TRANSFORMATION OF SOVEREIGNTY DISCOURSE
IN TURKISH POLITICS

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ABSTRACT

TRANSFORMATION OF SOVEREIGNTY DISCOURSE IN TURKISH POLITICS

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This dissertation offers an analysis of the transformation of sovereignty discourse in Turkey and illustrates the various discursive utilizations of the concept in connection with purposes of competing ideologies in turning points of Turkish politics. Rather than discussing whether or not sovereignty is obsolete in the face of growing globalization and fragmentation, this study underlines the need to reappraise the implications of the role that sovereignty plays in conditioning the coherence of opposing political ideologies.

To this end, four critical 'moments' are studied by employing a discourse-theoretic approach: dislocation brought by the Ottoman disintegration; creation of the Turkish nation-state; disruption engendered by globalization during the post-1980 Turkey; transformation unleashed by Turkey's 'Europeanization' during the 2000s.

By illustrating the historico-political production/reproduction of sovereignty in relation to ideologies of Ottomanism, Turkish Nationalism, Populism, Statism, Second Republicanism and Europeanism, the findings refute the conventional view that presents sovereignty as a fixed, neutral and timeless organizing principle of modern politics. Instead, it is shown that sovereignty acts as an *empty-signifier* embodying a broad plurality of meanings to allow power blocs to produce political frontiers and uphold associated antagonisms. It is argued that only by deconstructing this highly politicized and contentious nature of the concept that we can start to question the unconditional, absolute and state-centric doctrine of sovereignty prevailing in Turkey.

Keywords: Sovereignty, Nationalism, Nation-State, Globalization

ÖZET

TÜRK SİYASETİNDE EGEMENLİK SÖYLEMİNİN DÖNÜŞÜMÜ

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Bu tezin ana konusu Türk siyasetinin önemli geçiş dönemlerinde egemenlik söyleminin dönüşümü ve bu söylemin farklı ideolojilerin siyasi hedefleri ile bağlantılı olarak oynadığı rollerin bir analizidir. Giderek yaygınlaşan küreselleşme ve parçalanma süreçleri karşısında egemenlik kavramının sonunun gelip gelmediğini tartışmak yerine, bu çalışma egemenlik söylemi ile karşıt siyasi ideolojilerin söylemsel bütünlüğünün sağlanması arasındaki ilişkiyi irdelemektedir.

Bu amaçla, Türk siyasetinde dönüm noktası olarak belirlenen dört dönem söylem kuramı yöntemi kullanılarak incelenmektedir. Osmanlı İmparatorluğu'nun çöküşü, Türk ulus-devletinin inşası, 1980 sonrası Türkiye'nin küreselleşmesi, ve 2000 sonrası Türkiye'nin Avrupa ile bütünleşmesi egemenlik söyleminin dönüşümü açısından ele alınan dönemler arasında yer almaktadır.

Araştırma sonucunda elde edilen bulgular, egemenlik kavramının içeriğinin Osmanlıcılık, Milliyetçilik, Halkçılık, Devletçilik, İkinci Cumhuriyetçilik ve Avrupalıcılık ideolojileri ile ilintili siyasi amaçlar bağlamında sürekli olarak yeniden üretildiğini belgelemektedir. Bu doğrultuda, tezin bulguları egemenliği tarafsız, doğal, ve ebedi bir kavram olarak kabullenen çalışmaların sorgulanmasını sağlayarak, özcü yaklaşımların aksine, egemenlik kavramının içinde birçok anlamı ve siyasi değeri barındıran ve bu kapsayıcı özelliği ile farklı güç odakları tarafından siyasi sınırlar ve ilişkili karşıtlıklar oluşturulmasına destek olan bir "boş-gösteren" (*empty-signifier*) görevi üstlendiğine işaret etmektedir. Sonuç olarak Türkiye'de mevcut mutlak, şartsız ve devlet-merkezli egemenlik doktrininin dönüştürülebilmesi için ilk önce kavramın siyasetle olan yakın ve tartışmalı ilişkisinin çözümlenmesi gerektiği savunulmaktadır.

Anahtar Kelimeler: Egemenlik, Milliyetçilik, Ulus-Devlet, Küreselleşme

ACKNOWLEDGEMENTS

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1. INTRODUCTION

1.1. Objective of Research

Since the 1920s, the fundamental dictum of Turkish polity has been "Sovereignty is vested Fully and Unconditionally in the Nation,"[1] expressed for the first time by Mustafa Kemal Atatürk in the context of a national movement of resistance organized against the partition of Ottoman lands by the Allies of the World War I. The centrality of this maxim in Turkish politics has been made evident by its eternal inscription on the podium wall of the Turkish Grand National Assembly; nevertheless, its main assumptions and underpinnings have so far not been adequately discussed from the perspective of political theory. Our research on the available Turkish political literature points to the fact that while there has been some scholarly undertakings[2] focusing on the

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[1]The translation of the original maxim "Egemenlik Kayıtsız Şartsız Milletindir" is taken from the official translation of the 1982 Constitution published on the website of the Office of the Prime Minister of Turkish Republic, Directorate General of Press and Information, "The Constitution of the Republic of Turkey," http://www.byegm. gov.tr/mevzuat/anayasa /anayasa-ing.htm.

[2]An on-line research of YÖK Dissertation Center reveals the fact that since 1987 there has been only nine doctoral dissertations written in Turkey treating the subject of sovereignty, none of which offers a comprehensive political theoretical analysis of the divergent discursive utilizations of the concept of sovereignty in Turkish political life. The list of the dissertations on the subject includes: H. E. Beriş, "Egemenliğin dönüşümü: Tarihsel ve siyasal açıdan egemenlik kavramının yeni anlamı" (PhD diss., Ankara University, 2006); F. M. Sancaktar, "II. Meşrutiyet'ten Cumhuriyet'e Türk aydınında milli egemenlik düşüncesinin gelişimi (1908-1924): Hüseyin Cahit (Yalçın) örneği" (PhD diss., İstanbul University, 2005); A. Akıl, "Küreselleşen hukuk ve ulusal egemenliğe etkisi" (PhD diss., İstanbul University, 2002); A. Pamir, "İslam Hukukun`da ve Osmanlı Devleti`nde egemenlik anlayışı" (PhD diss., Ankara University, 2001); A. İnan, "Çağdaş egemenlik teorisi ile Kur`an'ın hakimiyet kavramının karşılaştırılması" (Ankara University, 1999); T. Türcan, "İslam Hukukunda devletin egemenlik unsuru ve egemenlikten kaynaklanan yetkileri -Batı ve Türk Hukuku ile mukayeseli bir inceleme" (PhD diss., Süleyman Demirel University, 1999);

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issue of the comparison of Ottoman and Islamic understandings of sovereignty with Western notions of sovereignty, or on the issue of the transformation of the concept within the context of changing dynamics of international relations/international law, these studies tend to focus on either historical/'internal' or legal/'external' aspects and treat sovereignty as an "essentially uncontested concept",[3] leaving aside a questioning of its seemingly steady foundations from the angle of political theory.

This study aims to contribute to the fulfillment of this need by proposing first to rethink sovereignty as a problematical, yet a resilient political concept, the discursive utilization of which should be put under critical scrutiny to expose and explore its constitutive roles in the formation of political frontiers and identities within Turkish politics. Hence, the novelty of this research in part lies in its attempt to force open the overdetermination of sovereignty as an essential and absolute political principle, and instead in its reassessment of the meaning of the discursive persistence of the concept due to the pivotal role it plays in the construction of antagonistic political camps in Turkey.

The timing of the study also enhances its significance: As it has been the case with many other EU member states[4], questions related to sovereignty emerge as one of the most contentious and divisive subjects of political discussion during the period of European accession. The European integration process involves a challenge posed to the state-centric absolute notion of sovereignty in the context of a new and pluralistic political order that have been created within the European Union. Much of this

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B. A. Ünal, "İlk devir İslam düşüncesinde hakimiyet kavramı ve tezahürleri" (PhD diss., Dokuz Eylül University, 1997); S. Akkuş, "Modern egemenliğin doğuşu: Pratik ve kavramsal belirlenme" (PhD diss., İstanbul University, 1995); F. Ayşen, "İngiliz analitik pozitivizmi: John Austin'in hukuk ve egemenlik teorisi" (PhD diss., Ankara University, 1996).

[3]R.B.J. Walker, *Inside/Outside: International Relations as Political Theory.* (Cambridge: Cambridge University Press, 1993), 1.

[4]Some of the noteworthy articles that treat the issue of national sovereignty within the context of the European integration process include Geoffrey Howe, "Sovereignty and Interdependence: Britain's Place in the World," *International Affairs* 66, no. 4 (1990): 675-695; Robert Jackson, "Sovereignty in world politics: a glance at the conceptual and historical landscape", *Political Studies* 47, (1999): 431-456; William Wallace, *The sharing of sovereignty: the European paradox. Political Studies* 37, (1999): 503-521; Hans Lindahl, "European integration: popular sovereignty and a politics of boundaries", *European Law Journal.* 6, no. 3 (2000) 239-256; and James Caporaso, "Changes in the Wesphalian order: territory, public authority and sovereignty," *International Studies Association 2,* no.2 (2000): 1-23.

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challenge relates to the novel and definitionally unprecedented nature of the Union's structure, which does not fit into the conventional categories of a state, a federation, or a confederation, yet it can neither be described as a traditional alliance of nation states. As Ulrich Preuss aptly puts it, the European Union "is a political form which is dynamic, heterogeneous and non-hierarchical and polycentric."[5] Hence, the impact of the European Union over the notion of sovereignty centers mainly on the following questions: (1) Can the traditional understanding of sovereignty as a zero-sum concept be sustained in face of the deepening and widening European Union? (2) How much national sovereignty should and could be 'pooled' in order to achieve a right balance between securing advantages to the Member States and ensuring an effective governance structure for the EU? (3) Is there a way to reconfigure and reconceptualize sovereignty *beyond* the nation-state?

In this respect, Turkish integration into the European Union revitalizes the debate on sovereignty in Turkish politics, making it an interesting and key subject for political analysis. The new focus on the functioning of multilevel governance models at the European level challenges the classical conceptualization of sovereignty as a zero-sum notion, and at the same time destabilizes its exclusive relationship to the nation-state. This destabilization further politicizes the concept, making it a central signifier in discursive struggles that either try to defend or transform the prevailing doctrine of sovereignty in Turkey. This intensified debate simultaneously contributes to the resurfacing of perennial political conflicts surrounding the notion of sovereignty in the Turkish polity and thereby raises questions worth serious academic consideration.

To this end, this dissertation offers an analysis of sovereignty as the 'nodal point' of evolving discursive formations in support of competing political values and demands as they take shape in the critical moments of Turkish political history. In so doing, the study in question focuses on the constitutive episodes of Turkish political life that are crucial to our understanding of what has become problematic about the concept of sovereignty today. In a ground-breaking book entitled *Inside/Outside: International Relations as Political Theory,* R.J.B. Walker states:

> "Not surprisingly, the most perplexing problems associated with the concept of sovereignty arise precisely when this convergence on a monopoly of power and legitimate authority in a specific territory is challenged, whether on the basis of externality (by other competing

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[5]Ulrich Preuss, "Two Challenges to European Citizenship," *Political Studies* 44, (1996), 550.

sovereignties, which, by definition, are not supposed to be in the same place at once) or of hierarchical conceptions of authority (against which the exclusive claims of sovereignty were articulated in the first place)."[6]

Agreeing with Walker's assertion, the research conducted for the dissertation in question also observes that the discursive utilization of sovereignty becomes all the more central during periods when a certain form of 'organic crisis'[7] emerges in the prevailing order and a simultaneous need arises to reconstruct hegemonic formations to determine the course of the upcoming political order. Accordingly, this study identifies and concentrates on four crucial 'moments' or 'episodes', in which the diversified signifying roles of sovereignty and their lasting implications on the Turkish polity become crystallized:

The first 'moment' focuses on the dislocations brought by the disintegration process of the Ottoman Empire, going hand in hand with efforts of modernization and Westernization given impetus through the *Tanzimat* period with the purpose of 'saving the State'. In the context of a distressed search for a basis of political unity to assure the continuity of the multi-ethnoreligious Ottoman state, the Western-educated Ottoman intellectuals and statesmen of the period discover the solidifying and empowering potential that the idea of 'popular sovereignty' embodies and thereby discursively utilize it in the articulation of their demands for the introduction of a liberal/constitutional order against the absolutist dynastic rule of the Ottoman polity. Henceforth, the concept of sovereignty becomes a pivotal signifier within the ongoing political debate on how to 'save the State' polarized among the two antagonistic camps: On the one side, an Ottoman/Islamic version of 'liberals' (grouped under the label of *Young Ottomans*) propagating a constitutional order that would embody a certain notion of popular sovereignty vs. 'conservatives' safeguarding the traditional dynastic sovereignty, reflecting a unique synthesis of Islamic theology, Central Asian tribal

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[6]R.B.J. Walker. *Inside/Outside: International Relations as Political Theory.* (Cambridge: Cambridge University Press, 1993), 66.

[7]In an attempt to situate the Gramscian notion of 'organic crisis' within discourse analysis and to reconfirm its continual relevance, Laclau and Mouffe provide a redefinition of the concept in the following way: "A conjuncture where there is a generalized weakening of the relational system defining the identities of a given social or political space, and where, as a result there is a proliferation of floating elements, is what we call following Gramsci, a conjuncture of organic crisis" quoted in Ernesto Laclau and Chantal Mouffe. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics.* (London, New York: Verso, 1985), 136.

practices and Turco-Persian state traditions, as the best means to ensure the survival of the Empire.

The second 'moment' concentrates on the creation of the Turkish nation-state through two parallel processes, namely an 'external' war of national independence fought against the Allies to define and consolidate the territorial frontiers of the new republic, along with an 'internal' battle to form a unified political bloc to be able to effectively construct a 'nation' out of the remains of the Ottoman population. In this critical conjuncture, the idea of 'national sovereignty' constitutes the nodal point of the newly emerging nationalist/republican discourse, constructed by the ideologues and the activists of Turkish nationalism against both the 'external' and the 'internal' enemy in order to sustain the legitimacy of its political project of demarcating and securing the boundaries of the new Turkish Republic both in terms of territory and population.

The third 'moment' centers on the disruption engendered by the transition from a closed economic and political system to an increasingly globally integrated society, accompanied by a parallel transition from military rule to functioning party politics during the post-1980 Turkey. The challenge that this contradictory progression of globalization and fragmentation poses on the prevailing model of Turkish nation-state simultaneously exposes the ongoing tension over the legitimate *source* and *location* of sovereignty in the Turkish polity, debated within the context of a resilient conflict between 'public will' vs. *'raison d'etat'*. Consequently, the Turkish political space once again becomes increasingly divided and shaped along two opposing discourses produced by a 'democratic' coalition vs. 'statist/republicanist' coalition, where both camps instrumentalize the concept to hegemonize the shifting political order by articulating their own competing and irreconcilable demands around the nodal of sovereignty.

The fourth and the final 'moment' of research deals with the transformation unleashed by Turkey's 'Europeanization' and the accompanying 'democratization' process during the 2000s. Intensifying the political rupture created and sustained throughout the 1980s and the 1990s, this double movement leads to a dichotomically divided political space among the advocates of 'full independence' arguing that the EU integration means an 'end' to or 'loss' of national sovereignty vs. the advocates of 'full membership,' defending 'pooling of sovereignty' to the EU in return for further democratization and global integration of Turkey. At the same time, dynamics of the 'sovereignty battle' instigated by the European integration process blurs the distinction

between the inside/outside, bringing forth a critical questioning of the domestic political system in place, which in return inevitably involves the problematization of the prevailing doctrine of sovereignty in Turkey.

As the foregoing 'moments' reveal, sovereignty acts as an 'empty-signifier'[8] within differing hegemonic ideological formations of Turkish politics such as Ottomanism, Turkish Nationalism, Republicanism, Statism, Second Republicanism (propagating a version of liberal democracy) and Europeanism, thereby assuming a constitutive function in the construction/reconstruction and the subversion/reconstitution of political frontiers and identities. Hence, as the Turkish cases under study illustrate, a critical questioning of the concept of sovereignty requires a break away from a legalistic and an essentialist approach, and instead making use of discursive methods to expose its problematic yet resilient function as an 'empty-signifier', the conceptual content of which constantly becomes produced and reproduced to fulfill the exigencies of the competing ideologies of Turkish politics. This compelling task demands the clarification of two underlying assumptions made so far: (i) that sovereignty is a problematic, yet a resilient concept; and (ii) that discourse analysis/theory provides insightful methodological tools and logics necessary to address this paradox. Now we will turn our efforts to the substantiation of these assumptions:

1.2. Rethinking Sovereignty as a Problematic, yet a Resilient Concept

First, let us try to explain what is problematical about the concept of sovereignty: To start off, the concept of sovereignty is problematic because it is an "aggregate concept," representing a definitional tangle made up of separate components at times in

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[8]'Empty-signifier' is a conceptual tool offered within the discourse theory developed by Ernesto Laclau and Chantal Mouffe in a number of critical texts, the most important ones being Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* (London, New York Verso, 1985); Ernesto Laclau, *Emancipation(s)* (London, New York Verso, 1996); and Ernesto Laclau, *On Populist Reason* (London, New York Verso, 2005). This assertion will be taken up in detail in the section on methodology.

convergence with, yet at times in divergence from each other.[9] The bringing together of distinct elements of territory, population (community, nation), authority, recognition and autonomy under a unitary principle proves particularly questionable when these components become more and more detached from each other in our contemporary polities. Given the contested nature of sovereignty and its embracement of a wide range of conflicting and mutually exclusive meanings, there are strong views, even in the early 20th century, arguing in favor of the disposal of the concept.[10] More recently, the ambiguous nature of sovereignty has also been presented as a barrier to a serious political analysis; some arguing that its utilization should be avoided in scholarly works, leaving the concept for the rhetorical use of politicians.[11] In fact, one commentator compared the concept of sovereignty to a Lego: "it is relatively a simple idea, but you can build almost anything with it, large or small as long as you follow the rules."[12]

Second, sovereignty is a problematic concept because its defining attributes – its indivisibility, inalienability and infallibility – are increasingly challenged in face of the growing plurality of today's political life. In the current era characterized by a postmodern political order, the conceptualization of sovereignty as an illimitable and indivisible form of political power is undermined by a dual process: Sovereignty, conceived as tied to the nation state, (a) is challenged from above by forces of globalization and international forms of multilevel governance, (b) is challenged from below by increasing representational demands of regional/local groups and individuals. This double-sided erosion makes it necessary to treat sovereignty as a concept in

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[9]James A. Caporaso, "Changes in the Wesphalian order: territory, public authority and sovereignty" *International Studies Association* 2, no.2 (2000): 1-23.

