ‘anti-state’ narrative without necessarily undermining the fetish of the state, as its statist vocation remained in ‘capturing the state according to its own dictates’. Thus, paradoxically, the image of confronting the military regime was complemented by an actual practice of prosecution that did nothing but

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<sup>77</sup> Ibid.

<sup>78</sup> In the passing, one can claim that the ‘conspiracy’ narrative both in this case and the Ergenekon case empowers the AKP’s passive-revolution as the AKP seems to posture as the spokesperson for the people who have been passive ‘victims’ of the *events orchestrated by a clique in the state*.

*fetishize the state in the form of an elected government that allegedly represents/embodies the people.*<sup>79</sup>

### **5. 3 Concluding Remarks**

The indictment's *content* has shown us that the trials against the junta were in fact an extension of the other political trials and were permeated by the AKP's populist politics. As one might guess, this similarity was prolonged by the exceptional nature of the prosecution and the courts, as evidenced in the other two political trials. I have already delineated the exceptional spaces of jurisdiction in the other two cases and since the same process was implemented in the trials against the junta, we do not need to revisit those analyses here. In a nutshell, one can argue that similarly to the other political trials, these trials against the junta exemplify the populist instrumentalization of law in the way that they allow us to see how the ruling power effectively invades the judiciary. What is both perplexing and noteworthy in all these cases is that the 'exceptional' spaces of jurisdiction only banalize the exception, since they start to function as spaces where the AKP's decision on who the enemy is plays itself out in one signifying narrative, collapsing the distinction between a Kurdish political opponent, a military-officer and the leader of a coup and melting them in the same pot of 'crimes against the state'.

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<sup>79</sup> The flipside of this fetishization is a different form of fetishization and it takes the form of spectralization. This time the state is a ghostly figure that cannot be concretely pinned down, can only manifest itself in 'conspiracies' that are allegedly orchestrated by a master-mind. The underlying idea in both is that state should be captured by the real *representatives of the people so that the spectre will be eventually conjured away*. For an elaborate discussion on the fetish of the state in Turkish political life see Yael Navero Yashin, "Fantasies of the State: Hype, Cynicism and Everyday Life of Statecraft," in *Faces of the State: Secularism and Public Life in Turkey* (New Jersey and Oxfordshire: The Princeton University Press, 2002).

## Chapter 6

### Conclusion: The People Beyond Populism

#### Populism, Representation and the People as Event

Throughout the thesis, we have considered populism's intricate yet tension-ridden encounters with liberal democracy and how these played out in the particular context of Turkey under the AKP's rule. One constant theme that marked the link between our theoretical inquiry and the context-sensitive political analysis was populism's *immanence to the representative modality of political power*. The theoretical approaches employed so far – the paradox of democratic peoplehood and constitutionalism, passive-revolution, the 'internal periphery' of liberal-democracy, the Laclauian 'empty signifier' and Lefortian 'empty place of power', to name the main ones – have helped us reveal the centrality of *representation* for the populist organization of the political space. The nuances and peculiarities of the populist question's historical unfolding in Turkey notwithstanding, the AKP's politics proved our point that populist ruling-power remains within the idea of representative politics.

We have made note of the intrinsically passive-revolutionary nature of populism, which elevates sovereignty (or 'a concept colonized by the sovereign') to an empty-signifier, speaks on behalf of the alleged unity of the People while relegating them to a persistent condition of political inertia and passivity. We argued that populists exploit the tensions and intricacies that reside in democratic peoplehood ('the constitutive alienation of the people that impedes full self-authorization'), the paradox of constitutionalism ('self-rule [of the people] is always already partially displaced by law-rule'), and the 'empty place of power' (there is always a gap of authorization between People and fragmented political agents who represent the People), laying claim to the role of *genuine representatives*. What makes their encounters with law and democracy unique is that they simultaneously accept the gap of representation and elude it. Populism is parasitical, to borrow Nadia Urbinati's terms, on representative democracy and its presuppositions, above all the ideal of popular sovereignty and its