[10]Some of the most important early critiques of the theory sovereignty can be found in Harold J. Laski, *The foundations of sovereignty and other essays.* (New York: Harcourt, Brace and Company, 1921); Baron S. A. Korff, "The problem of sovereignty," *The American Political Science Review* 17, no.3 (1923): 404-414; Jacques Maritain, "The concept of sovereignty," *The American Political Science Review* 44, no. 2 (1950): 343-357; Stanley I. Benn, "The uses of sovereignty," *Political Studies* 3, no.2 (1955): 109 -122

[11]This line of argumentation can be found in Richard Falk, "Sovereignty," in *The Oxford Companion to Politics of World*, ed. Joel Krieger (Oxford: Oxford University Press, 1993); Michael Newman, *Democracy, Sovereignty and the European Union*, (New York: St. Martins Press, 1995); Clive Crook, "When Confusion about Sovereignty Reigns," *National Journal* 33, no.28 (2001): 2215-2216.

[12]Robert H. Jackson, "Sovereignty in World Politics: A Glance at the conceptual and historical landscape," *Political Studies* 47, (1999): 431.

continuous transformation and accordingly puts its seemingly stable foundations and attributes under question. Henceforth, the problematic nature of sovereignty, particularly crystallized within the current conditions of intensified fragmentation and globalization, lead many contemporary scholars to suggest its 'end'.[13]

Nevertheless, sovereignty endures as a pivotal concept in politics despite its alleged demise. The persistence of sovereignty can in part be explained in linkage to its institution into effective and evolving discourses in support of specific ideologies. Here it is useful to first return to the ideas of Michel Foucault, where he extends a genealogical critique to conventional theory of state, the underlying assumption of which rests on the formal acceptance of the principle of sovereignty. In this regard, the collection of his lecture notes from *College de France* (1975-1976) under the title *Society Must Be Defended* offers a path-breaking insight as to the way in which the concept of sovereignty should be reviewed and rethought in relation to its embeddedness into *discourses* and *systems of power*.

Foucault's critical re-theorization treats the problem of sovereignty outside of the legal domain and involves a diversion of attention to the often neglected national dimension of sovereignty. In so doing, Foucault's main interest lies in showing the complex relationship between the theory of sovereignty and the contemporary questions of identity and authority. Empowered by the principle of sovereignty, a concept which, in Foucault's view, has become the protective embodiment of central state power and collective identity, the nation-state creates "spatiotemporal forms of exclusion and judgment."[14] For Foucault, in order to be able to analyze the intricate web of power relations embedded in our contemporary world, we should start off by thinking juridico-political theory of sovereignty as *an ideology* and as an organizing principle behind the great juridical codes.

After a lengthy exposition of the various historical roles that the theory of sovereignty has played in support of changing authority structures ranging from the

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[13]Examples of this suggestion can be found in Joseph A. Camilleri and Jim Falk, *The end of sovereignty?: the politics of a shrinking and fragmenting world.* (Aldershot and Hants, England: E. Elgar, 1992); Stephen D. Krasner, *Sovereignty: Organized hypocrisy.* (Princeton, N.J. Chichester: Princeton University Press, 1999) and Stephen D. Krasner, "Sovereignty," *Foreign Policy* 122, (2001): 20-27.

[14]Andrew W. Neal, "Cutting off the King's Head: Foucault's *Society Must be Defended* and the Problem of Sovereignty," *Alternatives* 29, (2004): 395.

reinforcement of absolute monarchies to the creation of Republics,[15] Foucault tries to explain why and under what conditions the concept has survived, despite the fact that the introduction of a new power regime in the seventeenth and eighteenth centuries (a disciplinary system based on constant surveillance and power exercised over bodies through a multitude of techniques and procedures) challenged the power system based on the Hobbesian-derived conception of sovereignty. Below is conclusion that Foucault reaches, expressed in his own words:

> "I think there are two reasons. On the one hand, the theory of sovereignty was, in the seventeenth and even the nineteenth century, a permanent critical instrument to be used against the monarchy and all the obstacles that stood in the way of the development of the disciplinary society. On the other hand, this theory, and the organization of a juridical code that centered upon it, made it possible to superimpose on the mechanism of discipline a system of right that concealed its mechanisms and erased the element of domination and the techniques of domination involved in discipline, and which finally guaranteed that everyone could exercise his or her own sovereign rights thanks to the sovereignty of the State."[16]

Here, it is important to underline that the primary function of the theory of sovereignty is conceived to help *conceal* the mechanisms of domination present in our societies. In the Foucauldian approach, it is in this framework of concealment of power relations that the theory of sovereignty becomes incorporated in the juridical apparatus and thereby manages to persist until the present. Thus, in order to disclose the prevalence of power relations today, Foucault suggests that we need to first finally discard the theory of sovereignty – or to put it more symbolically, we need to really "cut off the king's head" – and replace it by a theory of domination. This replacement would reveal relations of domination rather than sources of sovereignty, where we would no longer "try to trace their origins back to that which gives them their basic legitimacy" but instead, we would "identify the technical instruments that guarantee that they function."[17] Yet Foucault himself admits the difficulty of getting rid of the concept of sovereignty since it has become one of the most indispensable instruments of a 'normalizing society' intertwined with the concept of governmentality:

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[15]Michel Foucault, *Society must be defended: lectures at the Collège de France, 1975-76,* ed. Mauro Bertani and Allessandro Fontana, trans. David Macey (London: Allen Lane, The Penguin Press, 2003): 35-40.

[16]Michel Foucault, *Society must be defended: lectures at the Collège de France, 1975-76),* 37.

[17]Ibid. 46.

"The notion of a government of population renders all the more acute the problem of the foundation of sovereignty (consider Rousseau) and all the more acute equally the necessity for the development of discipline (consider all the history of the disciplines, which I have attempted to analyze elsewhere).

Accordingly, we need to see things not in terms of replacement of society of sovereignty by a disciplinary society and the subsequent replacement by a society of government; in reality one has a triangle, sovereignty-discipline-government, which has its primary target the population and as its essential mechanism the apparatuses of security."[18]

Following the direction of Foucault, the leading representatives of the deconstructionist approach to the question of sovereignty such as R.B.J. Walker, Jens Bartelson, Thomas J. Biersteker and Cynthia Weber profoundly challenge the conventional understanding that presents the concept as 'fixed', 'natural' and 'neutral'. Instead, they expose the various dimensions of the historical construction of sovereignty by particular societies and for the purposes of shifting ideologies and argue that sovereignty is first and foremost a *political* concept with a full history of contestation, colonization and radical transformation.[19]

The two remarkable books, *State Sovereignty as Social Construct*[20] and *Simulating Sovereignty*[21] offer a Foucauldian approach to the question of sovereignty, where the writers utilize poststructuralist techniques to theorize and illustrate the practices which have socially constructed, reconstructed and deconstructed various conceptions of sovereignty. Biersteker and Weber's approach is particularly important for underlining the central role of *social recognition* as a vital component of sovereignty along with territory, population and authority.[22] By analyzing diplomatic documents and practices in three distinct periods, namely during the Concert of Europe, President

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[18]Michel Foucault, "Governmentality." *The essential works of Michel Foucault, 1954-1984.* Ed. Paul Rabinow. (New York: New Press, 1997), 219.

[19]Among the leading representative works of the deconstructionist approach are Jens Bartelson, *Genealogy Sovereignty.* (Cambridge: Cambridge University Press, 1995); Thomas J. Biersteker and Cynthia Weber, eds., *State sovereignty as social construct.* (Cambridge: Cambridge University Press, 1996) and R.B.J. Walker, *Inside/Outside: International Relations as Political Theory,* (Cambridge: Cambridge University Press, 1993).

[20]Thomas J. Biersteker and Cynthia Weber, eds., *State sovereignty as social construct.* (Cambridge: Cambridge University Press, 1996).

[21]Cynthia Weber, *Simulating sovereignty: intervention, the state, and symbolic exchange.* (Cambridge, UK and New York: Cambridge University Press, 1995).

[22]Thomas J. Biersteker and Cynthia Weber, eds., *State sovereignty as social construct,* 3.

Wilson's rule, and the Reagan and Bush administrations' interventions in Panama, Weber reveals that "discourses on sovereignty have been the deliberations of political leaders according to their shifting political needs" and that "the meaning of sovereignty becomes fixed or stabilized historically to write the state via practices of political intervention."[23] Rather than trying to define what sovereignty is, these writers attempt to deconstruct the concept by problematizing its historical foundations, particularly questioning its exclusive linkage to the modern nation-state. R. B. J. Walker also problematizes the 'modern' approach to sovereignty by arguing that:

> "The principle of state sovereignty is less an abstract legal claim than an exceptionally dense political principle. As a response to the problem of proliferating autonomies in a world of dissipating hierarchies, it articulates a specifically modern account of political space, and does so through the resolution of three fundamental contradictions. It resolves in brief, the relation between unity and diversity, between the internal and the external and between space and time."[24]

Given its function in reinforcing antagonisms, Walker offers to rethink sovereignty as a "barrier concept", promoting a divisive political culture between nationalist exclusionism on one hand, and international engagement at the level of the modern state on the other. At a time where nation-states possess less and less capacity and absolute authority to resolve contradictions between humanity, national citizenship and local identities, the continuous utilization of the concept of sovereignty is closely linked to the need to uphold 'barriers' between 'the inside' and 'the outside' and to this end provides nothing much more than 'a basis for rhetoric and chauvinisms'.[25] One other work worth mentioning here is Jens Bartelson's *A Genealogy of Sovereignty*: Building on the theoretical approach provided by Foucault, Bartelson offers a genealogical critique of the modern notion of sovereignty by illustrating that sovereignty and knowledge implicate each other logically and produce each other historically in various turning points throughout the European past including the Renaissance, the Classical Age and the Modernity. In Bartelson's account too, the discourse on sovereignty functions to separate the outside from the inside by acting like a 'parergon,' – a frame that separates a painting from its outer surrounding. By highlighting the discursive shifts in the historical usage of the principle of sovereignty,

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[23]Cynthia Weber, *Simulating sovereignty: intervention, the state, and symbolic exchange*.

[24]R.B.J. Walker, *Inside/Outside: International Relations as Political Theory,* 154.

[25]Ibid. 155.

Bartelson asks the question whether or not we have come to a stage in our 'post-modern societies' where we should start conceptualizing political order beyond or without the state.

In short, all the above-mentioned works contribute to the exposition of the discursive usage of sovereignty in accordance with the exigencies of altering time, space and political system. Faced with the uncertainty of social and political change, constantly evolving practices of statesmen and ideologues instrumentalize the concept of sovereignty in relation to attempts to create and fix frontiers between external vs. internal, friend vs. enemy, state vs. society, individual vs. community. The fluidity created by the constant construction, reconstruction, definition and redefinition of sovereignty by shifting political motives, in return, assures its survival. In a way, the vagueness associated with the concept of sovereignty functions as its strategy of perpetuation, confirming the below assertion by Bartelson:

> "Thus, ambiguity and centrality go hand in hand, and concepts which are
> both central and ambiguous tend to become constitutive and foundational,
> and conversely."[26]

Thus, the significance of sovereignty prevails as its conceptual content changes through endless discursive reconfigurations of its components to respond to new historical and political circumstances. This is the paradox - the problematic yet the persistent character of sovereignty - that makes it an interesting object of study. Now, we will approach the question of *method* that will be utilized in this research to investigate the repercussions of this paradox within the critical turning points in Turkish politics.

1.3. Methodology of Research

While falling into the general category of interpretive theory,[27] this study makes use of post-structuralist paradigms and insights that particularly focus on explaining the production and logic of *discourses*. More specifically, informed by the Foucauldian

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[26]Jens Bartelson, *The Critique of the State*. Cambridge: Cambridge University Press, 2001), 11.

[27]A detailed account on the 'interpretive theory' within methods and approches to political science can be found in David Marsh and Gerry Stoker, *Theory and Method in Political Science*. (Hampshire, UK: Palgrave Macmillan, 1995c)

archeological and genealogical approaches to discourse analysis, the Lacanian psychoanalysis, and the deconstructive techniques of Derrida, this dissertation takes its *methodological* lead from Ernesto Laclau and Chantal Mouffe's discourse-theoretic approach to social inquiry, a research project which has now become institutionalized within 'Essex School'.[28] Laclau and Mouffe's method of studying political discourses involves a set of key categories and underlying assumptions, which need some further elaboration here since they are central to the theoretical framework applied within this study:

To start off, we need to clarify what Laclau and Mouffe mean by a *discourse*: A discourse is conceptualized as a "structured totality resulting from the articulatory practices that establish a relation among elements such that their identity is modified as a result of this articulatory practice".[29] To be more lucid, a discourse can be conceived as a historically specific system of meaningful practices that form the identities of subjects and objects. Within this perspective, the category of 'discourse' is not confined to the area of speech and writing, but refers to "any complex of elements in which *relations* play the constitutive role".[30] Taken in this broader sense, a discursive analysis concentrates on the dislocation, creation, disruption, and transformation of political frontiers and identities and in this respect the analysis of *relations* built around the primacy of political concepts such as *hegemony* and *antagonisms* become pivotal.

By exposing the innate instability and contingency of these relations over time, this anti-foundational approach to discourse analysis puts special emphasis on the contextual dimension of the construction and formation of identities and systems through ongoing historical and social change as a result of political practices. At the same time, the production and penetration of novel ideologies[31] into social relations

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[28]One of the most important books that collects together a number of valuable articles that apply Laclau and Mouffe's methodological approach to discourse analysis is David Howarth, Aletta J. Norval, and Yannis Stavrakakis, *Discourse theory and political analysis: Identities, hegemonies and social change.* (Manchester and New York: Manchester University Press, 2000). For a critical evaluation of the 'Essex School' please see Jules Townshend, "Laclau and Mouffe's Hegemonic Project: The Story So Far", *Political Studies* 52, (2004): 269–288.

[29]Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics.* (London, New York: Verso, 1985): 105.

[30]Ernesto Laclau, *On Populist Reason.* (London, New York: Verso, 2005): 68.

[31]Ideologies are not thought of as 'simple systems of ideas' but as they become inscribed in institutions and social practices, as discussed in Ernesto Laclau and Chantal

through time - where ideologies cannot be separated from such relations but should be conceived as constitutive of them - emerge as a crucial area of research within the discourse-theoretical framework. In so doing, discursive methods bring 'history' back into political science.[32]

Laclau and Mouffe employ a number of other key categories that constitute the conceptual framework of the method; yet here we will only concentrate on the basic concepts that are relevant to the purposes of this study:

1.3.1. Antagonisms and Logics of Equivalence and Difference

Discourses are engendered through the construction of *antagonisms*, which become produced when "the presence of the "Other" prevents me from being totally myself. The relation arises not from full totalities, but from the impossibility of their constitution".[33] Thereby, the concept of antagonism offers one of the main tools to help understand the process of identity formation through its exposition of this ongoing tension between the self and the other. Antagonisms rise from this impossibility of a final suture and "an antagonistic camp is fully represented as the negative reverse of a popular identity, which would not exist without that negative reference".[34] As there would be no possibility of totality without exclusion,[35] the upholding of an antagonistic frontier requires a heterogeneous other that inevitably destabilizes the 'inside' or as Laclau expresses it, "the opaqueness of an irretrievable 'outside' will always tarnish the very categories that define the inside'.[36]

Given this constitutive and therefore irrevocable conflict between the inside/outside, Laclau and Mouffe offers two opposed, yet related ways of constructing discursive systems that attempt to hegemonize social space: In the first mode, a *logic of*

Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics,* 109.

[32]Jules Townshend, "Laclau and Mouffe's Hegemonic Project: The Story So Far," 286.

[33]Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics,* 109.

[34]Ernesto Laclau, *On Populist Reason,*140.

[35]Ibid.78.

[36]Ibid.152.

difference is employed to weaken and displace antagonistic polarities to create a fissureless society. Thus, "the moment of homogeneity coincides with the logic of difference", where identities become constructed through non-adversarial, 'positive' differences, relegating political confrontation to the periphery of society.[37] The second contradictory way, which is labeled as the *logic of equivalence,* condenses meaning around two antagonistic camps by stressing the sameness of particular demands and identities as a result of a perceived common 'negative', threat or enemy. Thereby, this second logic seeks to simplify and divide social space through an antagonistic political frontier, which requires 'the partial surrender of particularity of social demands' and puts emphasis on 'what all particularities have equivalentially in common'. [38]

To clarify how these two conceptual frameworks operate within politics, Laclau and Mouffe present the two 'extreme' cases, namely the millenarian movement vs. Disraeli's project to create 'one nation'.[39] The millenarian movement constitutes an example of a *logic of equivalence* that divides social space around two antagonistic poles first through a chain of equivalences that it constructs around the peasant culture; next, through the creation of a political frontier between this structured totality of the 'peasant culture' vs. the 'urban culture' incarnating all evil. In the opposite direction, Disraeli, in order to overcome the division of society among the poor and the rich and to construct 'one nation' out of this rupture, attempts to break the system of equivalences through differential absorption and simultaneous transformation of demands into 'positivities'. Disraeli's project is conceived as instrumental in preparing the groundwork for the later development of the Welfare State, which represents "the moment of the positivist illusion that the ensemble of the social can be absorbed in the intelligible and ordered framework of a society".[40]

However, it should also be underlined that the relationship between the two logics is not mutually exclusive, instead a complex interaction between the equivalential and differential logics is foreseen, where all identity becomes constructed within this ongoing tension. Even a neo-liberal ideology undertaking a *logic of difference* can create the necessary conditions for the emergence of Thatcherism, which in turn

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[37]Ernesto Laclau, *On Populist Reason,*155.

[38]Ibid. 78.

[39]Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics,* 129-130.

[40]Ibid.129.

employs an aggressive discourse of social division based on a new political frontier created between the 'parasites of the social system' and the 'responsible citizens'.[41] While the concepts of antagonism, differential and equivalential logics contribute to the explanation of discursive methods, these practices make use of certain privileged signifiers or reference points, which help to bind together a 'chain of signification', making the creation of frontiers and thereby the formation of social identities possible. This is what we will focus on next:

1.3.2. Empty-Signifiers, Floating-Signifiers and Nodal Points

Laclau provides a detailed elaboration on the category of the 'empty-signifier' in a section entitled 'Why do Empty Signifiers Matter to Politics?' in *Emancipation(s)* and develops this concept further in relation to populism in his latest book *On Populist Reason*. Empty-signifiers constitute and simultaneously express the equivalential chains, the necessary articulatory practices for conditions of hegemonic identity formations to emerge. Thus, operation of hegemonic logic depends on the production/reproduction of this emptiness, conceptualized not as a structural location but rather as a type of identity[42] that can never fully become fixed or stabilized. In the most simplistic form of explanation, "empty-signifiers arise from the need to name an object which is both necessary and impossible."[43] As discourse theory reveals, based on the premises of Lacanian psychoanalysis,[44] since the social can never come to a closure, it is the practices within the field of discursivity that endeavor to 'fill' this lack of social suture by producing 'empty-signifiers'. In this framework, empty- signifiers function as nodal points that weave together a chain of equivalences around which hegemonic

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[41]Ernesto Laclau, *On Populist Reason,* 79.

[42]Ibid.166.

[43]Ibid. 72.

[44]Here, Laclau and Mouffe draw their ideas from Lacanian psychoanalysis, where individual's desire for 'fullness' is never realized since a stable identity constructed in oneness with the 'other' is unattainable due to the "the primordial 'lack'. As a result, the self never ceases to seek full recognition by the 'other' and therefore remains always in doubt, (Jacques Lacan, *Ecrits: A Selection*. (London: Tavistock, 1977)). From this hypothesis, Laclau and Mouffe conclude that the 'other' in all its symbolic forms is always blamed for the impossible wholeness of the self identity (Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics,* 125); *ergo,* the ongoing and irrevocable tension between the inside/outside.

discursive practices attempt to manage societies on the basis of such (impossible) ideals, or *horizons*.[45]

In the below passage, Laclau explains how 'order' and 'justice' can function as 'empty-signifiers,' through which different political movements aim to fulfill their own political objectives. In other words, competing political forces make use of these same 'empty-signifiers' in trying to formulate hegemonic practices that try to partially 'totalize' the social:

> "It would be a waste of time trying to give a positive definition of 'order' or 'justice' – that is to ascribe to them a conceptual content, however minimal it might be. The semantic role of these terms is not to express any positive content but as we have seen, to function as names of a fullness, which is constitutively absent. It is because there is no human situation in which an injustice of some kind or another does not exist that 'justice' as a term makes sense. Since it names an undifferentiated fullness, it has no conceptual content whatsoever: it is not an abstract term, but, in the strictest sense, *empty*. A discussion of whether a just society will be brought about by a fascist or a socialist order does not proceed as a logical deduction starting from a concept of 'justice' accepted by the two sides, but through a radical investment whose discursive steps are not logico-conceptual connections but attributive-performative ones."[46]

For the purposes of this research, two very important underlying assumptions of the above argumentation of Laclau should be particularly underlined: (i) it is precisely this 'conceptual emptiness' that contributes to solidify a political camp and gives it a coherent unity to carry on its totalizing effects. In this sense, the 'vagueness' and the 'indeterminability' of the 'empty-signifiers' should not be associated with any ideological or political under development, but on the contrary these attributes indeed work to strengthen their 'totalizing' potentials.[47] (ii) Second, emphasis should be put on the fact that the 'empty-signifier' does not have a positive identity of its own, but rather similar to that of Lacan's *object petit a,* or Zizek's quilting point, it becomes a *name* for constituting that much-needed unity. In Laclau's own words, "The impossibility of fixing the unity of a social formation in any conceptually graspable object leads to the centrality of *naming* in constituting that unity while the need for a social cement to

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[45]David Howarth, Aletta J. Norval, and Yannis Stavrakakis, *Discourse theory and political analysis: Identities, hegemonies and social change*, 8.

[46]Ernesto Laclau, *On Populist Reason,* 96 – 97.

[47]Ibid.98-99.

assemble the heterogeneous elements once their logic of articulation (functionalist or structuralist) no longer gives this *affect* its centrality in social explanation"[48]

Thus, *naming* and the addition of an *affective* component are exactly the crucial attributive-performative practices that establish the link between discourse theory and rhetorical strategies and devices.[49] Here, it should be especially stressed that the construction of 'people' and political frontiers cannot be conceived possible or successful without this so-called *radical investment* that builds the following signifying chain: a discursive or hegemonic formation, articulated by differential or equivalential logics, depends upon the production/reproduction of 'empty-signifiers', which in return is incoherent without *naming* and is ineffective without the dimension of *affection*.[50]

With regards to conceptual tools that will be used in the context of this dissertation, one final categorical distinction is in order, namely that of between the 'empty-signifier' and the 'floating-signifier.' The core of this distinction lies in the developing complexity and the multi-faceted nature of political frontiers. Laclau argues that whereas 'empty-signifiers' function more effectively in cases of more pronounced and fixed political frontiers between the two antagonistic camps, 'floating-signifiers' assume more preeminence within the complex web of political/social/economic relations of our world of 'globalized capitalism,' where the shifting interaction between the global and the local, or between the particular and the universal, requires constant production/reproduction, construction/deconstruction of these frontiers.[51]

Thus both empty and floating signifiers form *nodal points*, "privileged signifiers or reference points ('points de capiton' in the Lacanian vocabulary) in a discourse that bind together a particular system of meaning or 'chain of signification.'"[52] As a result, all the foregoing logics and concepts link up and interact to produce and sustain a *hegemony*, where in return the survival of this hegemonic formation depends on its ability to constantly create and stabilize *nodal points*, underlining the interdependence between the two processes. As Laclau and Mouffe express:

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[48]Ernesto Laclau, *On Populist Reason,* x.

[49]Ibid.106-108.

[50]Ibid.110.

[51]Ibid.133.

[52]David Howarth, Aletta J. Norval, and Yannis Stavrakakis, *Discourse theory and political analysis: Identities, hegemonies and social change*, 8.

"Thus the two conditions of a hegemonic articulation are the presence of antagonistic forces and the instability of frontiers that separate them. Only the presence of a vast area of floating elements and the possibility of their articulation to opposite camps – which implies to constant redefinition of the latter – is what constitutes the terrain permitting us to define a practice as hegemonic. Without equivalence and without frontiers, it is impossible to speak strictly of hegemony."[53]

While the above discussion provides an overview of the main theoretical concepts and logics of the discursive research method that will employed throughout the study in question, this dissertation, as any social inquiry based on discourse theory would, will consider a wide range of linguistic and non-linguistic data as its materials of analysis. In terms of linguistic data, along with an investigation of canonical texts; newspaper articles, speeches, party programs, manifestos, reports, interviews and some legal documents such as the respective Turkish Constitutions will be analyzed. As this study approaches discourse analysis in the broader sense defined above, its research will not be limited to textual materials, but will also include different sets of signifying practices such as historical events, policies, and at times institutional structures as long as they are deemed relevant to the emergence and persistence of discourses under scrutiny.

In order to achieve the above-outlined objective through the application of the theoretical framework and conceptual tools provided by discourse analysis, this study will be structured in five main chapters, along with an introductory and a concluding section: The first chapter will offer a critical evaluation of the modern theories of sovereignty as they become constructed into divergent political discourses in Europe with the advent of the central state. This survey is deemed important since in many aspects the European discourses on sovereignty offer arguments and ideas that prove influential in and instrumental for the way in which the modern idea of sovereignty takes root in Turkish politics. The in-built strengths and weaknesses associated with the modern European conceptions of sovereignty are in many ways reflected on to the discursive formations and usages of the concept of sovereignty in the Turkish polity. The remaining four chapters concentrate on the critical 'moments' of dislocation, creation, disruption and transformation in Turkish politics as they have been discussed and contextualized in the first section of this introduction. The textual evidence treated in these cases confirm the above discussed assertion that it is precisely the conceptual

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[53]Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics,* 136.

'vagueness' and 'indeterminability' of 'empty-signifiers' that enhance their strength and ability in uniting disparate movements into hegemonic discursive formations that attempt to 'totalize' social space in the shape of their competing political ideals.

2. BACKGROUND: HISTORICO-THEORETICAL CONSTRUCTION OF SOVEREIGNTY IN MODERN POLITICS

2.1. Introduction

This chapter surveys the historico-theoretical construction of sovereignty into one of the cornerstones and organizing principles of modern politics. In so doing, it critically examines the ideas of the leading theoreticians and ideologues of Western political thought, which have been influential upon the demarcation of various discursive utilizations of the concept from the 16th century to the early 20th century. Henceforth, rather than attempting to offer a single authoritative definition of sovereignty, the chapter seeks to highlight multiple roles that the concept has played within changing social and political circumstances, particularly in relation to its association with the ideologies of absolutism, constitutionalism, republicanism and nationalism.

The chapter also focuses on the *modus operandi* through which the modern concept of sovereignty has become tied to the idea of the nation-state, with the purpose of supporting the legitimacy of the efforts at 'nation' and 'state' building, the reigning twin ideals in continental Europe from the 17th until the 20th centuries. To this end, the evolving sources, loci, and attributes of sovereignty subject to shifting political needs in question are examined. The chapter concludes with an elaboration on the works of the early critiques of sovereignty at the outset of the 20th century in order to illustrate the existence of a thought-provoking counter discourse in opposition to the predominant views on sovereignty during the era of the triumphant nation-state. Building onto the works of Locke, the early critical theories expose the inherent inhibiting features and fragile foundations of the concept of sovereignty and present an alternative, though feeble, discourse on the problems associated with the prevailing doctrine of sovereignty.

Before proceeding, two methodological precautions are in order: First, since sovereignty is one of the most-debated key concepts of modern political theory, the selection of representative theoreticians unavoidably involves some element of arbitrariness. However, the below identification of theoreticians represents the results of a through examination of studies considered now classical on the history of the theories of sovereignty,[54] and, as it will be argued later in the chapter, each of these writers mark a decisive turning point in the construction of fundamental conceptualizations of sovereignty. Second, since the dissertation in question remains within the discipline of political science, it should be underlined that the below analysis concentrates mainly on the political theories of sovereignty, leaving aside in most cases legal and international relations theories and debates surrounding the principle of sovereignty.

2.2. Absolutism and the Discourse on Sovereignty

The concept of sovereignty has begun its long career as one of the cardinal concepts in modern thinking about the state at the time when feudal forces were losing ground and chaos was reigning over Europe. With the revitalization of Roman law and the heightened interest in the writings of Aristotle, and along with theoretical advancements on the necessity of a central authority, sovereignty gradually developed into a customary principle throughout the 16th century into the 17th century. In the development of sovereignty into a concrete principle of international politics, two important historical events need to be pointed out: the Treaty of Augsburg (1555) and the Peace of Westphalia (1648). The Treaty of Augsburg, which granted each German principality the right to determine whether or not its territory would be Lutheran or Catholic, served to affirm the independence of each 'state' from external interference.

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[54]For a through analysis of the evolution of the theories of sovereignty, please see Charles E. Merriam, *History of the Theory of Sovereignty since Rousseau* (New York: Columbia University Press,1900); Sir Francis Harry Hinsley Hinsley, *Sovereignty.* (Cambridge, UK: Cambridge University Press, 1986, original work published 1966); in Joseph A. Camilleri and Jim Falk, *The end of sovereignty?: the politics of a shrinking and fragmenting world.* (Aldershot and Hants, England: E. Elgar, 1992); Jens Bartelson, *Genealogy Sovereignty.* (Cambridge: Cambridge University Press, 1995); Hideaki Shinoda, *Re-examining sovereignty from classical theory to the global age.* (Basingstoke: Macmillan, 2000).

The Peace of Westphalia, which terminated the Thirty Years War, as well as the the Eighty Years' War by the signing of Treaty of Osnabrück and the Treaty of Münster among the Holy Roman Emperor, Ferdinand III Habsburg, the other German princes, Spain, France, Sweden and the Dutch Republic, opened the way to the establishment of an international system of states based on the concept of sovereignty.[55] While these historical events introduced the principle so-called 'Westphalian sovereignty' resting on the twin notions of territoriality and the exclusion of external actors from domestic decision-making structures, it is widely accepted that the notion of sovereignty found its first elaborate theoretical formulation in the works of Jean Bodin.

Bodin wrote his seminal work *Les Six Livres de la Republique* (The Six Books of the Commonwealth) in 1576, in times of great political instability characterized by a widespread religious hostility and a fierce conflict between feudal forces in face of demise of the royal authority in France. The forty years old civil war between Catholics and Huguenots was at its peak and the situation in France resembled the period of War of the Roses and the Puritan Revolution in England.[56] Surrounded by such conditions, Bodin, a fervent supporter of *les Politiques*, the nationalist party that saw the interests of the State clearly above religious or individual concerns, felt the urgency of devising a theory that would establish a unique and indisputable source of authority to maintain law and stability.

In order to avoid chaos, the central authority should exercise supreme authority (*summa potestas*) in a given territory; yet this authority had to be legitimate and therefore given legal recognition. To Bodin, a jurist by education, the solution was in the establishment of a principle that he called *souveraineté*. He described sovereignty as the "absolute and perpetual power of a Commonwealth (*Republique*)."[57]

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[55]A further elaboration of the emergence of sovereignty as an international principal can be found in Joseph A. Camilleri and Jim Falk, *The end of sovereignty?: the politics of a shrinking and fragmenting world*, 12-15.

[56] William A. Dunning, "Jean Bodin on sovereignty," *Political Science Quarterly* 11, no.1 (1898): 85.

[57] In the later Latin translations of *The Six Books of the Commonwealth*, sovereignty is described Book 1, Chapter 8 as *summa potestas in cives ac subditos, legibus solute*, translated in English as supreme power over citizens and subjects, unrestrained by law" as cited in Charles E. Merriam, *History of the Theory of Sovereignty since Rousseau*, 7.

In Bodin's formulation, one of the underlying attributes of sovereignty was its absoluteness. The defining essence of sovereignty was closely related to the idea of *legibus solutus*, referring to a supreme authority without constraints. Naturally for Bodin, sovereignty was located in the monarch, which was to be free from any higher lawgiver in a given territory. Although he admitted that aristocracy or democracy might be endowed with attributes of sovereignty, his deep distrust for the rule by the people guided his preferences towards monarchy. In fact, for Bodin, the idea of a public, *a populus*, was very similar to a disorderly mob.[58]

While different readings on the relation between the Sovereign and citizens exist within the rich body of literature on Bodin's conceptualization of sovereignty, most agree that Bodin sees the Sovereign separate from and transcendent over the people. As Maritain explains,

> "Since the people have absolutely deprived and divested themselves of their total power in order to transfer it to the Sovereign, and invest him with it, then the Sovereign is no longer a part of the people and the body politic: he is "divided from the people." He has been made into a whole, a separate and transcendent whole – ruling entire body politic from above. That is why this power is absolute and consequently unlimited as to its extension as well as to its duration and unaccountable anything on earth."[59]

In a certain way Bodin presented the subjection to power of the Sovereign as the sole test of citizenship. There can be no right to rebellion, Bodin argued, only except against a "tyrant without a title".[60] The locus of supreme legislative power resided in the Sovereign and the only constraints that could limit his authority were the divine or natural laws. In addition to the laws of God and Nature, Bodin held that the Sovereign could be also be limited by the laws of the Nation, the customary laws of the land often known as the *leges imperii*, though he was quite unclear about their exact content.[61] In as much as Bodin imposed certain limitations on the Sovereign, he nevertheless failed to explain the consequences of a possible transgression of these limits. Yet evidently, the Sovereign was placed above the law in Bodin's account. While the Sovereign was portrayed as being subordinate to the law of god, nature and the nation, the question of

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[58] William A. Dunning, "Jean Bodin on sovereignty," 96.

[59] Jacques Maritain, "The concept of sovereignty." *The American Political Science Review* 44, no. 2 (1950): 343-357.

[60] Max Adams Shepard, "Sovereignty at the crossroads: a study of Bodin," *Political Science Quarterly* 45, no. 4 (1930): 599.

[61] Charles E. Merriam, *History of the Theory of Sovereignty since Rousseau*, 8.

what would happen if the sovereign will violated the law remained unanswered in Bodin. As Hearnshaw rightly points out:

> "Bodin ends, in spite of all his apparent concessions and seeming surrenders, with a strong affirmation of the supreme authority of the secular sovereign. There are many things, it is true which the Sovereign Power ought not to do; it ought not to violate the laws of God, Nature, or Nations; it ought not to depart from such fundamental constitutional customs as the Sallic Law; it ought not to interfere with the patria potestas; it ought not to meddle with private property; it ought not to tax subjects without their consent; it ought not to legislate without consulting the Estates and so on. But if it does any of these things which it ought not to do, there is no earthly power capable of calling it into account."[62]

Besides its absoluteness, in Bodin's system of thought, sovereignty was also featured as indivisible. In a given polity, there could be only one Sovereign, whose supreme power could not be shared nor divided. Moreover, for Bodin, the sovereign authority was perpetual, not confined to a certain period time. The person endowed with sovereignty ought to exercise it throughout his whole life. While Bodin clearly defined the nature of sovereignty as absolute, indivisible and perpetual, his remarks were less clear as to its inalienability.

The theory of sovereignty, thus formulated in the works of Bodin, emerged as a useful tool to legitimize the reign of the monarchs in France and provided the theoretical basis for the development of absolutism into a concrete ideology. Faced against the power of feudal localities, Bodin's theory of sovereignty supported the idea that the state power should be free from external and internal constraints and that the political power should be vested in a single source. In so arguing, Bodin provided the necessary theoretical tools in defense of the central authority against the forces of particularism and regionalism, and thereby helped to counter the balance in the name of the former.

Coming almost eighty years after Bodin's influential writings, Thomas Hobbes's *Leviathan* offered one of the most precise logical theories on the basis of political legitimacy and on the need of establishing a Sovereign.[63] Similar to Bodin, Hobbes also wrote *Leviathan* in times of civil war in England and his main objective was to rid the English polity from any kind of dualism inherent in the notion of a body politic made up of a monarch and the people. For Hobbes, an omnipotent sovereign was the only

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[62]F.J.C. Hearnshaw, "Bodin and the Genesis of the Doctrine of Sovereignty" in *Tudor Studies,* ed. Robert William Seton-Watson, (London, 1924): 124-125.