mediated expression via the elections (majoritarian rule).<sup>1</sup> The unique nature of populist representation emerges in its aforementioned ‘stretching’ of the limits of (liberal) representative democracy and its claim to reinvigorate the forgotten voice of the people by ‘transcending the authorized but corrupted institutions of popular representation’.<sup>2</sup> The paradox of populism, besides the inevitable failures of its *mimicry* of transgression – as it remains attached to the ideas and institutions of representative democracy – is that the populist answer to the deficiency of representation comes down to empowering the representative instance even more *in the form of leadership*. Moreover, the *excessive* nature of populist representation radically alters the very qualities imputed to institutional representation in liberal democracy – impartiality, neutrality, objectivity and so on. Thus, in the end, populists end up instrumentalizing, derogating and disfiguring the ideals and ideas associated with liberal-democratic representation. In terms of our case of Turkey, we have uncovered these aspects in the AKP’s constitutional/legal politics which played themselves out in 1) the Referendum that built upon a fictive leader-people nexus and opened judicial independence to majoritarian influences, and 2) the political trials that manifested the populists’ instrumentalization of law.

All told, both theoretical discussions and their ramifications in the particular context of Turkey shed light on the extent to which populists in power intensify and consolidate representative space by first, disfiguring the ‘ideal’ impartiality of the institutional-representational sphere of liberal democracy and second, associating this space with the populist party, leader and so on. Thus, contrary to its rhetoric of popular sovereignty and reawakening of the people, the nature of the populist representation prolongs the *passivity* of the people. The populist party/leader claims to speak *directly* on behalf of the people and forces them into a unity that is *virtually embodied by the leader*.

I advance these general remarks not only to recapitulate a core argument of the thesis but also for the sake of introducing some preliminary notes in view of opening up a new discussion of populism and the people, building on the critical and analytical perspectives explored in this thesis. My

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<sup>1</sup> Nadia Urbinati, “Populism and the Principle of Majority,” 572

<sup>2</sup> Jason Frank, “Populism and Praxis,” 631

concern in this conclusion is with new ways of conceptualizing the people and politics that transcend populist representational politics. The major question is the following: Is it possible to revitalize the concept of ‘the people’ as the bearer of a novel form of politics that would challenge populism’s representative modality? This question is relevant for our thesis if we consider this conceptual quest as part of an historical enquiry into the different forms of popular politics that are *resistant* to the AKP’s populism. Thus, in this concluding chapter, I would like to investigate the traces of an emancipatory politics of the people that resists its capture and representation by the AKP’s populism. In the spirit of continuing my discussion of the political trials in the last chapter, I will tease out ways the people, in their very ‘evental’ emergence in the scene of the political trials of the junta, resist, interrupt and put into dispute that very scene.

### **People Beyond Populism in the Scenes of Trials: *Not in Our Name***

My argument is that there are scenes where the people emerge as an act of political subjectivation. They interrupt the scene of the political trials and subtract themselves from those who speak on their behalf, namely the AKP in the present and the military junta in the past. I explore three phenomena of interruption to substantiate my argument regarding the people as disruption: 1) the circulation of the phrase, ‘we are not victims but addressees’, which was taken up and invoked at different times in the court proceedings; 2) the interveners’ resignification of the concept ‘constituent power’ in ways that oppose the concept’s deployment by both the defendants and the prosecutor and 3) the interveners’ demands (which later turned into frustrations) to expand the scope of the indictment to include ‘crimes against humanity’, the lack of which was identified as a major ‘wrong’ of the criminal proceedings.

Let me start by underlining what strikes one as the common ground of all these forms of resistance. Whether directed at the junta leaders’ defense or at the official prosecution, there remains in these varied forms of resistance the irreducible element of intervention through speech. This is manifest in the use of words and phrases that either address a lack in the indictment (‘the crimes against humanity’) or resignify (‘constituent power’) and



contest ('not victims, but addressees') the very terms that undergird the scene of the political trial. Thus, we are confronted with *performative acts* that reappropriate words and phrases as ways to address the injustice of the very schema of intelligibility that the scene of the political trial imposes. As Arditì puts it apropos the notion of people as event, in these speech acts the people do not appear as a substance with ontological consistency but rather emerge in the very act of using these words as surfaces of inscription that in turn 'disarranges the existing ways of being together and of uttering statements.'<sup>3</sup> This kind of a practice of speaking, which dis-identifies with the settling of conflicts between the two parties of the junta and the state prosecutor, inaugurates what we might call, using another category of Arditì, *polemicization*. For Arditì, *polemicization* poses the questions of limits, of both the participants and the space of engagement in which their conflict takes place.<sup>4</sup> Thus, as we will see, in all these examples, 'people' did not just engage in a polemic with the prosecutor or the junta but polemicized the whole scene at a meta-level, exposing the contingency of the limits that the trial imposes.