[63]Thomas Hobbes, *Leviathan*. (London: Penguin Books, 1985, original work published in 1651).

alternative against anarchy and the establishment and the maintenance of an orderly state was closely linked to the institution of sovereignty. Unlike Bodin, Hobbes made the origin and the source of sovereignty very clear: a contract through which all rights and powers of individuals would be transferred to a Sovereign, *the Leviathan*, in exchange of safeguarding of security and order. In one of the infamous passages of *Leviathan*, Hobbes declares:

> "The only way to erect such a Common Power, as may be able to defend them from the invasion of Forraigners, and the injuries of one another, and thereby to secure them is such sort, as that by their owne industrie, and by the fruites of the Earth, they may nourish themselves and live contentedly; is, to conferre all their power and strength upon one Man, or upon one Assembly of men, that may reduce all their Wills, by plurality of voices unto one Will…This is more than consent, or Concord; it is a real Unitie of them all, in one and the same person, made by Covenant of every man with every man, in such manner, as if every man should say to every man, *I Authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him and Authorise all his Actions in like manner*. This done, the Multitude so united in one Person, is called a COMMON-WEALTH, in latine CIVITAS. This is the Generation of that great LEVIATHAN, or rather (to speak more reverently) of that *Mortall God*, to which we owe under the *Immortall God*, our peace and defense. …. And he that carryeth this Person, is called SOVERAIGN, and said to have *Soveraigne Power;* and every one besides, his SUBJECT."[64]

To Hobbes, the nature of this sovereign power was absolute, inalienable, unified, and based upon a voluntary, but an irrevocable contract. Since the contract was made among the individuals and not between the ruler and the ruled, the Sovereign was not bound by its terms. While Bodin believed that the sovereign could be limited by divine and natural laws, in the Hobbesian conceptualization, no limits could be imposed upon the Sovereign once a contract was made among individuals to establish it. Moreover, Hobbes's theorization left out any restriction of the Sovereign by the law of the land, *leges imperii*. As Hobbes saw it, "Law, properly, is the word of him that by right hath command over others."[65]

One of the most problematic parts of Hobbesian constitution of the Sovereign was the eradication of the distinction between society and the state. The people and the Sovereign were simultaneously created through the enactment of a covenant; in other words, they had no existence prior to the contract and their being depended upon one

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[64]Thomas Hobbes, *Leviathan*, 227-228.

[65]Ibid.123.

another. They were melted into a unitary whole, embodied in the figure of *the Leviathan*. Since, viewed from the Hobbesian position, people were never endowed with inalienable rights prior to the establishment of the Sovereign, they neither possessed the right to abolish it. Following this logic, Hobbes denied individuals' right to resistance and spared the Sovereign from any claims and challenges to his recognized authority. The end product of the contract, the Sovereign, not the people, was granted inalienable rights such as the right to law-making, carrying on war, appointing offices, deciding what doctrines are fit to be thought among subjects. Since the Sovereign enjoyed inalienable rights by the nature of the contract, he could not commit injustice and thereby could not be punished.[66]

In many ways, Hobbesian theory represented a further step towards the justification of secular and modern absolutism. Departing from the traditional understanding, power and utility, not justice and morality occupied a central role in Hobbes. Though the starting point of Hobbes was the individual and his rational consent, his theory ended up with unyieldingly subjecting the individual to the rule of the Sovereign. Hobbes left no room of vagueness or indecisiveness as to the location of the supreme authority and to this end eliminated any in-between spaces and spheres, where particular interests or desires could be expressed.

In short, both in Bodin and Hobbes, a unified and central supreme authority prevailed as the essence of sovereignty, defined as the highest, final and supreme political and legal authority and power within a given territory and over a defined body of subjects. It is also through the works of Bodin and Hobbes that the doctrine of sovereignty assumed certain fundamental features such as indivisibility, absoluteness and inalienability. In so arguing, the theories of Bodin and Hobbes founded the defining tenets of the modern doctrine of sovereignty and thereby provided a theoretical support for spreading of the ideology of absolutism in Europe. Particularly evoked in times of conflict over the locus of supreme power in a given polity, the principle of sovereignty developed from the ideas of Bodin and Hobbes was put to use as a legal and at times constitutional justification of absolute political power.[67]

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[66]Thomas Hobbes, *Leviathan*, 232-235.

[67]Sir Francis Harry Hinsley, *Sovereignty,* 227-228.

2.3. Constitutionalism and the Discourse on Sovereignty

The works of John Locke present a radical break from the theories offered by Hobbes and Bodin and open another significant venue in the conceptualization of sovereignty. Locke's theory proves very critical not only for providing the basis for the later development of the doctrine of popular sovereignty, but also for laying down the main principles of another important understanding of sovereignty often associated with the liberal constitutional school of thought. In a recent attempt to re-examine theories of sovereignty from the classical age into the present, Hinedaki Shinoda differentiates between two main traditions within the evolution of the concept, namely constitutional sovereignty vs. national sovereignty,[68] and accordingly places the theorization of Locke within the constitutional tradition along with Grotius and Montesquieu. What differentiates the constitutional understanding of sovereignty is the special place endowed to the rule of law: Fundamental laws are deemed superior to the sovereign, thus framing the power of the ruling authority within constitutional limits. Shinoda describes the understanding of sovereignty within the constitutional school of thought as such:

> "The conceptual premise of constitutionalism resides in the distinction between two concepts of 'the state'. One is a political community as a whole. The other is the government that organises but exists within the community. Under the premise of constitutionalism, what the government can do is to exercise state sovereignty. The fundamental authority remains in the whole community; any power derives from the source of state sovereignty that can authorise the exerciser of sovereignty. What is useful to systematise the logic of constitutionalism is Grotius' distinction of the two subjects of the highest power (summa potestas). Grotius calls them the 'common' and the 'proper' subject. While the proper subject is one or more persons, according to the laws and customs of each country, the common subject is the state (civitas), i. e. 'a perfect society'. Grotius' conception of civitas does not possess its own 'will' like the modern nationstate. It is merely a juristic person. Indeed, Grotius adds that civitas is not a nation. This formal notion of the common subject interpreted as 'a perfect society' corresponds with the source of sovereignty, while the particular subject, namely government, corresponds with the exerciser of sovereignty."[69]

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[68]Hinedaki Shinoda, *Re-examining sovereignty: from classical theory to the global age.*
[69]Ibid.55-56.

Locke's theory challenges the fundamental attributes so far articulated with the notion of sovereignty: absoluteness and indivisibility. Furthermore, with Locke, the location of sovereignty moves from the monarch towards the people. In his *The Second Treatise of Government*, Locke offers an account of a justification for limited government, refuting the arguments in favor of political absolutism. Locke also rejects prior views, which see the locus of sovereignty in the monarch, and argues against an understanding of unlimited and uncontrolled sovereignty.[70]

In Locke's view, humans are naturally equal to one another and by birth they are endowed with inalienable natural rights. Since individuals are equal right-bearers, they cannot be subject to the rule of a political authority without their consent. In contrast to Hobbes and Bodin, Locke locates the real source of sovereignty in the individuals and contends that it should be up to people to decide about the institutional form of sovereignty. To this end, he develops a novel idea of a two-tiered social contract; one made among the individuals, and the other between the society and the ruler. Starting off by envisioning a state of nature where individual rights are imperfectly safeguarded, Locke argues that rational human beings would agree to enter into a contract to establish a political society, which then would consent to the authority of a law-making body in order to ensure the protection of life, liberty and property. This body, the Legislature, would represent the ultimate governmental power and would be the source of Law.

It should be stressed here that unlike the views of his formers, the establishment of political authority is conceived as a mere instrument for Locke, not an end in itself, for the protection of the inalienable rights of each individual. Different from Hobbes, who left the Sovereign outside of the contract, Locke makes the ruling power a liable party to the contract and henceforth imposes limits on his authority. Through this two-tiered contract, Locke also dismisses the totality and the wholeness between the ruler and his subjects, and instead re-institutes the division between society and the state. Hence, the community corresponds to the constitutive power of political society and represents an unalterable foundation for the protection of individual rights. Again unlike the Hobbesian theory, the political society retains its right of resistance and right to overthrow the authority in case of unjust or incompetent treatment. For Locke, since the government is a mere trustee, citizens always retain their right to appeal to heaven.

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[70]John Locke, *The second treatise of government,* ed. Thomas P. Peardon, (Indianapolis: Bobbs-Merrill, 1952, original work published in 1688).

While the Sovereign was unitary and omnipotent in earlier theories of Hobbes and Bodin, in Locke, we can identify multiple loci of sovereignty arranged in a reverse hierarchical order. As Julian H. Franklin notes "Locke eschewed the term sovereignty and located supreme governmental authority in the legislative with a reversionary supremacy in the people."[71] In fact, according to Charles E. Merriam, Locke not only reverses the hierarchy, but also differentiates between different functions of sovereignty and relocates it in three realms:

> "As the lowest term, then, in the series of sovereigns stands the king as the formal or legal sovereign, supreme while within the limits of law. Next in order comes the legislative body, the sovereign among the governmental powers, and so far absolute, or as we might say, the *governmental* sovereign. The Legislature is, however, only a "fiduciary body" entrusted with certain powers, and hence is in a sense subordinate. Back of the Legislature stands another body, which is ultimately the true sovereign. This is the civil or political society which has instituted the Legislature and might be called the political sovereign."[72]

By reformulating the concept of sovereignty, Locke provided a support for the major objective of constitutionalism, the safeguarding of individual rights from the abuse of public power. Locke invoked the idea of *Salus Populi Suprema Lex*, the safety of the people is the supreme law, and thereby placed the constitutional order above the sovereign will. In sum, Locke's liberal contractrianism presented a diverse perspective on the meaning, origin and locus of sovereignty and brought forth challenges to the defining features of the concept. With Locke, sovereignty now resided with the people and became framed within constitutional limits.

Locke's ideas had a pervasive influence particularly in the Anglo-American political culture. His views provided justification for the overthrow of the Stuarts during the English Revolution of 1688. Later, the implications of his theory served the American aspirations in their revolt against England. Also through the works of Locke, the political discourse witnessed the birth of the *doctrine of popular sovereignty* parallel to the spread of conviction of free and equal individuals endowed with individual rights. While earlier theories of sovereignty had no connection to the idea of democracy, the new doctrine introduced the idea that the state derives its authority from the consent of

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[71]Julian H. Franklin, John Locke and the Theory of Sovereignty: Mixed Monarchy and the Right of Resistance in the Political Thought of the English Revolution. (Cambridge: Cambridge University Press, 1978).

[72]Charles E. Merriam, *History of the Theory of Sovereignty since Rousseau*, 16.

the people, innovatively linking the concept of sovereignty with democracy and the discourse on individual rights.

2.4. Republicanism and the Discourse on Sovereignty

While Locke introduced the idea that sovereignty could be derived from the consent of each individual, Jean Jacques Rousseau developed the idea of popular sovereignty into a full new doctrine in the 18th century. His ideas on the meaning of sovereignty were fully elaborated in his infamous book *Social Contract* published in 1762. Similar to Locke, Rousseau took the individual as a point of departure for his theory and envisioned a contract where each human being would surrender his private will for the pursuit of the common good for the society.[73] This contract would entail a set of procedural rules for making further substantive rules and the end product would be the creation of a body politic, called the State when passive and the Sovereign when active. This body politic would transform the individuals from a mere aggregate into a moral and cultural community. The sovereign decisions of this community would find expression in the General Will, representing 'the soul and spirit of the sovereign state.'[74]

Thus, in contrast to Locke, sovereignty would not be vested in the will of each individual and neither in the will of all, but rather it would be located in the General Will. Thus, in Rousseau's account sovereignty and the Sovereign would in a certain way reside in the same essence: Volonté Général. It should be emphasized here that for Rousseau, General Will represents something beyond the mere addition of each individual will: it reflects the unchallengeable will of the community of citizens as a collective body. General Will, embodying the will of 'the people' as a whole, has an identity of its own, distinct and above the particular interests of its members. Thus, although Rousseau himself declares that "while uniting himself with all, may still obey himself alone and remains free as before," the individual in Rousseau is inherently subordinated and subjected to the General Will. Rousseau feels that "each citizen is

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[73] Jean Jacques Rousseau, *The Social Contract,* trans. George Douglas Howard Cole, (Buffalo, New York: Prometheus Books, 1988, original work published 1762).

[74] John B. Noone, "The social contract and the idea of sovereignty in Rousseau," *The Journal of Politics* 32, no.3 (1970): 707

nothing and can do nothing except with all the others."[75] In Rousseau's account, sovereignty becomes the exercise of the General Will, 'the people' applying their collective capacity for deliberation and decision to the direction of the state.

While Rousseau concedes that certain functional powers can be divided between the legislative and the executive in a body politic, the General Will - the sovereignty itself - cannot be divided due to its unitary nature. The superior will within a community is one or not in existence. Further, sovereignty is not only indivisible but it is also absolute. It cannot be subject to limits since the General Will must remain free. The only constraints that can curtail the authority of the sovereign is the iron rule that it shall always act for the common good and that it shall not discriminate between various classes of citizens. Yet, what the common good entails is always up to the judgment of the sovereign.[76]

In addition to the defining attributes of indivisibility and absoluteness, Rousseau adds another original dimension to the features of sovereignty: infallibility. He declares that the sovereign will is always right and always tends towards the general welfare. Thus, sovereignty is unlimited not only in the sense that it has an inalienable right to make any decision, but also that it would make every decision right. While endowing Sovereignty with infallibility, Rousseau admits:

> "From the preceding it follows that the general will is always upright and always tends to the public utility: but it does not follow from it that the people's deliberations are always equally upright. One always wants one's good, but one does not always see it: one can never corrupt the people, but one can often cause it to be mistaken, and only when it is, does it appear to want what is bad."[77]

Hence, the possible incapability of individuals to identify the best for their common interests and the related possibility of manipulation open a room for guidance, a certain kind of paternalism, in Rousseauian theorization. In order to save the General Will from the potential blindness or manipulation of the people, Rousseau endows a special role to 'the Law Giver'. Rousseau describes the Law Giver as a person of "a superior intelligence who saw all of man's passions and experienced none of them, who had no relation to our nature yet knew it thoroughly, whose happiness was independent of us and who was nevertheless willing to care for ours; finally one who, preparing his

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[75]Jean Jacques Rousseau, *The Social Contract,* 2.7.3.

[76]Charles E. Merriam, *History of the Theory of Sovereignty since Rousseau*, 18.

[77]Jean Jacques Rousseau, *The Social Contract,* 2.3.1.

distant glory in the progress of times, could work in one century and the enjoy the reward in another…"[78]

The Law Giver is to shape the people into a moral and cultural community and to this end he could make use of songs, dance, games and rituals. Since rational self-interest alone cannot suffice to melt the wills of each individual into a larger unitary whole, the Law Giver could enhance feelings of patriotism and facilitate social cohesion. Although Rousseau approves of embracing diversity in religious opinion in the section on civil religion in *Social Contract*, he nevertheless sees also a use in religion in transforming the divisive aspects of individualism into the cohesiveness of communitarianism.

In Rousseauian understanding, sovereignty cannot be alienated since the will cannot be transferred or represented. There is much disagreement in the political theory literature about the implications of the inalienability of sovereignty in Rousseau. While some theorists argue that the strict adherence to the inalienability of sovereignty restricts the possibility of a representative government in Rousseau, the others bring forth Rousseau's important distinction between the Sovereign and the government as an evidence of his concession to representative government. For Merriam, since the delegation of sovereignty is prohibited in Rousseau, the possibility of representative government is eternally impeded.[79] He argues that Rousseau intentionally introduces the idea of inalienability of sovereignty of the people to refute the Hobbesian view that the will of the community might be vested in some particular person or persons. In support to Merriam's views, Ali A.Mazrui also contends that Rousseau puts forth the idea of self-government in place of representative government by introducing the notion of inalienable popular sovereignty. He in fact takes this argument a step further to suggest that the Rousseauian doctrine of inalienable popular sovereignty indeed proves incompatible with the doctrine of inalienable individual rights advocated by Locke.[80]

Yet for other political theorists such as Christopher Bertram and Frank Marini, Rousseau's rejection only involves the representation of sovereignty by another body other than the people, while he leaves room for the possibility of representative

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[78]Jean Jacques Rousseau, *The Social Contract,* 2.7.1.

[79]Charles E. Merriam, *History of the Theory of Sovereignty since Rousseau*, 18-19.

[80]Ali A.Mazrui, "Alienable Sovereignty in Rousseau: A Further Look," *Ethics* 77, no.2, (1967):107-121.

government responsible for the administration and the execution of laws.[81] Rousseau's form of government is an aristocracy made up of magistrates, who have power to enact decrees, but not laws. Thus, in these accounts, Rousseau emerges as being not against representative government but against representative sovereignty.

However, the discussions whether or not Rousseauian understanding allows a representative government does not spare his theory from bearing implications of a totalitarian kind of democracy. In *Social Contract*, Rousseau very explicitly warns against the detrimental influence of factions. He explains that the power of divisive forces could be naturally curtailed only if people were informed properly and could take political decisions without any outside influence or interference. In other words, if the sovereign General Will were properly exercised through transparent and independent public debate, preferably in a small and homogenous state, the General Will would pose no danger to individual freedom. Yet since, for Rousseau, individual opinions are subject to acts of manipulation by particular interests, factions would destabilize and interfere with the normally reliable mechanism of public deliberation. In extension of the similar logic, Rousseau remains hostile to the role of political parties in a polity. All these pitfalls in Rousseau lay the groundwork for the later concerns that link the ideas of Rousseau to popular tyranny.

To sum up, it is significant to note that through Rousseau another fundamental attribute is added to the conceptualization of sovereignty: Now, besides being indivisible, unlimited and inalienable, sovereignty becomes also infallible. Moreover, the location of sovereignty once again shifts: this time it becomes vested in the will of the community, 'the people' perceived as a moral and cultural unity. Furthermore, the Rousseauian theory serves two related but not necessarily complementary roles in the evolution the concept of sovereignty. First, by connecting sovereignty to the idea of the demos and locating it precisely in the exercise of the general will of 'the people,' Rousseau's doctrine of popular sovereignty consolidates the link between sovereignty and the democratic theory.[82] Yet at the same time, the dubious constitution and the content of the General Will and the special role designated for the Law Giver opens the

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[81]Frank Marini, "Popular Sovereignty but Representative Government: The Other Rousseau," *Midwest Journal of Political Science* 11, no.4 (1967): 451-470 and Christopher Bertram, C. *Routledge philosophy guidebook to Rousseau and the Social Contract.* (London and New York: Routledge, 2004).