### **Police Order and Politics: Rancière and the Courtroom**

Emilios Christodoulidis suggests we can read the setting of the courtroom along the lines of Badiou's concept of the situation, which he argues captures the moment of containment and gathering-in that is effected through criteria that limit what is presented.<sup>5</sup> This resonates with Rancière's theory of the police order and I will stick to this latter reference, not least because it is more relevant to our particular take on the question of the polemical nature of the people. For Rancière, the police is 'an order of bodies that defines the allocation of ways of doing and ways of saying and sees that those bodies are assigned by name to a particular place and task; it is an order of the visible and the sayable.'<sup>6</sup> Thus, policing becomes a way of

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<sup>3</sup> Benjamin Arditì, "The People as Representation and Event," 103

<sup>4</sup> Benjamin Arditì and Jeremy Valentine, *Polemicization: Contingency of the Commonplace* (New York: New York University Press, 1999), 6

<sup>5</sup> Emilios Christodoulidis, "Political Trials as Events," in *Events: The Force of International Law* eds. Johns, F., Joyce, R. and Pahuja, S. Routledge (London: Glasshouse Press, 2011), 130-144

<sup>6</sup> Jacques Rancière, *Dis-agreement: Politics and Philosophy* trans. Julie Rose (Minneapolis and London: University of Minnesota Press, 1999), 29

dividing up and making visible the various parts of the social order that are counted as *institutionally* relevant and recognized. The ordered configuration of such a police order becomes explicit in an arrangement like the court, imposing a system of coordinates immersed in the legal idiom that establish borders between what is visible and invisible and what is thinkable and unthinkable.<sup>7</sup> In terms of the political trials against the junta, the allocation of spaces and bodies in the courtroom that are assigned to their roles as prosecutors, judges, the defense, lawyers, interveners<sup>8</sup> and so on are important indicators of the very spatial logic that determines Rancière's police order. However, as one might guess, this spatial logic goes hand in hand with the imposition of conditions of possibility for an utterance to be heard, recognized and registered. In that precise sense, I argue that the prosecutor's signification of the military take-over as a 'crime against the state' arises from such an idea of the sayable and thinkable, 'holding monopoly regarding the description of the situations'.<sup>9</sup> At a deeper level, the legally mediated 'partition of the sensible' in the courtroom also reproduces the AKP's overall populist signification of the political trials which reside in the dichotomy between the People (the new State embodied by the AKP) and the military-elites. Thus, when the scene of the courtroom is disrupted, it is not only the prosecutor and the legal mechanisms of the courtroom that became the target but the AKP's populist pretension to *represent/embody the People as well*.

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<sup>7</sup> As Jaoa Pedro Cachopo puts it wonderfully, even when two contrasting positions are at play, the consensus on the 'distribution of the sensible' prevails as long as the terms of the discussion and the sense of how legitimate one's participation in it is remain unquestioned. This is relevant for our case as the junta's defense and the prosecutor share a common ground and I will say more on this in the following discussions.

<sup>8</sup> I am using interveners as a synonym for the witnesses who join the ongoing litigation by a request to be part of the court proceedings.

<sup>9</sup> Jaoa Pedro Cachopo, "Disagreeing Before Acting: The Paradoxes of Critique and politics from Adorno to Rancière", *Theoria and Praxis* 1, no.1(2013), 67. At this point, one might reflect on the discussions put forward in the last chapter and object that the junta leaders do not share these descriptions that relegate them to 'criminals against the state'. Let me rephrase the key sentence of the General Evren's defense: "We made a coup d'état, we didn't attempt it. The difference between a coup and an attempted coup must be clear to all." However, in our view, this negative correlation between victory and accountability does not actually disrupt the presuppositions of the trial but rely on these, namely the very definition of the crimes against the state in order to refute them. Thus, while at one level, the defendant negates the criminal allegations, at a deeper level, it agrees upon the legal definition of the 'crimes against the state'. Thus, in the final instance, the defendants and the prosecutors share what makes the conditions of an utterance valid in the context of the trials in the first place and these conditions are grounded upon the overall context of the AKP's politics.