[82] Jonas Witgens, "Sovereignty and Representation," *Ratio Juris* 14, no.3 (2001): 272-280.

way for dictatorships supported by majorities, particularly when faced and coupled with nationalist currents.

2.5. Nationalism and the Discourse on Sovereignty

Rousseau's ideas on popular sovereignty were fundamental in shaping the theory of sovereignty in the direction of *national sovereignty,* which found its vivid expression in the French Revolution and its aftermath. Rousseauian ideals were later formulated in France into the justification of the ultimate power claimed in the name of the nation, represented by the Third Estate and its 'will' exercised first by the Jacobins and later by the Bonapartists. The developments following the French Revolution revealed that, once in the authoritarian hands, the principle of popular sovereignty could indeed help justify dictatorships deriving its strength from 'the will of the nation.'

The ideas of Sieyès were instrumental in assuring the transition from the idea of popular sovereignty to the principle of national sovereignty. During the French revolution, in a famous pamphlet titled *Qu'est-ce que le Tiers Etat?*, Abbé Sieyès (Emmanuel Joseph Sieyès) conceptualized the Third Estate as the very totality of citizens, together constituting a nation, whose interests were to be represented by the establishment of a national assembly. For Sieyès, the powers of the sovereign nation could not be subordinated to another body, nor to the law itself since "the national will needs only its reality to be always legal, it is the origin of all legality"[83]

Sieyès took active part in the drafting of Declaration of the Rights of Man and Citizen and the constitution of 1791. Influenced by the ideas put forward by Sieyès and his supporters, Article III of the 'Declaration of the Rights of Man and the Citizen' of 1789 declared "The principle of all sovereignty resides essentially in the nation. Nobody, no individual can exercise authority unless it is its express emanation."[84] The

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[83]This quotation of Sieyes is cited in Stanley Hoffman, "The Nation, Nationalism, and After: The Case of France," *The Tanner Lectures on Human Values*, (Princeton: Princeton University 1983): 223.

[84]The original statement in French is *Le principe de toute souveraineté réside essentiellement dans la Nation. Nul corps, nul individu ne peut exercer d'autorité qui n'en éemane expressément* cited in Jonas Witgens, "Sovereignty and Representation," *Ratio Juris* 14, no.3 (2001): 272.

constitution of 1791 advanced the principle of national sovereignty by positing "sovereignty is one, indivisible, inalienable and imprescriptible" (Tit. III. Art. 1). The principle of national sovereignty was exalted to an even more radical level by the Constitution of 1793, the Article 27 of which stated "every individual who usurps the sovereignty may be at once put to death by freemen." Following Sieyès' logic, as Bartelson aptly puts it:

> "The sovereign authority of the state becomes premised upon the identity of a nation as much as the identity of the nation becomes a derivative of the sovereign authority of the state. The concept of nation state comes to express nothing more than a vaguely tautological relationship between two entities which are merely numerically distinct from each other." [85]

The principle of national sovereignty was further put to use in France by Revolutionaries in the reconstruction of the domestic order. In opposition to the liberal idea of inalienable individual rights, sovereignty as an inalienable right was bestowed upon the nation itself. The principle of national sovereignty provided a useful political and philosophical basis from which the legitimacy of the new order could be derived. As Stanley Hoffman questions:

> "Why the Revolution, as it evolved, made of the nation a mirror image of the old monarchy, with the absolute and indivisible sovereignty of the king transferred to the nation, is perhaps the most fascinating question in the history of modern France. Was it simply the imprint of centuries of monarchic rule justified by légistes and preachers? The imprint of another illiberal and authoritarian institution, the Church? Was it as for Sieyès in 1789 -the fear that a set of liberal institutions, with all their checks and balances, might actually impede the huge task of overhauling all existing barriers to unity, allow the supporters of feudalism to entrench themselves in part of the legislature or to barricade themselves in their unbreachable rights? Was it because of the unwillingness of the court, of many of the nobles, of much of the Church, to accept the rules of the game that liberalism presupposes? In every one of these hypotheses, the stake is the same: the capacity of the revolutionary state to carry out its program of reshaping French social and political institutions." [86]

National sovereignty thus became a weapon to combat forces of particularism and fractionism in the public sphere that could threaten the basis of the unity of the French polity. Moreover, national sovereignty helped the building of the French state by offering a principle, the attributes of which could act as a mechanism of exclusion. The notion of sovereignty, which embodied the unified and indivisible will of the nation,

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[85] Jens Bartelson, *The Critique of the State*, 41.

[86] Stanley Hoffman, "The Nation, Nationalism, and After: The Case of France," 223.

made it easier for the identification of 'the enemies of nation,' the ones who acted against the *volenté générale.*

The conceptualization of national sovereignty through the political developments following the French Revolution paved the way for sweeping changes in the notion of sovereignty as the concept of sovereignty became linked to the currents of nationalism and questions of nationhood. Bernard Yack highlights this close association as such:

> "That popular sovereignty plays a crucial role in the rise and spread of nationalism is something of a common place in the scholarly literature. Hans Kohn for example, proclaims that nationalism is incoherent without popular sovereignty. And Huge Seton-Watson claims that nationalism represents nothing more than "the application to national community of the Enlightenment doctrine of popular sovereignty."[87]

Accompanied by the rise of nationalism all around the continental Europe and the tide of imperialism, the principle of national sovereignty was often invoked by theoreticians, diplomats and politicians to serve the interests of a particular nation-state, or sometimes the interests of secessionist movements, which sought independence by referring to their right to national self-determination, a principle which was derived from the notion of national sovereignty.

While nation-states emerged as the core political actors, *the doctrine of national sovereignty* gained further ground in the late 19th and the early 20th centuries during the victorious era of the nation-state. Building onto the theory of popular sovereignty first suggested by Rousseau and later elaborated by the works of Sieyès and the revolutionaries, the idea that linked sovereignty to the nation-state came to dominate European politics and jurisprudence. In 1886, Henry James Sumner Maine writes in his book *Popular Government:*

> "The States of Europe are now regulated by political institutions answering to the various stages of transition from the old view that "rulers are presumably wise and good, the rightful rulers and guides of the whole population," to the newer view, that "the ruler is the agent and servant, and the subject the wise and good master, who is obliged to delegate his power to the so-called ruler because, being a multitude he cannot use it himself." Russia and Turkey are the only European states which completely reject the theory that governments hold their powers by delegation from the community, the word "community" being somewhat vaguely understood, but tending more and more to mean at least the whole of males full age living within certain territorial limits. This theory, which is known on the Continent as the theory of national sovereignty, has been fully excepted in

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[87]Bernard Yack, "Popular Sovereignty and Nationalism," *Political Theory* 29, no.4 (2001): 31.

France, Italy, Spain, Portugal, Holland, Belgium, Greece and the Scandinavian states. In Germany it has been repeatedly repudiated by the Emperor and his powerful minister, but it is to a great extent acted upon."[88]

In order to illustrate the consolidation of the link between sovereignty and the nation-state, the following section will examine some leading French, British and German theoreticians whose works had a notable impact in shaping the theory of sovereignty in the late 19th and early 20th centuries.

To this end, first the ideas put forth by Adhémar Eismein, an authoritative French jurist during the 1910s, will be brought to fore as a fairly typical and at the same time influential representative of the doctrine of national sovereignty in the early 20th century France.[89] Eismein took Rousseau as his starting point and since Rousseau's ideas were being increasingly criticized for subordinating the position of the individual to the community and thereby alienating individual rights in the name of the maintenance of the cohesiveness of the political community, he set out to save the Rousseauian project by introducing a new logical ground for the doctrine of national sovereignty. For Eismein, the Sovereign was the legally organized nation, and the state was the juridical personification of the nation.

> "That which constitutes a nation in law is the existence of in a society of men of an authority superior to individual wills which recognizes no force superior or concurrent in the sphere where it acts. This superior authority is called sovereignty. It has two aspects, internal sovereignty, or the right to command all the citizens composing the nation, or even all who reside on the national territory; and external sovereignty, or the right to represent the nation and obligate it in its relations with other nations."[90]

His equation of state with the nation and the principle of national sovereignty as their sovereign expression served a twofold purpose. First, since the life of the nation is perpetual, the state should also have a continuous life irrespective of the governments changing either due to elections or revolutions. Through the embodiment of sovereignty in the perpetual institution of the nation state, Eismein sought to provide a lasting and

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[88]Henry James Sumner Maine, *Popular Government.* (London: John Murray, 1885) cited in John A. Jameson, "National Sovereignty," *Political Science Quarterly* 5, no.2 (1890): 195.

[89]In *Recent Theories of Sovereignty,* Hymen Ezra Cohen presents a fuller account of Eismein as the influential exponent of national sovereignty and as the most outstanding jurist of France in the early 20th century, please see Hymen Ezra Cohen, *Recent theories of sovereignty.* (Chicago: The University of Chicago Press, 1937)

[90]This quotation of Adhémar Eismein is cited in Hymen Ezra Cohen, *Recent theories of sovereignty,* 15.

legitimate basis for a stable polity. Second, this equation served to discredit the hereditary rule of absolute or constitutional monarchs since only national sovereignty personified in the entity of the republican French State could maintain a continuous activity.[91]

For Eismein, Rousseau's theory also ran into difficulty since Rousseau associated only the legislative power, the expression of will with sovereignty. He wanted to remedy this problem by conceiving the functions of the executive also as manifestations of sovereignty. Influenced by the ideas of Montesquieu, Eismein's theory also allowed a room for the separation of powers. Despite his advocacy of the separation of powers between executive and legislative bodies, Eismein was nevertheless hostile to the interests of the minorities and argued that since unanimity was impossible in a given state, the will of the majority could be assumed as the will of the nation; as the general will.[92] Since sovereignty resided in the nation as a whole, Eismein strongly opposed the representation of minority interests in the legislative body. He declared that election of special representatives for the representation of minority interests was a violation of the principle since it allowed the representation of something besides the nation. To this end, Eismein opposed proportional representation and posited that the exercise of national sovereignty would require single member district voting.[93] Furthermore, he opposed universal suffrage and argued that the exercise of voting should not be seen as an inherent right but rather as the fulfillment of a social function.[94]

Convinced that any organized resistance would challenge the principal of the supremacy of the nation, Eismein objected to the right of resistance. He condemned any such act of resistance as illegal even if it was to be carried out within legal limits. As Hymen Ezra Cohen explains, for the proponents of national sovereignty such as Eismein,

> "the state cannot commit or permit suicide; since the act has consequences for the *nation*. The nation, theory runs, is composed not only of the past and present generations but of the future generations. From these the present can never steal the birthright –the inalienable right to the exercise, in their turn, of the national sovereignty."[95]

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[91]Hymen Ezra Cohen, *Recent theories of sovereignty,* 130 –131.

[92]Ibid.11.

[93]Ibid.12.

[94]Ibid.13.

[95]Ibid.133.

Although Britain was originally the cradle of constitutional understanding of sovereignty, the doctrine of national sovereignty also had a notable impact in Britain in the 19th and into the 20th centuries. John Austin, a famous English jurist, gave the concept of sovereignty a legal perspective, arguing that for the maintenance of stability and coherence in a polity, there should be only one central reference for law. In his lectures on jurisprudence, he posited the need of a sovereign who would command all laws in a given state where this "determinate human superior (i.e. man or body of men) not in the habit of obedience to a like superior" would receive "habitual obedience from the bulk of a given society."[96] This determinate human superior was the Sovereign, his authority would be defined as sovereignty. For Austin, only the rules that the sovereign endorses would be the law. Accordingly, the sovereign could not be subject to any external constraints or penalties. Moreover, international law would not mean anything since there was no sovereign to enforce it. Austin's theory of legal sovereignty particularly endowed the nation-states with full legal authority and autonomy and worked to strengthen their position at the expense of international and supranational organizations.

Building on the works of Austin, Albert Venn Dicey brought in a novel understanding of sovereignty, by positing that in Britain sovereignty belonged to the Parliament, composed of the king, the House of Lords and the House of Commons. In Dicey's account *parliamentary sovereignty* was the supreme authority and could not be subjected to any legal limits and he thereby objected the idea of 'limited sovereignty,' viewing it inherently contradictory in terms. He also distinguished between legal and political sovereignty in order to ensure the absoluteness of the sovereignty represented by the Parliament.[97]

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[96]John Austin, *Lectures on Jurisprudence,* rev. and ed. Robert Campbell, 4th edition. (London: John Murray, 1873): 226.

[97]Hinedaki Shinoda, *Re-examining sovereignty: from classical theory to the global age,* 131.

2.6. Nation-State and the Discourse on Sovereignty

Rejecting the British principle of parliamentary sovereignty or the French principle of national sovereignty, the German political theorists advanced a different conceptualization, which located sovereignty directly in the State itself. The State was viewed as a living organism, endowed with a personality, a spirit and a will of its own. The spirit of the state was represented by the nation and for the healthy functioning of the German polity, the ultimate political authority was to be exercised by the nation state, or as Georg Wilhelm Friedrich Hegel put it, by "*das Volk als Staat.*" In his *Philosophy of Right* (1821), Hegel declares:

> "the nation state is the spirit in its substantial rationality and immediate actuality and is therefore the absolute power on earth; each state is consequently a sovereign and independent entity in relations to others. The state has a primary and absolute entitlement to be a sovereign and independent power in the eyes of others, i.e. to be recognized by them."[98]

With Hegel, sovereignty has become located firmly in the state, which, in Hegel's thought, was attributed with many important inherent qualities. Hegel idealized the state as an ethical entity and placed it above the civil society, which, for Hegel, was a mere instrumental platform for the expression of private interests. Thus, the important distinction between state and society was reintroduced, yet this time the state was hierarchically prioritized over civil society.[99] In contrast to the egoistic nature of civil society, the interests of the state were to be regarded with highest esteem and safeguarded with up most caution. The preservation of the state and the concept of *raison d'etat* occupied a central significance in Hegel's political philosophy.

Hegel welcomed the Rousseauian innovation of introducing the *will* as the principle of the state, but criticized his portrayal of the general will arising out of the public deliberations of individual wills and accused Rousseau for denying an inherent rationality and infinity for the state in and for itself.[100] Hegel also extended a fierce

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[98]Georg Wilhelm Friedrich Hegel, *Elements of the philosophy of right,* trans. H.B.Nispet and ed. Allen W. Wood, Ed. (Cambridge: Cambridge University Press, 1991, original work published 1821): 367.

[99]Joseph A. Camilleri and Jim Falk, *The end of sovereignty?: the politics of a shrinking and fragmenting world,* 21.

[100]Hegel, *Elements of the philosophy of right,* 278.

criticism towards the works of Herr von Haller on the grounds that Haller consciously dismissed the rational content of the state and thereby failed to understand the inner nature and the essence of the state. In contrast to Rousseau and Heller, for Hegel, in the foundation of the state lies "the power of reason actualizing itself as will."[101] The evolution of the political order towards the establishment of the state is seen not only as a consequence of individual reason, but as a part of natural historical process dictated by the so-called "world reason." Thus, in Hegel, the state attains a transcendental attribute, becomes an Idea, since it is regarded as the inevitable expression of universal reason. Hegel declares: "for the state is as far above physical life as spirit is above nature" and "the state must be regarded as a great architectonic edifice, a hieroglyph of reason which becomes manifest in actuality."[102]

For Hegel, the state achieves its actuality in three realms. First, through the self-related organism of the individual state as it establishes itself through the constitution or constitutional law. Second, the state interacts with other states, thus enters into the realm of the international law. Third, it represents the universal idea as a *genus* – "the spirit which gives itself its actuality in the process of world history." [103]

Through these realms, Hegel distinguishes internal sovereignty from external sovereignty. The internal sovereignty of the state is constituted both through the interdependence of the particular functions of the state and in the unity of particular will of individuals. Hegel seeks to show that in the feudal times, the state enjoyed an external sovereignty yet "internally neither the monarch himself nor the state was sovereign." The state was not an organism but rather a mere aggregate of particular functions and powers of independent corporations and communities.[104]

In contrast, Hegel advances the organic theory of state by comparing the state to an organism whose parts cannot function independently but only as indispensable parts of a larger unity. Hegel frequently refers to the words such as disease, health and death, suggesting that he conceives of the state as a living entity. Certain institution can carry out specific functions and tasks within a state with the end purpose of producing and preserving the universal in the state; but as soon as they attempt to break away, their

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[101]Hegel, *Elements of the philosophy of right,*279.

[102]Ibid.321.

[103]Ibid.281.

[104]Ibid.315.

raison d'etre ceases. In so arguing, Hegel rejects the idea of separation of powers, especially when this separation serves to impose limits on the central authority. Hence, the 'health' of the state is assured when these powers are not viewed as self-sufficient and in negative relation to one another, but rather when they serve the interests of a single individual whole. It should be stressed here that Hegel allows the division of labor between the executive and legislative branches, yet for Hegel, the objective of the division is to strengthen the sovereign, not to weaken it.[105]

Hegel further divides the political state into three realms: a. the legislative power which is endowed with the power to identify and construct the universal b. the executive power, the duty of which includes the subsumption of particular spheres and individual cases under the universal c. the power of the sovereign represented by a constitutional monarch, and possessing the ultimate right to decide and express the universal will.

Hegel places the constitutional monarch at the apex of the sovereign state and bestows upon him the unity of all different powers.[106] For Hegel, the power of sovereign enjoys "three moments of totality within itself, namely the universality of the constitution and laws, consultation as the reference of the particular to the universal, and the moment of ultimate decision as the self determination to which everything else reverts and from which its actuality originates."[107]

The State is sovereign in the abstract, but in practice statehood and sovereignty finds expression in the person of the king. However, the role of the monarch should not be exalted to a supreme place in Hegel's thought, for monarch himself is viewed as a mere instrument for being able to identify who will speak in the name of the state. In other words, the state, as it naturally evolves into and manifests itself as the rational organization of particular wills into a unitary organism, is the ultimate source of all decisions. It is just that someone is needed to utter the words 'I will' and express a decision in the name of the wholeness, the organically developed state. Therefore, Hegel refutes the views that oppose the necessity of a monarchial order on the basis that the monarch might be corrupt or incompetent by arguing that, in a fully organized state, the particular character of the sovereign proves rather trivial.[108] Moreover, one should

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[105]Hegel, *Elements of the philosophy of right,* 306-307.

[106]Ibid.308.