Rancière calls the moments of disturbance that disrupts the police order politics. It is at once a disruption and a reconfiguration of what is visible, sayable and thinkable that undercuts words and images in circulation.<sup>10</sup> Thus, one of its fundamental attributes is unveiling the very contingency of the given situation; this means that the givens of any established order are always polemical and never objective.<sup>11</sup> But, the contingency of the ground becomes visible only by the presupposition of equality that is played out in the very act of disruption. For Rancière, equality is never inseparable from the political act of verifying the very axiom of equality in a context that either implicitly or explicitly relies on an unequal distribution of places, roles, bodies and functions. As Rancière puts it:

The essence of equality is not so much to unify as to declassify, to undo the supposed naturalness of orders and replace it with controversial figures of division. Equality is the power of inconsistent, disintegrative and ever-replayed division.<sup>12</sup>

### **Political Trials as Sites of Political Subjectivation: The Reappropriation of Words and Phrases**

When the trials began in 2012 and thereafter, there was a wave of frustration concerning the *identity* of the interveners who were accepted to participate in the trials. As intervention meant taking part in the proceedings in order to bring out the junta's crimes in the open and to *call the perpetrators to account for these crimes*, some protestors claimed that only ones who *truly* suffered from these atrocities should be present in the proceedings. Some claimed that many beneficiaries of the military regime and perpetrators of the extra-legal paramilitary activity against the left-wing radicalism in the 70s were allowed as interveners and that this was a sheer absurdity.<sup>13</sup> In the most basic terms, this protest was a direct attack on the AKP's populist strategy 1) to 'victimize' the people as passive spectators of the military

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<sup>10</sup> See Jacques Rancière, "Politics, Identification and Subjectivization," *October* 61 (1992): 58-64. For a further discussion see Davide Panagia, "The Improper Event: on Jacques Rancière's Mannerism," *Citizenship Studies* 13, no.3 (2009): 297-308

<sup>11</sup> See Mustafa Dikec, "Beginners and Equals: Political Subjectivity in Arendt and Rancière", *Transactions* 38, no.1 (2013): 78-90

<sup>12</sup> Rancière cited in Todd May, *The Political Thought of Jacques Rancière: Creating Equality* (Edinburgh: Edinburgh University Press, 2008), 49

<sup>13</sup> For instance, a person filed a motion to intervene and raised the objection that the real victims of the junta should be explored and the perpetrators of violence should not be included in the trials as interveners. See 12 Eylül gerekçeli Karar, in [http://www.kontrgerilla.com/raporlar/12Eylul%FCI\\_gerekceli-karar-137-esas.pdf](http://www.kontrgerilla.com/raporlar/12Eylul%FCI_gerekceli-karar-137-esas.pdf), 178

leaders' conspiracies and plots, and 2) to strip the victims of their political identities and melt them in the pot of a *communitarian unity of Turkish people*. These frustrations resonated with and found their most vivid expression in the rhetorical move on the side of the protestors to dis-identify with the victim and reclaim themselves as addressees.<sup>14</sup> The slogan, 'We are not the Victims but the Addressees' was not directed at the court as a demand for inclusion as 'addressees' in legal terms. Rather, it was a forceful attempt to address the wrong of the courtroom situation itself by forcing it to confront its own rhetoric of victimization and the latter's political underpinnings. While the very semantics of victimhood were overdetermined by the AKP's populist agenda to further the dichotomy of the (victimized)people- elites, the litigants' *dis-identification* proved to be an example of political subjectivation in two senses. First, they simply carved out a polemical space of confrontation with the discourse of victimhood, dis-identifying themselves as victims and thereby reconfiguring the very domain of what is visible, sayable or thinkable in the courtroom. Second, they disrupted the 'communitarian' and non-antagonistic connotations of a victimhood of the People precisely by introducing a division into the latter. Circulating within left-wing circles and adopted by the lawyer-activists in the proceedings, the term 'addressee' (*muhatap*) was adopted to signify a political stand, not least because it connoted a direct confrontation with the military dictatorship.<sup>15</sup> The people became a point of enunciation precisely by splitting the populist imaginary of the victimized People and using the 'addressee' as a surface of inscription in order to address the shortcomings of the proceedings.

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<sup>14</sup> The slogan first appeared outside the courtroom and was voiced by Oğuzhan Müftüoğlu, a former revolutionary leader of the left-wing organisation, Dev-Yol (*Revolutionary Road*) in a television programme. Later, due to its effects in interrupting the wave of rhetoric of victimization, it became a common banner to mark a political stand in terms of confronting the military junta. Thus, it circulated widely to the extent that it also found resonances in the courtroom. For example, one influential lawyer-activist, Ömer Kavili explicitly stated that he won't call his clients victims but addressees as this would be more appropriate to understand the political context of the junta. See *12 Eylül Gereğçeli Karar*, 119. For a discussion of how the slogan emerged, see <https://www.birgun.net/haber-detay/oguzhan-muftuoglu-magdur-degil-muhatabiz-54173.html>, accessed on 20.01.2018

<sup>15</sup> Thus, it introduced a disruption into 'history' as well, calling the *specters* of the past not as victims but as modes of political subjectivation the legacy of which is claimed by resisting the terms of victimhood.

In a similar vein, another example that attests to the people as political subjectivation is the reappropriation of the notion of constituent power. In the court proceedings, one significant line of defense that the leaders of the junta and their lawyers pursued was that their act was an act of *originary* constituent power. The generals resorted to the claim that they had been successful in establishing the Constitution and thus, presented themselves as the *originary* constituent power, which allegedly made them legally *unaccountable*. However, what was more striking was that especially General Kenan Evren's statement held their act to be legitimate not only because they were successful but also because they actually acted on behalf of the People and accounted for their acts in front of the Turkish Nation. Thus, the junta members' claim was still based on the pretence of speaking as 'We, the People'.<sup>16</sup> The *performative* at play here – namely authoritatively deciding on the question of who the people are ('we acted on behalf of the people and so on') – foregrounds the paradoxes of founding that Derrida touches upon. To summarize briefly, in his text 'Declarations of Independence', Derrida points out to the *aporia* of founding that underlines the signing of the American Declaration of Independence:

The "we" of the declaration speaks "in the name of the people." But these people do not exist. They do not exist as an entity, it does not exist, before this declaration, not as such.<sup>17</sup>

Hence, the signers are stuck in a vicious circle, since they lack the authority to sign until they have already signed.<sup>18</sup> Authorization of the signer can only arrive at the end after it will have been signed, bringing forth the paradoxes of the temporality of the *future perfect*. However, and here is the most crucial aspect of our discussion, Derrida also argues that viewing the

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<sup>16</sup> Let me rephrase the Preamble to the Constitution to clarify the way they originally conceived their role: "Following the operation carried out on 12 September 1980 by the Turkish Armed Forces in response to a call from the Turkish Nation, of which they form an inseparable part ... This Constitution was prepared by the Consultative Assembly, given final form by the Council of National Security, which are the legitimate representatives of the Turkish Nation, and adopted, approved and directly enacted by the Turkish Nation." See Mehmet Fevzi Bilgin, "Constitution, Legitimacy and Democracy in Turkey," 131-132

<sup>17</sup> Jacques Derrida, "Declarations of Independence", in *NEGOTIATIONS: Interventions and Interviews, 1971-2001* trans. and ed. Elisabeth Rottenberg (California: Stanford University Press, 2002), 49

<sup>18</sup> Bonnie Honig, "Declarations of Independence: Arendt and Derrida on the Problem of Founding a Republic," *The American Political Science Review* 85, no.1 (1991): 104. The vicious circle resides in the paradox of the authorization of the people as the origin of the Constitution when they can only come into existence by the arrival of that very same Constitution.

*Declaration* as a performative that brings about a *pure event* is problematic because of the *iterable* structure of the mark. What does this mean? Here, I follow Jacques De Ville's interpretation, which revolves around the idea that there is no pure event pertaining to a performative speech act which is singular and present – the event is always inscribed within iterability and is split, dissociated from itself.<sup>19</sup>