[107]Ibid.313.

[108]Ibid.323.

not mistake the practical exercise of sovereignty for despotism in Hegel; for it does not simply refer to mere arbitrary power, but rather to an exercise of power within legitimate limits. As Cary J. Nedeman comments on Hegel, "absolutism is only a start, it is eventually washed away, to be replaced by a fully articulate constitutional system.[109] In fact, Jean-Francois Kervegan argues that Hegel belongs to a tradition of "authoritarian liberalism" expounded by some prominent German theorists who welcome "the institution of constitutional monarchy, social and administrative reforms, and the setting up of a system of representation based neither on more-or-less generalized universal suffrage nor on "estates" in the ancient manner but on *Berufstande* or occupations."[110] Hegel holds the executive power responsible for carrying out the application of the sovereign's decisions and for performing the transition from the universal to the particular. He also places the functions of the judiciary and the police under the executive branch. In Hegel's account, civil servants are the delegates of the executive power and they are often the selected among the representatives of the educated and politically conscious middle class. The bourgeois class assumes a vital importance in Hegel's thought, since they are the ones who can successfully execute the tasks and functions on behalf of the sovereign. For instance, he links the underdeveloped status of Russia to the absence of a middle class mediating between the mass of serfs and rulers. Thus, in Hegel's opinion the supporting of the development of a middle class serves the interest of a state well.

Hegel approves the usage of 'popular sovereignty' only in relation to the characterization of a certain nation as a self-sufficient entity for external purposes; to indicate the existence of a certain nation-state distinct from other states. Other than this external use, the doctrine of popular sovereignty does not make much sense, especially when it is posited as the "opposite of that sovereignty which exists in the monarch."[111] In Hegel's own words,

> "In this oppositional sense, popular sovereignty is one of those confused thoughts which are based on a garbled notion [*Vorstellung*] of the people. Without its monarch and the articulation of the whole which is necessarily

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[109]Cary J. Nedeman, "Sovereignty, war and corporation: Hegel on the medieval foundation of the modern state," *The Journal of Politics* 49, no.2 (1987): 500-520.

[110]Jean-Francois Kervegan, "Sovereignty and Representation in Hegel," *Philosophical Forum* 31, no.3/4 (2000): 241.

[111]Hegel, *Elements of the philosophy of right,* 279.

and immediately associated with monarchy, the people is a formless mass."[112]

In so arguing, Hegel declares it to be pointless to elaborate more upon whether monarchy or democracy is superior, with his preference clearly lying with the form of constitutional monarchy. Hegel also rejects the Rousseauian idea of self-government, and accuses him for introducing "a democratic element devoid of rational form."[113] Since all citizens cannot be expected to be experts on governmental issues, Hegel stresses the need for authorized deputies. Nevertheless, these deputies would not represent the interests of individuals, but rather the interests of "the essential spheres of society, of its major interests."[114] Further, in Hegel, the individual becomes a unified acting subject only by submitting himself to the universality of the state. His membership to the state enables him to have objectivity, truth and ethical life.[115] Hence, the union with the state is seen as a destiny for individuals and the nation state stands out as the only ideal form in which the individual can achieve freedom.

> "The state is the actuality of the substantial will, an actuality which it possesses in the particular self-consciousness when this has been raised to its universality; as such, it is the rational in and for itself. This substantial unity is an absolute and unmoved end in itself, and in it, freedom enters into its highest right, just as this ultimate end possesses the highest right in relation to individuals, whose highest duty is to be members of the state."[116]

Henceforth, Hegelian position unites the duty and the right within the state in one and the same relation and this union gives both the state and the individual their inner strengths. It is a reciprocal relation that mutually empowers the state and the individual: While the individual gain security and welfare by performing his duties as a citizen, the state becomes preserved and safeguarded through the fulfillment of the duties of its subjects:

> "Just as right in itself becomes law in civil society, so too does my individual right, whose existence was previously immediate and abstract, acquire a new significance when its existence is recognized as a part of the existent universal will and knowledge."[117]

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[112]Hegel, *Elements of the philosophy of right,* 319.

[113]Ibid.347.

[114]Ibid.350.

[115]Ibid.276.

[116]Ibid.275.

[117]Ibid.249.

While Hegel characterizes internal sovereignty as the constitution of the state in and for itself, as a unified acting subject, the external sovereignty refers to the relation of state as an individual entity in negative relation to other states.[118] The independence and 'supreme dignity of nation' is realized though the practice of external sovereignty of the state. Hegel views the international order as Hobbes sees the state of nature, as a potential war of all against all. In this chaotic structure, it is up to subjects, the citizens to defend the independence of their nation-state vis-à-vis the other, even if this defense requires the sacrifice of their life and property.[119] Wars can serve a twofold purpose: can pacify internal turmoil and help solidify national unity through the identification of a common external enemy and also can help individuals to gain strength through the pursuance of a common objective.[120] In this respect, Hegel contrasts his view of international order with that of Kant's proposal of attaining a perpetual peace through the enactment of a league of sovereigns to settle disputes among states. To Hegel, this agreement "would always be dependent upon particular sovereign wills, and would therefore continue to be tainted with contingency."[121]

Given the particularity of nations, Hegel advocates that each nation should draw up a constitution that is specific to its customs and consciousness. In support of this argument, Hegel brings forth the example of Napoleon's attempt to dictate a constitution to Spain *a priori* to the Spaniards themselves deciding upon its content and contends that this was a failed attempt with detrimental consequences. He further argues that the defining features of each historical epoch are characterized by a dominant nation and that the modern times point to the supremacy of the Germanic realm. As Bartelson explains, through Hegel's *Philosophy of Right,*

> "the assimilation of the concept of the nation to the concept of the state is brought to completion through the mutual implication and opposition between the sovereign state and what is external to it. The state is 'the spirit of the nation ….which permeates and all relations within it and also the customs and consciousness of the individuals who belong to it."[122]

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[118]Hegel, *Elements of the philosophy of right,* 359.

[119]Ibid.360.

[120]Ibid.362.

[121]Ibid.368.

[122]Jens Bartelson, *Genealogy Sovereignty*, 215.

2.7. Raison D'Etat, Politics of the Exception and the Discourse on Sovereignty

The Hegelian views on the State and its sovereignty have been pervasively influential in the determination of the direction to be followed by political theory in the 20th century. His idea that the State constituted a rational organism has found a strong recognition among other German political theorists such as Friedrich Schelling, Johann Caspar Bluntschli and Otto Friedrich von Gierke. As Merriam explains,

> "The State, Bluntschli maintains, is an organism, though not a natural growth merely, but in a higher sense a moral and spiritual organism. He enumerates three marks of an organism which he holds are also to be found in the State, namely: the union of material elements and vital forces; the possession within the whole of special organs performing various functions; the growth from within outwards… Under this conception, then, to whom belongs the sovereignty? Bluntschli expressly denies the sovereignty of the people (Volkssouveränetät), the sovereignty of the nation (National-souveränetät), the sovereignty of right or justice, and that of the monarch alone. The true sovereign is, he holds, "the State as a person."[123]

Heinrich Gotthard von Treitschke's writings further strengthen the link between sovereignty and the exercise of state power in the late 19th and early 20th centuries. Advocating the unity of Germany under the leadership of Prussia, Treitschke seeks to solidify the power of the state and to this end further advances the theory of organic state. Placing the state above the society and the individual, Treitschke is convinced that the state should constitute the center of the lives of its subjects, and the citizens in return should sacrifice their lives and property for its maintenance. For Treitschke sovereign states enjoy a right to repudiate treaties and can declare war when deemed necessary. He also rejects the constitution of any kind of checks and balances on the sovereign rule. Criticizing the liberal view of international order, Treitschke advocates the rise of Germany to the status of a strong imperial power. In this perspective, his nationalist views on the state function to reinforce German aspiration to become an imperial power and thereby to attain a privileged global status.

The influence of the school that advocated an organic and monistic theory of the state over the development of the theory of sovereignty has been persistent and invasive. Through their works, the notion of *raison d'etat* became the new ideal that

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[123]Charles E. Merriam, *History of the Theory of Sovereignty since Rousseau*, 53.

laid the foundation of the prevalent understanding of sovereignty in the late 19th and early 20th centuries. In the leading German theorization of the period, sovereignty became firmly linked to the nation state and in a way was utilized both to consolidate German unity and served the imperialistic aspirations of German theoreticians and statesmen alike.

In the early 20th century, the theory of sovereignty acquired a powerful, yet at the same time all the more problematic features through the works of Carl Schmitt. Schmittian theory presented a serious challenge to the liberal constitutional conception of sovereignty and in a certain novel way reinstated the original articulation of sovereignty with absolutism. Schmitt, himself, did not shy away from admitting that his ideas were immensely influenced by the thought of Hobbes. The central question for Schmitt, similar to Hobbes, was how to safeguard political unity and strength in the face of the demise of state power intrinsically embodying a potential to ignite anarchy and chaos in Germany.

Schmitt's ideas on the nature of sovereignty were particularly influenced by the profound defeat of Germany in World War I and when Schmitt set out to write *Political Theology* in the early 1920s, his primary concern was to formulate a novel and solid understanding of sovereignty, which could be put to use to save the Weimar Republic from political frailty and indecisiveness. To this end, Schmitt innovatively declared in the opening sentence of *Political Theology* that "Sovereign is he who decides on the exception."[124]

By formulating sovereignty in terms of the ability to decide in circumstances of economic and political turmoil, Schmitt desired to dismiss the liberal conception of sovereignty, which conceived and prisoned it within the limits of constitutionalism. Schmitt accused the liberal tradition for subordinating the sovereignty of state to the sovereignty of law, thereby reducing the principle to a mere abstraction. Sovereignty should not be viewed as an abstract concept, as Schmitt puts it, but rather as a borderline concept, the definition of which should be associated neither with norms nor with the routine but with exceptional cases. This is what the political realities of the day called for: "an understanding of sovereignty as a concrete application, that means who

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[124]Carl Schmitt, *Political theology,: four chapters on the concept of sovereignty,* trans.George Schwab, (Cambridge, Mass.: MIT Press,1985 original work published 1922), 5.

decides in a situation of conflict what constitutes the public interest or interest of the state, public safety and order, *le salut public* and so on." [125]

Schmitt portrays the carrier of the sovereignty in a constant struggle between the liberal tradition that attempts to impose limits upon the principle and the absolutist school, (originating in Bodin and Hobbes and later defended by reactionaries such as de Maistre, Bonald and Donoso Cortes) which tries to bestow sovereignty with indivisibility and infallibility. Schmitt holds that in the original historical development of the notion, the ability to decide in the case of exceptions was indeed a defining attribute of sovereignty. To prove his point, he refers to the works of Bodin and sees Bodin's main success in the incorporation of the role of *decision* into the concept of sovereignty. Building on Bodin, Hobbes contributes to this decisionist understanding of sovereignty by locating sovereignty in an absolute and indivisible authority and by endowing it with an unlimited capacity to decide. In reverence to Hobbes' famous dictum, Schmitt subordinates *de jure* authority to *de facto* power and declares "autoritas, non veritas facit legem."[126]

Departing from Hobbes, Schmitt seeks to show that with the advent of liberal political thought, the concept of sovereignty was denied the privilege of enjoying a clear domination over decision making. As Schmitt emphasizes, the central place of exception vanishes in Lockean theory and emergency law becomes no law at all for Kant.[127] Schmitt criticizes Locke on the grounds that:

> "he did not recognize that the law does not designate to whom it gives authority... The legal prescription, as the norm of decision, only designates how decisions should be made, not who should decide. In the absence of pivotal authority, anybody can refer to the correctness of the content."[128]

In so arguing, Schmitt further rejects the neo-Kantian theories of Krabbe and Kelsen on the basis of their keenness to subject the ruler to constitutional checks and balances and thereby blurring the immanent location of sovereignty, the place of absolute authority in a given polity. To Schmitt, formalists like Kelsen and Krabbe try to solve the problem of sovereignty by negating it; by negating the state vis-à-vis law.[129] Their delegation of the state power over to law and their reduction of the role of the

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[125]Carl Schmitt, *Political theology,: four chapters on the concept of sovereignty,* 6.

[126]Ibid.33.

[127]Ibid.14.

[128]Ibid.32-33.

[129]Ibid.6.

state to a mere law-maker, which does not necessarily decide on the content of law, according to Schmitt, result in the elimination of the personal element from the concept of the state. As a result of the discarding of the personal element, the unity and the strength of political authority are irrevocably damaged. As Schmitt suggests, "a distinctive determination of which individual person or which concrete body can assume such an authority cannot be derived from the mere legal quality of a maxim." [130] In Schmitt's view, this is a critical problem that neo-Kantians ignored.

In contrast to the liberal views, in the essence of the Schmittian understanding of sovereignty resides the monopoly to decide and "the decision parts here from the legal norm, and (to formulate it paradoxically) authority proves that to produce law it need not be based on law."[131] Schmitt extends his attack on the liberal tradition by arguing that the Article 48 of German Constitution of 1919 (the Weimar Constitution), where the exception is declared by the President of the Reich but is under the control of the parliament, the Reichtag, which any time can demand its suspension, is in fact a dangerous product of this limited understanding. As Schmitt notably remarks: "This provision corresponds to the development and practice of liberal constitutional state, which attempts to repress the question of sovereignty by a division and mutual control of competences."[132]

Schmitt advances his ideas on the nature of political power in *Concept of the Political* (1927) by conceptualizing the political in terms of the primordial and seminal antithesis between 'friend' and 'foe': "just as in the field of morals, the ultimate distinctions are between good and evil, in aesthetics, beautiful and ugly, in economics, profitable and unprofitable, so the political distinction is between 'friend' and 'foe'. While he makes the binary opposition between friend and enemy the basis of politics, he further suggests that since the state is the body possessing a monopoly over politics, it is only up it to distinguish between friend and foe. Schmitt's infamous distinction does not only pertain to the international order, but also proves to be a critical conceptualization in the domestic context since he elaborates convincingly upon the

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[130] Carl Schmitt, *Political theology,: four chapters on the concept of sovereignty,* 31.

[131] Ibid.13.

[132] Ibid.11.

state's responsibility to identify the 'internal enemy' for the maintenance of unity and strength.[133]

Schmitt extends his criticism of liberalism in his book *The Crisis of Parliamentary Democracy (1923)*, where he defines liberal democracy as a non-viable regime since liberalism negates democracy and democracy negates liberalism.[134] Particularly, he criticizes the pluralistic and individualistic aspects of liberalism, which, in Schmitt's view, inhibits the democratic homogeneity that is necessary for a well-functioning system. Schmitt also object to liberal doctrines of the rule of law and separation of powers on the grounds that they lead to depoliticization and neutralization. Instead, Schmitt attempts to construct a unified polity based on exclusion, where a line is clearly demarcated between friend and enemy, between the individual who belongs to the demos and who do not. Democracy, as Schmitt defines, becomes an attempt to create a homogeneous identity with a common general will.

The political implications of Schmitt's views had a lasting and profound influence over the 20th century German and continental European thinking. Even in his own time, Schmitt utilized his conceptualization of sovereignty as the ability to decide on the exception, strengthened with the decision to designate the domestic enemy, in support of his positions in domestic politics. In 1932, Schmitt formulated his notion of 'equal chance' with the objective of preventing the participation of extreme political movements in German political life by arguing "an equal chance should be given only to those parties committed to the safeguarding of the existing constitutional order." [135]

Furthermore, Schmitt's ideas served to discredit the formalistic and legalistic conceptions of sovereignty, particularly during an era of prevailing constitutionalism in the Anglo-American world. As Shinoda puts, the implications of Schmittian understanding for the internal order proved detrimental:

> "When the exception occurs, the fragile structure of international constitutionalism will give way to the decision of the sovereign. The theorists who see the restriction of sovereignty will know from the exception that the international constitution established by the Anglo-American world

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[133]Carl Schmitt, *The concept of the political,* trans. George Schwab. (Chicago: University of Chicago Press, 1996, original work published 1927): 46.

[134]Carl Schmitt, *The crisis of parliamentary democracy,* trans. Ellen Kennedy. (Massachusetts: The MIT Press, 2001, original work published 1923).

[135]George Schwab, introduction to *Political theology,: four chapters on the concept of sovereignty* by Carl Schmitt, (Cambridge, Mass.: MIT Press, 1985 original work published 1922), xxii.

is not permanent. This is a manifest invasion of the Anglo-American world by the spirit of Carl Schmitt. Sovereignty always functions in an autonomous entity. It determines the location of the supreme government. It is an invisible substance that must exist somewhere in a state. Even if it cannot be found behind constitutional rules, it will appear in a crisis."[136]

In short, Schmitt sacrificed the rule of law in the name of essentially realistic vision of politics and opened up a trans-legal space both for international and domestic context. Schmitt's ideas subverted the liberal theory of state and in the end subordinated law to politics. According to Andreas Kalyvas, in Schmittian theorization, sovereignty acquires a hegemonic character. As he summarizes:

"Against the formalistic, universal, general, and abstract qualities of legal positivism and the rule of law, which aspires to replace the central authority and the rule of men with the impersonal function of asset of procedural mechanisms and legal determinations in order to impose effective limits on political power, Schmitt sought to re-define sovereignty as the contingent, unpredictable subjective moment of the concrete manifestation of an undetermined will, which in the form of a decision, and like a miracle, is able to overstep legal and institutional limits."[137]

In a certain way, Schmittian ideas take the modern political construction of the dominant discourse on sovereignty to a completion: Schmitt clearly places the concept of sovereignty in the realm of politics, a field characterized by the distinction between friend and enemy. Building on the works of Bodin, Hobbes and Hegel, in Schmitt, sovereignty becomes a monopolized capacity of the nation state to decide and to act upon its decisions, destroying the possibility of challenge directed to its preservation and unity.

2.8. Early Critiques of the Prevailing Discourses on Sovereignty

As it is shown above, the sovereignty of the nation state became a generally accepted norm and remained unchallenged throughout most of the 19th and the early 20th centuries, though there were a few notable efforts to undermine the now-perceived naturalness of national sovereignty as a timeless principle. In the following concluding section of the chapter, these efforts, which put the prevalent understanding of

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[136]Hinedaki Shinoda, *Re-examining sovereignty: from classical theory to the global age.*

[137]Andreas Kalyvas, "Hegemonic Sovereignty: Carl Schmitt, Antonio Gramsci and the Constituent Prince," *Journal of Political Ideologies* 5, no.3 (2000): 345.

sovereignty under critical scrutiny will be brought to fore as to show that even as early as 1920s, the notion of sovereignty was subject to some profound critique.