Iterability poses a danger to performative capture of the political moment – it entails that the intention and the 'original context' within which the performative utterance was produced can no longer govern the scene of the speech acts.<sup>20</sup> My argument is that this kind of flooding of and over the performative is explicit in the litigants' continuous attempts to dislocate the defendants' claim to constituent power, and to reclaim it in the new political context of the trials. The iterability of the mark, constituent power, unravels as the latter becomes a surface of inscription for the litigants to subtract themselves from the junta's claim to speak in the name of 'We, the People'. The litigants do not merely claim to provide the right definition of the constituent power ('In a democratic country, the only constituent power is the people') but also refer to its later trajectories, one of which they see as the very act that ratified the constitutional reforms in the 2010 Constitutional Referendum. Lawyers for the interveners referred to the Constitutional Referendum which rebuked the impunities granted to the junta leaders as an *expression* of the constituent power and subsequently, argued that this made the people an active interpreter and enforcer of the constitutional provisions.<sup>21</sup> Thus, all in all, the litigants' resignification of constituent power introduced a split into the alleged 'We, the People' of the junta. This was nothing less than the political subjectivation of the litigants – not only because they reclaimed the ability to be the people as constituent

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<sup>19</sup> See Jacques De Ville, "Sovereignty without Sovereignty: Derrida's Declarations of Independence", *Law and Critique* 19, no.2 (2008), 13

<sup>20</sup> De Ville, *Ibid*, 14

<sup>21</sup> A prominent example is lawyer Arif Cangili's following words: "If the junta leaders claim to be the constituent power, they already concede that there emerged a new constituent power in 2010 Referendum. So, today's constituent power is the people's will." In another proceeding, lawyer Kazım Genç confronted the defendants with the contradictions in their statements by referring to the notion of constituent power: "We already know that the courts are also conducting these trials on behalf of the People. So, do they claim that the Sacred Turkish Nation is most precious when they are carrying out a coup but it loses its value when the courts try them?". (*Translations mine*) See *12 Eylül Gerekçeli Karar*, 41 (Kazım Genç) and 107 (Arif Cangili)

power but also because they reminded the *authority* of the court that the people were the ultimate ‘authorizing and unauthorized power’. Ultimately this meant that they were the real force behind these trials. To repeat, what we see is a radical political reconfiguration of what is sayable and thinkable in the courtroom, not least because the litigants interrupted the police order of the constituted order via the reappropriation of constituent power as the People. Of course, this implied that the AKP within the constituted order of the electoral democracy was inferior, along with the courts, to the supreme power of the People as the ultimate power to ground legitimacy.

A further example was the use of the term ‘crimes against humanity.’ At first, the litigants adopted the rhetoric of crimes against humanity as an expectation and demand to expand the scope of the trials. They considered that recognition of their demands would result in including the mass human rights violations during the military junta as part of the criminal charges. However, throughout the proceedings, frustration took over as these demands were denied recognition and treated with *silence* in the courtroom, as they did not seem fit with the prosecutor’s criminal charges of ‘crimes against the state’. The very unresponsiveness of the judges who *reasonably enough* limited themselves to the prosecution’s accusations changed the nature of these claims and opened the way for a new political subjectivation of ‘the people’. As a phrase, ‘crimes against humanity’ turned into the cornerstone of a ‘polemical scene’, targeting the very conditions of what is sayable, visible and thinkable in the courtroom. The fundamental dispute basically concerned how the narrow scope of the accusations of ‘crimes against the state’ turned the whole process of confrontation into a *technical/legal/procedural* matter.<sup>22</sup> For the litigants, only applying the *letter* of the criminal law that targeted the crimes against a democratically elected government did only prove helpful for the defendant to answer back through the same gesture(s) of technicality.<sup>23</sup> In this overwhelming

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<sup>22</sup> In one proceeding, the lawyer Mehmet Horus argued basically that the *abstract* discussions on the constituent power or transfer of power did not really cover the atrocities, the torture and pain that accompanied the rule of the junta. See *12 Eylül gerekçeli Karar*, 141. This dispute repeated itself in many of the proceedings and targeted the narrow scope of the indictment.

<sup>23</sup> As mentioned above, one major defense line of the defendants was that they did not attempt but actually succeeded in taking over the political power and hence, they could not be held accountable for these acts. Complementary to this defense was their claims for self-amnesty

atmosphere, which the litigants claimed wounded the conscience of all the victims, crimes against humanity became reference points to revitalize and reanimate law through principles of equality, human dignity, and humanity (understood as the spirit of the rule of law). On the litigants' part, a vigorous attempt to expand the scope of the charges to include human rights violations superseded the suffocating discussions on whether the impunities which had been removed in 2010 Constitutional Referendum could be considered as life-long self-amnesty, and whether the statute of limitations was applicable in this case and so on. For the international conventions which Turkey is a signatory and which are superior to the Turkish domestic legal system do not recognize any kind of statutory limitations or self-amnesty for crimes against humanity. Throughout the proceedings, we see that the lawyers of the interveners referred to *Convention on the Non-Applicability of the Statute Limitations to Crimes against Humanity* which was ratified in the UN in 1970. Similarly, the second paragraph of the Article 7 in European Convention of Human Rights was addressed in order to remind the court that Turkish domestic law had to bind itself by the legal prescriptions on the issue of crimes of against humanity.<sup>24</sup> Thus, the ethical call to respond to the pains of the victims was reintroduced as the constitutive *substance* of law once more. In Peter Fitzpatrick's words, the litigants summoned the law to make it 'responsive' once again beyond its 'determinate existence', which would responsively orient that existence towards the *possibility of its being otherwise*.<sup>25</sup> This introduced an *excess of law to the law at hand* which at its present mode could only do more harm to the victims as its narrow 'determinate existence' of criminal charges was only based on allegations of 'crimes against the state'. Yet, in these trials,

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and the statute of limitations for their acts and these all came to the matter of whether the letter of the law could provide them 'gaps' to evade accountability for their acts. This was addressed as a major problem throughout the proceedings.

<sup>24</sup> The Article 7 of the European Convention on Human Rights is as follows:

1.No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.

<sup>25</sup> See Peter Fitzpatrick, "The New constitutionalism': Globalism and the constitution(s) of nations," *Law, Democracy and Development* 10, note. 2 (2006):1-20.



this *excess of responsiveness*, namely *the ethical obligation of law to go beyond the 'letter' of law*, became a sign of political disruption as well as a call for ethical/ legal obligation. Concretely speaking, 'crimes against humanity' effectively became markers of the mutual implication of the prosecutor and the defense in their shared rhetoric of *technicality/proceduralism*. One important thing to add is that this rhetoric of technicality was clearly already infused with the AKP's populist *instrumentalization* of law: what concerned the AKP was not 'crimes against humanity' but crimes against the state. Thus, in the courtroom, 'crimes against humanity' functioned as an ethical but also a political reference to carve out a scene to polemicize against the narrow presuppositions of the courtroom; it thus became a source for people's contestation of the whole scene of the political trial.

### **Impure Politics as the Condition of Subjectivation in the Trials**

These three examples are cases of resistance and polemicization in which people emerge by interrupting their own representation in the courtroom and *speak for themselves* through use of different words and phrases. In all these cases, there is a moment of what Rancière calls political subjectivation through very act of the resignification challenges and displaces the circulation of words in the configured order of the trial. The people emerge precisely as a 'point of enunciation', an *empty subjectivity*,<sup>26</sup> by dissociating themselves from the People that the legal idiom of the prosecutor (and at times, the junta leaders) allegedly *represents* in ideal unity. 'It' ('people') carves out a polemical space of words, namely these *idiomatic* figures of the addressee, constituent power and 'crimes against humanity' in order to treat the 'wrong' that is inflicted on them by the conditions of possibility to *speak* in the courtroom. Yet, as one might guess, this confrontation never arrives in pure form and that is actually the reason why Rancière's take on the politics is relevant for our conceptualization. Our particular case of the trials against the junta shows us that the scene of disruption does not necessarily

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<sup>26</sup> Jean-Philippe Deranty, "Rancière and Contemporary Political Ontology," *Theory&Event* 6, note. 4 (2003): 9

entail a full-fledged opposition and confrontation between the police order of the distribution of the sensible and ‘politics’.

The presumption of ‘pure’ politics, namely the emergence of the people in an untainted space of political performative and ‘presence’ is suspicious at best, and this suspicion can be verified in the very particular context of the trials of the junta. There are three ways one can discern the ‘impure’ nature of politics in our case.