One strand of challenge to the notion of sovereignty embodied in the unitary structure of the nation state came from a school known as the pluralists. In *The Foundations of Sovereignty* (1917), Harold J. Laski provides a powerful critique of the monistic theory of the state and the classical conception of sovereignty based on the assumption of unitary state. Laski contends that the theory of sovereignty has lost its central place as the founding principle of political order, since its main assumptions of indivisibility and absoluteness have been increasingly questioned in the face of heightened demands for pluralistic representation characterizing the early 20th century. For there is no harmony of interests in the modern state, the theory of absolute sovereignty cannot be tenable. As he comments,

> "When we examine the historic perspective of sovereignty, it becomes sufficiently obvious that its association with the modern state is no more than the expression of a particular environment which is already passing away. Sovereignty, after all, is no more than the name we give to a certain special will that can count upon unwonted strength for its purposes. There is nothing sacred or mysterious about it; and, if its sense is to be at all meaning, it can secure obedience only within limits."[138]

In aiming to illustrate the instrumental nature of sovereignty, Laski points out that the emergence of the theory of sovereignty indeed coincides with times of great turbulence, where the fundamental wish of its theoreticians is the restoration of order and stability. In so arguing, Laski cites the following examples:

> "Bodin, as is well known, was of that party which, in an age of religious warfare, asserted, lest it perish in an alien battle, the supremacy of the state. Hobbes sought to the means of order in a period when King and Parliament battled for the balance of power. Bentham published his Fragment on the eve of the Declaration of Independence…Hegel's philosophy was the outcome of a vision of German multiplicity destroyed by the unity of France. Austin's book was conceived when the middle classes of France and England had, in their various ways, achieved the conquest of a state hitherto but partly open to their ambition. It seems of peculiar significance that each assertion of the monistic theory should have this background."[139]

Throughout his writings, Laski attacks the doctrine of popular sovereignty, the origins of which he attributes to the ideas of Rousseau. He challenges the Rousseauian

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[138]Harold J. Laski, *The foundations of sovereignty and other essays.* (New York: Harcourt, Brace and Company, 1921): 209-210.

[139]Ibid.234.

theory on the grounds that it fails to offer a workable hypothesis. In other words, in Laski's account the Rousseauian ideal of self-government becomes an impossible fiction given the complex nature of governance in modern polity and thereby his ultimate distinction between the state and the government where the former is endowed with unlimited power proves impossible. For Laski, the device of representation cannot be avoided. He extends his criticisms to later advocates of popular sovereignty such as Bosanquet by showing that these theories wrongly treat popular sovereignty as a legal dogma which in fact, from the view of Laski, has no juristic worth:

> "It is, by its very nature, incapable of translation into terms of some specific authority to whose enactments the courts may look for final reference… It is indeed obvious that the ay in which our political institutions function renders it impossible at any moment to ascribe to their true author the roots of any political act."[140]

Besides his criticism of the doctrine of popular sovereignty, Laski sets out to discredit the absolute theory of sovereignty of the unitary state by revealing the fragile and contingent nature of its foundations. To this end, he targets the works of Hegel, whom he identifies as the main proponent of the doctrine of the unity of the state and argues that through his conceptualization, "the monistic theory of the state was elevated from the plane of logic to the plane of ethics. Its rights then became matter of right. Its sovereignty became spiritualized into moral preeminence."[141] He further destabilizes Hegelian association of the ultimate objective of the state with the pursuance of good life, contending that it is not only impossible to objectively know the meaning of good, but also difficult to identify the methods of achieving it.

Thus, in contrast to the theories advocating the unity of the state, Laski seeks to expose the complexity of irreconcilable interests underlying the political structure, be they associated with religious organizations, syndicates, trade unions or universities. In order to cope with the exigencies of plurality, Laski approves of decentralization of political authority and to this end envisions sovereignty partitioned upon the basis of function.[142] Convinced that the division of power would make officials more competent and sensitive to popular demands, Laski calls for the revitalization of federalism in the

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[140]Harold J. Laski, *The foundations of sovereignty and other essays,* 226-227.

[141]Ibid.235.

[142]Ibid.241.

United States. In the absence of division of power, Laski argues, there would be despotism and paternalism, inhibiting not only efficiency but also freedom. [143]

All these criticisms extended to the nature of sovereignty lead Laski to conclude that the 20th century marks an end of sovereignty conceived in its classical conception. Instead, the way forward for Laski points to the multiplication of centers of authority, which impose certain limits upon the exercise of sovereignty. The writings of Laski have certainly had a significant impact particularly in Britain and America with their stress on a pluralistic understanding of the state and with their capacity to expose the complexities of contemporary political order. Yet, Laski was criticized heavily for giving way to anarchistic tendencies by undermining the unity of the state. Particularly, faced with growing influence of socialist movements, the restriction of the central authority of the state was deemed detrimental to both domestic and international liberal order.

While ideas of Laski offer an innovative and powerful pluralistic challenge from the Anglo-Saxon world to theories of sovereignty prevalent in his times, Leon Duguit, in his 1919 book *The Law of the Modern State* carries out a through critique of the doctrine of state sovereignty from a different angle in France, namely from the dimension of the rule of law. Duguit places the locus of sovereignty within law and clearly advocates the subjection of state and the associated powers to law. He further rejects the views that endow the state with a personality and regard it as an end-in-itself. Instead, for Duguit the state can only be an instrument to advance social solidarity.[144] A follower of August Comte and a legalist adhering to the ideas of Emile Durkheim, the main objective of Duguit is to enhance social cohesiveness and to prevent any damage to the moral and cultural solidarity of the society. To this end, his theory does not shy away from subjecting the individual interests to needs of society, yet at the same time, he also subordinates the role of governors to an ultimate authority, which, in his theorization, is the law itself. Challenging the views that associate sovereignty with the nation or the state, with Duguit, sovereignty comes to be located in the supermundane body of law.[145] Based on his sociological perspective, Duguit also sees the classical conception of sovereignty as a historical product that is doomed to disappear. As he

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[143]Harold J. Laski, *The foundations of sovereignty and other essays,* 240-243.

[144]Baron S. A. Korff, "The problem of sovereignty," *The American Political Science Review* 17, no.3 (1923): 404-414.

[145]Hymen Ezra Cohen, *Recent theories of sovereignty,* 137-138.

claims, one would naturally expect sovereignty to vanish away once the era of absolute monarchies came to an end, yet, sovereignty continued to be an effective notion due to the replacement of the king with the nation.

This formalistic attack on sovereignty also finds recognition in Germany and Austria, particularly among the neo-Kantians such as Hans Kelsen and Hugo Krabbe. Extending the views of Duguit, Kelsen situates the international law above the state and locates sovereignty in the continuance of this international legal order. Through Kelsen, the notion of sovereignty becomes divorced from politics and is reduced to a mere juristic essence. Another similar challenge to the concept of sovereignty comes from an American international relations theorist, Baron S. A. Korff, in his article entitled "The Problem of Sovereignty" published in 1923. It is interesting to note here that even at the same year that the principle of national sovereignty has become the official doctrine of the newly established Turkish Republic, the prevailing doctrine of sovereignty was being increasingly put under critical scrutiny, particularly in the Anglo-Saxon countries, exposing the inherent dangers associated with the concept. Posing the immanent question whether or not the ideals of democracy require the curtailment and restriction of the state sovereignty, Korff summarizes the divergent positions on the notion of sovereignty at the outset of the 20th century as such:

> "One of the most difficult problems of modern political science is that of sovereignty. The commonly accepted theory contains many elements that seem to be in obvious contradiction to our ideals of democracy; some of them do not fit into the present-day conception of state and government, while others are plain remnants of feudalism and autocracy… As often happens in cases where political questions are involved, the theory of sovereignty has two extreme wings of opponents. On the one hand there are theorists who defend an all-powerful state and make of the idea of sovereignty the emblem and symbol of the all-power state authority. On the other hand, there have appeared recently many writers, who believe that dangers lurk in the views of the first-mentioned school…They distrust the theory of sovereignty, because of its association with unlimited power, consequently they deny the existence of sovereignty altogether, asserting that it has no place whatever in the modern theory of the state."[146]

Korff associates the first school mainly with the political theorists of Germany, while he cites theories of Duguit, Laski and Krabbe as examples of the second school.[147] Instead, he offers as a solution a midway in theorization of sovereignty by

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[146]Baron S. A. Korff, "The problem of sovereignty," *The American Political Science Review* 17, no.3 (1923): 404.

[147]Ibid.406-407.

arguing that a distinction should be made between the political and legal aspects of sovereignty.[148] To this end, he invokes the distinction between *de jure* sovereignty and *de facto* sovereignty: *de jure* sovereignty refers to the creation of law by a defined legal lawmaking body, whereas *de facto* sovereignty refers to the uncertain and vague terrain of "sum-total of influences behind the law."[149] Due the dangers that *de facto* sovereignty poses upon the ideals of democracy, Korff concludes that discussions over political aspects of sovereignty should be discarded as much as possible from the political science literature, while legal aspects of the theory of sovereignty can serve some purpose, particularly when exposed to certain limits. In Korff's account, these limits include first the relationship between the state and the individual citizen, second refer to federal structures, and third relate to not a negative limitation but a positive role that legal sovereignty can play in the context of international law.[150]

In sum, while a few notable theoretical attacks on sovereignty advanced by pluralists, formalists and international relations theorists were available in the beginning of the 20th century, the prevailing discourse on the doctrine of sovereignty was dominated by the idea, which vested the location of sovereignty in the nation personified in the body of the state and linked its exercise to the end product of this unity: the triumphant entity of the nation state in modern Europe.

2.9. Conclusion

To sum up what has been discussed so far, it is widely accepted that the modern notion of sovereignty first emerged to eradicate the reigning uncertainty and confusion around the question of authority during the middle ages. By arguing that there should be a single, absolute and perpetual power in a republic, the initial formulation of sovereignty by Bodin supported the establishment of central state ruled by a monarch. Hobbes further precised the logic on the need to establish a Sovereign and thereby founded one of the most influential theories on political obligation and legitimacy based

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[148]Baron S. A. Korff, "The problem of sovereignty," 411.

[149]Ibid.412.

[150]Ibid.412-414.

on absolutist premises. Hence, the theory of sovereignty served the purposes of absolutism until popular will and consent became an issue of concern.

Towards the end of the 17th and during the 18th centuries, a new ideal emerged within the British and French political discourses parallel to the spread of conviction of free and equal individuals endowed with inalienable individual rights: the doctrine of popular sovereignty. While earlier theories of sovereignty had no connection to the democratic ideology, the ideas put forth by theoreticians such as Locke introduced the conception that the state derives its authority from the consent of the people through a two-tiered contract, the first made among the individuals, and the second between the society and the ruler, innovatively linking the concept of sovereignty with democracy, constitutionalism and the liberal discourse on individual rights.

Building upon the ideas of Rousseau on the 'General Will', following the French Revolution the rising bourgeois class this time claimed sovereignty in the name of the Nation as an abstract totality. Hereafter, sovereignty was described in the French Constitution of 1791 as: "Sovereignty is one, indivisible, unalienable and imprescriptible; it belongs to the Nation; no group can attribute sovereignty to itself nor can an individual arrogate it to himself." Throughout the currents of nationalism during the 19th and 20th centuries, sovereignty continued its flourishing career in the hands of ideologues and political activists, becoming formulated into the doctrine of national sovereignty at times helping the cause of imperialists, at times the cause of young nations in search of self-determination and at times dictators supported by majorities.

One other important strand of political theorization contributed to the consolidation of nation-state's ultimate domestic authority over other competing loyalties and ensured their independent status in the evolving international order: the theory of organic state developed through German Idealism and Romanticism. Sovereignty thus came to be located directly in the State, which was perceived as a living organism, endowed with a personality, a spirit and a will of its own. In this respect, *raison d'etat* came to be associated with the theory of sovereignty, which was put to use to combat forces of particularism and fractionism in the public sphere that could pose a 'threat' to the well-being of *das Volk als Staat*.

Carl Schmitt took the modern political construction of the dominant discourse on sovereignty to a near completion: Clearly locating sovereignty in the realm of politics, a field characterized by the distinction between friend and enemy, sovereignty has been

finally linked to the monopolized capacity of the nation-state to decide and act upon its decisions, given the right to obliterate challenges directed to its preservation and unity.

As a result of this historico-theoretical construction, sovereignty of the nation-state has come to be a generally accepted norm and remained mostly unchallenged throughout the 19th and the 20th centuries, though there were a few notable efforts to undermine the now-perceived naturalness of sovereignty as a timeless principle. As this brief trajectory illustrates, the capability of shifting discourses to produce seemingly fixed and stable meanings of sovereignty for the purposes of the prevailing ideology in a given spatio-temporal coordinate, while at the same time universally managing to evade rigid and confining definitions for the concept have ensured the continuous role of sovereignty occupying the heart of politics.

3. DISLOCATION: THE OTTOMAN DISINTEGRATION AND THE POLITICAL DISCOURSE ON SOVEREIGNTY

3.1. Introduction

The genesis of the discussion on the modern concept of sovereignty in Turkish politics is closely linked to the consequences of a period of transformation initiated with the proclamation of a reforming Imperial Rescript, *Gülhane Hatt-ı Hümâyunu*, in 1839 and lasting until the end of World War I. Motivated by a troubled search for a solid basis of political unity to ensure the survival of the multi-ethnoreligious Ottoman state, the era following *Tanzimat* witnesses an unprecedented public deliberation on what constitutes the appropriate source and locus of sovereignty in the Ottoman polity. Within this context, the subsequent analysis critically explores the political debate surrounding the notion of popular sovereignty in the Ottoman polity during the period in question and reveals the various dimensions of its ensuing institution into an influential discourse in support of the newly produced ideology of Ottomanism. As it becomes clear, posed against the traditional Ottoman concept of dynastic sovereignty, popular sovereignty represents a new empowering conceptual tool for the Ottoman intellectuals and statesmen in pursuance of the main political motive of the time: the deterrence of the disintegration of the Ottoman Empire.

In order to appreciate the innovative nature of this mid-19th century debate, the chapter begins with an examination of the classical Ottoman understanding of sovereignty, the origins of which rest upon an amalgamation of three distinct conventions, namely Central Asian tribal practices, Islam and Turko-Persian state traditions. Next, the political conditions that gave rise to a new 'liberal' political discourse in the Ottoman polity are discussed and in this context the reasons behind the growing preoccupation with the concept of sovereignty are highlighted. A great bulk of

the chapter is devoted to a discursive analysis to explain the logics in which Ottoman opinion leaders of the time discursively made use of the concept of sovereignty. More specifically, these two sections of the chapter investigate answers to the following questions: (i) what kind of social and political conditions made it simultaneously necessary and possible to challenge the prevailing doctrine of sovereignty in the Ottoman polity; (ii) what kind of instrumental merits and possibilities did the novel ideal of 'popular sovereignty' offer?; (ii) who were the main proponents and opponents of this ideal, and for which motives were they in favor or against? The chapter ends with an analysis on the main shortcomings of this discursive construction and underlines the implications of its in-built limitations on the subsequent political developments in Turkey.

3.2. Classical Ottoman Conceptualizations of Sovereignty

Before delving into further analysis, it should be noted at the outset that as the Ottoman Empire transforms from a small fief of Seljuk's in Asia Minor to a rising state and then again from a reigning Empire to the "sick man of Europe" over the time span of over 600 years, the conceptualization of sovereignty changes to correspond to the evolving political conditions. Although the following part tries to illustrate this continual reconfiguration of the understanding of sovereignty in the Ottoman polity rather than providing a single description, it is nevertheless confined to a *brief analysis* since the main focus of this chapter lies within the discursive production of the concept of popular sovereignty during the last century of the Ottoman Empire. Therefore, the following section should mostly be treated as a tool of comparison between the conventional Ottoman doctrine of sovereignty and the newly emerging idea of 'popular sovereignty' as it takes root in the psyche of the Ottoman elite during the last half of the 19th century, and not as a complete theoretical survey of the understanding of sovereignty throughout the 'Ottoman Centuries' stretching from the early 14th to early 20th centuries:

3.2.1. Origins: Tribal Practices, Islam and Turko-Iranian State Tradition

The classical Ottoman understanding of sovereignty is mainly derived from a unique integration of three distinct traditions, namely the ancient Turkish tribal practices of high Eurasian steppes prior to the acceptance of Islam, the Islamic political theology and the Turko-Iranian-Mongolian tradition of state supremacy. Therefore, the grasp of various Ottoman articulations of sovereignty first requires a brief look at how sovereignty is conceived in these traditions:

As the evidence gathered from the ancient Turkish engravings of *Orhun Kitabeleri*[151] reveals, sovereignty in old Turkish tribes belongs to a single 'holy' family, which is chosen by *Gök Tanrı*, the highest Schamanic deity. Khan, the selected chieftain representing the family is said to possess *Kut*, a divinely source of a combination of good will, luck and political wisdom, which makes him the uncontestable sovereign of the land.[152] Through the possession of *Kut*, Khan represents God on earth and therefore is endowed with a divinely sovereignty.[153] Khan is at once the lawgiver, the military chief and the highest judge.[154] The exercise of sovereignty, for the Turkish tribes, overall means the ultimate wisdom and power to make and enforce laws (*töre*) and the ability to ensure the loyalty of tribal members in times of war.

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[151]*Orhun Kitabeleri* are six stone memorials dating back from 7th and 8th centuries and are believed to be built and engraved by the rulers of II. Göktürks (682-744), an ancient Turkic state established in the northeast of today's Mongolia. These stone memorials provide the earliest clues on the political systems of Turkish tribal states.

[152]'Kut' is a very significant concept for the understanding of sovereignty in the Turkic tribal tradition. Although almost all scholars agree upon its pivotal role, there are various interpretations of its meaning. For a detailed discussion, please see Halil İnalcık, "Osmanlılarda Saltanat Veraseti Usulu ve Türk Hakimiyet Telakkisiyle ilgili," *Ankara Üniversitesi Siyasal Bilimler Fakültesi Dergisi* 13, no.4, (1958): 69-94; Ümit Hassan, "Düşünce ve bilim tarihi: Osmanlılık öncesinde Türklerin kültür kökenlerine bir bakış," *Türkiye tarihi: Osmanlı Devletine kadar Türkler.* (İstanbul: Cem Yayınevi, 2000) and Aybars Pamir, "İslam Hukukun`da ve Osmanlı Devleti`nde egemenlik anlayışı," (PhD Diss., Ankara University, 2001).