First, the very nature of contestation and disruption makes the political use of words inseparable from the site of the police order it is confronting in the first place. As Samuel Chambers puts it apropos Rancière, politics is *doubled*; it is that which opposes the terms of the police order but does so within its terms. This doubling means two things in our case. On the one hand, it means that there is no place outside of the police order, but there are conflicting ways of doing with the places it allocates: of relocating, reshaping, or redoubling them.<sup>27</sup> Thus, when the words in question (addressees, constituent power and crimes against humanity) circulate, they already attest to their own engagement with the order in the form of contesting. Their utterance is an act of renegotiation and reconfiguration of the order of the sayable in the courtroom, *which is a paradoxical act of remaining within the order and contesting it at the same time.*<sup>28</sup> On the other hand, these words themselves are intelligible within the legal idiom itself but remain outside its circumscription in the setting of the political trial. They do not remain outside the field of legal and constitutional rhetoric of rule of law (crimes against humanity), constitutionalism (‘constituent power/constituted power’) and legal ‘personality’ with rights (‘addressee’). Their political quality is a result of their ‘polemical’ reappropriation which ‘politicizes’ them to the extent that they pin down the wrongness of the situation. Again, these words are contaminated by the police order insofar as they remain attached to the legal/constitutional terminology of the system *in*

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<sup>27</sup> Samuel A. Chambers, “Jacques Rancière and the Problem of Pure Politics,” *European Journal of Political Theory* 10, no.3 (2011): 303-326

<sup>28</sup> One further point would be that these words are still intelligible within the very legal idiom yet *idiomatic* at the same time. The point is that their very reappropriation is political insofar as they depict the wrong of the situation which makes their utterance a matter of political subjectivation.

*toto* but still, are open to resignification in ways that they can become sources of resistance and resistance.

Secondly, a dimension of this ‘impurity’ concerns the ‘judicialization of the political’ we discussed in the last chapter. The restrictions of the specially authorized courts notwithstanding, the very juridical space of the courtrooms provided the litigants with the framework to verify their equality as speaking-beings, not least because the rhetoric of the rule of law presumed their equality to participate and intervene in the trials. When we keep in mind the AKP’s enthusiastic embrace of the trials as the triumph of the rule-of-law against the leaders of the junta, this aspect becomes even more marked. As Moustafa argues, the more a regime relies on rule-of-law rhetoric, the greater the opportunity for litigants to expose the shortcomings of the government.<sup>29</sup> What was a major contribution to political *subjectivation*, however, was the very incompatibility between the litigants’ *formal* equality to speak and intervene and their constant silencing by the order of a court that did not take into account their demands, frustrations and interruptions in any way whatsoever. Thus, they verified their equality in using their rights to speak in ways that polemicized the very ground of the rulings.

Third, the litigants did not simply occupy a pure space beyond representation and mediation but altered the implications of hierarchy and inequality associated with these terms. Most litigants disrupted the scenes as ‘lawyer-activists’, as delegates of the interveners, and they did in fact circulate these words of contestation in order to carve out a new space for speaking. Controversial as it might seem, here I follow Nicole Doerr’s reading of Rancière and identify these lawyer-activists as *political translators* who were situated between the identity of the nameless and the representatives (in our case, the prosecutor, the judge and the AKP).<sup>30</sup> As Rancière puts it:

This invention is neither the feat of the sovereign people and its representatives nor the feat of the nonpeople/people of labour and their sudden awareness. It is the work of

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<sup>29</sup> Tamir Moustafa and Tom Ginsburg, *Rule by Law: The Politics of Courts in Authoritarian Regimes*, 6

<sup>30</sup> Nicole Doerr, “Between Habermas and Rancière: The Democracy of Political Translation,” trans. Erika Doucette, <http://eipcp.net/transversal/0613/doerr/en>, accessed on 15/04/2018

what we might call a third people, operating as such or under some other name and tying a particular dispute together on behalf of the uncounted.<sup>31</sup>

In our case, the lawyer-activists went beyond representation as we know it and became political translators of sorts who tie a particular dispute together on behalf of the ‘uncounted’ in the form of raising ‘words’ against the setting of the court. Thus, their very polemical interruption disrupts the binary ‘representation/presence’ and assumes the empty name of political subjectivation which in our case is the people.

These trajectories help us uncover different political modalities of (the) people that actively challenge the passivity and inertia that the populists’ articulation of *the* People imposes. These particular forms of resistance give us hope that we can indeed go *beyond* populism’s people and reintroduce a novel conceptualization of people *qua* political subjectivation, the ‘impure’ nature of which can in fact be a sign of its emancipatory potential.

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<sup>31</sup> Jacques Rancière, *Disagreement*, 88

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