[153]Please see Halil İnalcık, "Osmanlı Hukukuna Giriş," *Ankara Üniversitesi Siyasal Bilimler Fakültesi Dergisi* 14, no.1 (1959): 102-126; Ahmet Mumcu, "Osmanlı İmparatorluğunda egemenlik kavramı ve gelişmesi," *Milli Egemenlik Sempozyumu 24-25 Nisan 1985.* (Ankara: TBMM, 1985): 34 and Ümit Hassan "Düşünce ve bilim tarihi: Osmanlılık öncesinde Türklerin kültür kökenlerine bir bakış," 310-319.

[154]Mahmut Arslan, "Eski Türk devlet anlayışı ve çifte hükümdarlık meselesi," *Fırat Üniversitesi Tarih Metedolojisi ve Türk Tarihinin Meseleleri Kollokyumu,* (Elazığ, 1990): 225-226.

Although Khan enjoys a divine right to rule, sovereignty is not conceptualized as indivisible in the ancient Turkish tribes: the sovereign right of Khan over his territory and population can be shared with other members of the family, enjoying autonomous powers and jurisdiction over their given lands. According to the system of *ülüş*, which stands for the division of the land and its administration among the male members of the 'holy' family, the state is seen as a shared property. Thus, while Khan's powers are conceived as limitless in theory, his claim to absolute sovereignty over the whole territory is indeed curtailed by members of his family acting as nomadic proto-feudal leaders. In fact, these leaders often could decide on the selection of the following Khan and sometimes, when Khan was not strong enough, could partition the land and declare their full independence from the central authority.[155]

The classical doctrine of sovereignty in the Ottoman State does not only depend upon Turkish traditions, but also on the Islamic tradition. Islamic theology's approach to sovereignty has been constituted by a number of complementary sources, namely the *Koran,* the holy text of Islam, *Sunna*, the Prophet's conduct that had been established as a model for others to follow, *İjma*, consensus of the Islamic scholars of a particular region as embodying their sunni practice and *Qiyas*, comparative legal arguments of prominent Islamic jurists.[156] Since the inception of Islam, many scholars have sought the source of sovereignty in the Koran and the Koran has left no doubt as to its source and locus:

> "God has sovereignty over the heavens and the earth. God has power over all things." (Âl-Imrân 3:189)[157]
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> "Say: 'Lord, Sovereign of all sovereignty, You bestow sovereignty on whom You will and take it away from whom You please; You exalt whomever You will and abase whomever You please. In Your hand lies all that is good; You have power over all things." (Âl-Imrân 3:26)[158]
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> As it is clearly spelled out in many parts of the Koran, sovereignty (*mülk*) belongs

to God and it is absolute and indivisible. No human being can claim a share in God's sovereignty:

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[155]Ahmet Mumcu, "Osmanlı İmparatorluğunda egemenlik kavramı ve gelişmesi," 34-35; Coşkun Üçok, Ahmet Mumcu and Gülnihal Bozkurt, *Türk hukuk tarihi.* (Ankara, 1996): 19.

[156]Wael B.Hallaq, *The origins and evolution of Islamic law.* (Cambridge: Cambridge University Press, 2005): 207-208.

[157]Translations of all Koranic verses are taken from *The Koran,* trans. N.J. Dawood. (Penguin Books, London, 1990).

[158]*The Koran,* trans. N.J. Dawood, 3:26.

"Blessed be He who has revealed Al-Furqan to His Servant, that he may warn the nations, Sovereign of the heavens and the earth, who has begotten no children and has no partner in His sovereignty; who has created all things and ordained them in due proportion." (Âl-Furqan 25:1)[159]

"Blessed be He who in his hands holds all sovereignty; He has power over all things."[160]

The Koranic statements, which prohibit claims to sovereignty in the name of God, set the Islamic tradition apart from the Western idea of sovereignty based on the 'divine right of Kings.' From the perspective of classical Islamic theology, the leaders of the Islamic community cannot possess divine authority and henceforth they are regarded as mere administrators and executioners of the laws of God: they are conceived more as loyal delegates, not as the owners of sovereignty. The appointed leader of the Islamic world cannot make new laws and he is seen inherently bound by the Islamic law. Moreover, classical Islam opposes hierarchical structures, declaring everyone equal in front of the sovereignty of God.[161] Hence, this understanding denies the existence of chosen families and accordingly opens the way for the election of its rulers by the leading members of the Islamic community, rather than referral to the practice of hereditary power.

According to some contemporary jurists of Islam, the above-stated theoretical aspects bring the classical Islamic theory akin to democratic principles, and that the rule of Muhammad and the following reigns of the first four caliphs of Islam exemplify these democratic dimensions.[162] The election of successive caliphs introduces a "popular" aspect and brings in a contractarian element into the Islamic theory of government. Thus, as some Islamic scholars argue based on historical experience, Islam places significance upon consultation (*mashwara*) and thereby upon the role of advisory councils with the aim of keeping rulers within the framework of Islamic law and minimizing the possibility of arbitrary rule.[163] In this respect, the main responsibility of

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[159]*The Koran,* trans. N.J. Dawood, 25:1.

[160]Ibid. 67:1.

[161]Hayreddin Karaman, *Mukayeseli İslam hukuku.* (İstanbul: İrfan Yayınevi, 1974): 47-49; Charles J. Adams, "Islamic faith," in *Introduction to Islamic civilization,* ed. Roger M. Savory. (Cambridge: Cambridge University Press, 1976): 36-37.

[162]Ahmet Mumcu, "Osmanlı İmparatorluğunda egemenlik kavramı ve gelişmesi," 35-37.

[163]Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas.* (Princeton: Princeton University Press, 2000): 91-92

the Islamic ruler lies in the institution and safeguarding of peace, order, justice and equality in lands of Islam.

However, one should keep in mind that while orthodox Islamic theory outlaws tyranny and arbitrary rule, it nevertheless leaves little room for a theory of justified resistance since the individual is expected to completely surrender to the authority of God. Aware of the potential dangers associated with the absence of a theory of resistance, the jurists of Islam revert to the analogy of trusteeship and to the idea of *biat* (contract of investiture) by arguing that the ruler is in fact only a trustee of God's authority on earth and that in case of maltreatment of this delegated authority, the breach of contract by the Islamic community can be justified.[164]

Yet, as the historical evidence shows, the political experience of Islamic states with sovereignty differs in many fundamental aspects from the orthodox Islamic theory. Starting with the Abbasids (750–1258), the Islamic rulers in search of solid grounds for legitimacy of their political rule begin to claim sovereignty in the name of God. Their adoption of "grandiloquent honorific titles expressing relationship to the deity such as *al-Muntasir billâh* (He who is made victorious by God)" represents the Abbasids' will for the sacrelization of their rule.[165] Furthermore, in conflict with the classical Islamic rejection of hereditary transfer of power, Abbasid caliphs follow father-son succession and gradually consolidate absolute sovereignty in the name of their dynastic family.

Nonetheless, this divergence never carries to the extent of a denial of the theory of Islam. Instead, in order to legitimize their power, Abbasid rulers look for support in the statements of religious leaders, some of which argue that while the Koran gives absolute cosmic sovereignty to God, political sovereignty has been left to humans. Building onto the experiences of the Abbasids and distancing away from the classical Islamic theology, the sovereignty of the ruler within the Turko-Iranian state tradition, like in the case of Seljuks, comes to be absolute.

As Şerif Mardin indicatively highlights, this absolutization of dynastic sovereignty finds support in the ideas of prominent Islamic philosophers (*Falasifa)* such as Al-Farabi, İbn Sina and Al-Dawwani, injecting secular elements into Islamic political

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[164]Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,* 95.

[165]Clifford Edmund Bosworth, "The historical background of Islamic civilization," in *Introduction to Islamic civilization,* ed. Roger M. Savory. (Cambridge: Cambridge University Press, 1976): 20.

theory.[166] Thus, when speaking about the Islamic heritage over the Ottoman conceptualization of sovereignty, it becomes important to keep in mind this critical duality between the orthodox Islamic theory and the Turko-Iranian state tradition, which increasingly incorporates secular aspects of Islamic philosophers' thoughts into political practice.

3.2.2. Synthesis: The Early Ottoman Conceptualization of Sovereignty

The early Ottoman understanding of sovereignty in effect represents a synthesis of ancient Turkish traditions and Islamic practices. Particularly during the establishment period, the Ottoman founders often refer to old Turkish traditions in their formulation of dynastic sovereignty. The influence of ancient Turkish approach to sovereignty is visible in the early Ottoman polity in several related ways: Similar to the Turkish tradition, sovereignty is claimed in the name of the 'holy' House of the Ottoman, or in other words in the name of the Ottoman dynastic family, which, according to the Ottoman rulers, had a direct lineage from the famous ancient Turkish ruler, Oğuz Khan. The founder Osman Ghazi was said to descend from Kayı Khan, the son of Gün Khan, who was the eldest son of Oguz Khan.[167] This legend comes to be frequently utilized in the Ottoman historiography as a basis of legitimacy for the sovereignty of the Ottoman dynasty, particularly starting with the reign of Murat II (1421-1451) during the 15th century, when Ottomans are trying to strengthen their power in the Eastern Turkic and Mongol lands vis-à-vis the threatening moves of Timur and his sons.[168]

Sovereignty belongs to the family of Osman, but it is exercised by one person, the Sultan, whose authority depends on two major sources: military and religion. The political culture of the rising Ottoman State relies upon the concept of conquest carried out in the name of Islam (*gaza*). As one of the founding myths puts it based on a legendary dream of Osman I revealed in the house of the Muslim Sheikh Edebali, the

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[166]Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas.* 94-95.

[167]Bernard Lewis, *The emergence of modern Turkey.* (London; New York: Oxford University Press, 1968), 332

[168]Halil İnalcık, "Osmanlılarda Saltanat Veraseti Usulu ve Türk Hakimiyet Telakkisiyle ilgili," 78-79.

Ottoman Ghazis, "the warriors of Islamic faith," are endowed with the mission to spread Islam to the whole world.

It is important to underline that while the Islamic idea of *jihad* provides a solid and uncontested objective for the reign of the Ottoman Sultans, the sovereignty of the Sultan is in effect not conceived as absolute during this early period: First, it is subject to Islamic limits, at least in theory. The Sultan is obliged to abide by and preserve *Shariat*, the Islamic law and the way of living, and he is expected to exercise his rule within the limits of *Shariat*.[169] However, since no effective mechanism for executive and control is in place, the only constraint for the Sultan proves moral.

Second, in the early Ottoman polity, similar to the old Turkish tradition, sovereignty over territory is not conceived as indivisible. The common application of the practice of *ülüş* (Turkish system of territorial division) testifies to this conceptualization. During this period, the sons of the Ottoman rulers are appointed as *sanjak-beys,* as governors of *sanjaks,* basic units of provincial government in the Ottoman State, and they are given special and autonomous jurisdiction over their assigned territory.[170]

3.2.3. Raison d'Etat and Justice: Foundations of Absolute Sultanic Sovereignty

Two concepts prove critical in transforming the early Ottoman understanding of sovereignty: the newly emerging idea of *raison d'etat* and a model of societal order based on the Ottoman concept of justice. This transformation, namely the absolutization of sovereignty personified in the figure of the Sultan during the 15th and 16th centuries, is a result of a number of political and theoretical advancements. First is the gradual development of *Örf-i Sultani,* the secular rule of the Sultans issued in forms of *Kannunnâme,* complimenting the religious source of law, *Shariat.* According to Metin Heper,

> "Justification for such a practice could be found in the earlier Muslim states where the sovereign in practice enjoyed 'virtually unlimited

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[169]Recai Okandan, *Amme Hukukumuzun Anahatları: Türkiye'nin Siyasi Gelişmesi.* (İstanbul: Fakülteler Matbaası, 1977): 25-26; Ebubekir Sofuoğlu, *Osmanlı Devletinde Islahatlar ve I. Meşrutiyet.* İstanbul: Gökkubbe Yayınları, 2004): 160-163.

[170]Metin Kunt, "Siyasal tarih: 1600 – 1789," *Türkiye tarihi: Osmanlı Devleti: 1600 – 1908.* (İstanbul: Cem Yayınevi, 2000): 135-136; Halil İnalcık, "Osmanlılarda Saltanat Veraseti Usulu ve Türk Hakimiyet Telakkisiyle ilgili," 82-85.

discretionary power to complete the sacred law in matters directly affecting the state –above all, war, politics, taxation, and crime.' The Ottomans in addition maintained the earlier Turkic-Iranian state traditions: if the public interest or the raison d'etat required it, the ruler could take measures that could conflict with the sacred law. Particularly critical was the idea that came from Persians- 'the idea of Abbasid caliphs that the ruler was absolute and all acts of law and justice were *favors* emanating from his absolute power."[171]

Motivated by the idea of *raison d'etat* and influenced by the Turko-Iranian state tradition, the Ottoman Sultans manage to enlarge their area of sovereignty beyond *Shariat*, and accordingly they transform from mere guardians and executioners of the Islamic law to actual Lawgivers. In this sense, the period of Mehmet the Conqueror (1451-1481) marks a turning point in the Ottoman understanding of sovereignty, where *Örf-i Sultani* assumes new levels of significance. Strengthened by the success of his military conquests and the related ability to provide for the well-being of his subjects, Mehmet does not shy away from enacting a series of secular laws that in return consolidates his absolute rule over the Ottoman territory and people (Schacht, 1964: 91). The absolute sovereignty of the Ottoman Sultan is further reinforced during the reign of Suleiman I, also known as the Suleiman the Lawgiver, effectively ruling over a giant Empire running from the shores of the Caspian Sea in Asia to the Arabian Peninsula and from North Africa to the gates of Vienna in Europe. During this period, the Sultans posses all political might, allowing no separation of powers between the legislative, executive and judicial branches.[172]

The prevailing political thought of the time also supports the practice of absolute sultanic sovereignty in the Ottoman polity: As Tursun Beg, an influential Ottoman historian and statesman of the late 15th century, argues in his *Tarih-i Ebulfeth* (1490?), the Islamic law is to be respected and regarded as ultimate with regards to private life, yet it increasingly proves inadequate for public matters. Influenced by the earlier theories of Nasireddin Tûsi (1201-1274) in *Ahlak-i Nasiri* and Djalal ad-Din Dawwani (1427-1502) in *Ahlak-i Celali*, for Tursun Beg, the safeguarding of societal order and giving everyone their due first and foremost require the institution of a Sovereign, the Sultan. Therefore in every period, God appoints and empowers one person to become the Sultan. In a Hobbesian manner, Tursun Beg believes that human beings would

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[171]Metin Heper, *The state tradition in Turkey.* Beverley, North Humberside: Eothen Press, 1985): 24.

[172]Metin Kunt, "Siyasal tarih: 1600 – 1789,"86.

revert to chaos and conflict in the absence of the Sultan, and accordingly the needed world order (*nizâm-i alem*) and societal solidarity could not be sustained.

Tursun Bey conceptualizes politics (*siyaset*) as a form of precaution (*tedbir*), the main function of which is to bring order to the world and to direct humans to harmony and mutual help. According to Tursun Beg, there can be two forms of precaution (*tedbir)*: (i) divine politics (*siyaset-i ilahi*) that refers to practice of the Islamic law and way of living; (ii) sultanic politics (*siyaset-i sultani* or *yasag-i padişahi*), which refers to the secular laws of the Sultan enacted on reason and necessity.[173] This necessary duality, as Tursun Beg sees it, allows the Sultans to supplement the Sacred Law when the *rasion d'etat* requires.[174] Through Tursun Beg, the guiding principle of *raison d'etat* permeates into the psyche of the Ottoman elite and thereby constitutes one of the longest enduring tenets of Turkish politics.

Hence, as the Sultans strengthen their rule through the enactment of personal laws, their relation to *Shariat* also becomes rather ambiguous. While *Shariat* provides a mechanism of control to keep Sultans away from arbitrary rule - especially when the *Shey-ül-İslam* (the head of religious hierarchy) is a strong persona -, the Sultanic control over the appointment and the dismissal of *Shey-ül-İslam* limits the effectiveness of this regulatory control in practice. In fact, as the Ottoman history illustrates, the relationship between the Islamic tradition and the Ottoman understanding of sovereignty is rather complex and subject to changing degrees of convergence and divergence based on the political exigencies of the time. It can indeed be assumed that the link between the Islamic and Ottoman approaches to sovereignty becomes closer when the Ottoman State is in a politically feeble situation, whereas the link grows apart once the House of Osman enjoys strength and stability.

An example to the conflicting acts of Ottomans Sultans in relation to *Shariat* can be found in the practice of fratricide. Detaching not only away from the Islamic theory, but also from the ancient Turkish tribal practices, the acts of fratricide start in the Ottoman state with Mehmet I, the son of Beyazid I and continue as a common practice until the 17th century when the procedure of *ekberiyet* (where the oldest male member of

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[173]Halil İnalcık, "Osmanlı Hukukuna Giriş," *Ankara Üniversitesi Siyasal Bilimler Fakültesi Dergisi* 14, no.1 (1959):125.

[174]Metin Heper, *The state tradition in Turkey,* 24.

the Ottoman dynasty is identified as the legitimate designate of the throne) emerges as the agreed upon principle of heredity.[175]

Another area in which the Ottoman understanding of sovereignty becomes absolutized and personified can be found in the relationship between the Sultan and the Ottoman dynastic family during the period in question. Along with the increasing acts of fratricide, the ancient Turkish system of *ülüş* is gradually abandoned in the Ottoman polity, and by the 1600s the sons of the Sultan are no longer appointed as governors.[176] As Heper puts it, "having brought under close control, not only the religious institution but also the old Ottoman aristocracy, the Ottoman, rather than the French, case is an example of the sovereign and autonomous state par excellence."[177]

The absolutization of the concept of sovereignty is further sustained by the model of societal order prevailing in the classical period. As it is conventionally asserted by the scholars of Turkish political history, the political authority of the Sultans remains unchallenged as long as they do not fail to perform their conceived basic duty: the securing of order, and the distribution and maintenance of justice in society.

In a very unique way, the ideal of justice lies at the heart of the Ottoman understanding of sovereignty: This innate relationship between sovereignty and justice is discursively validated by one of the most enduring cliché statements of Turkish political thought, which declares '*adalet mülkün temelidir*' (justice forms the basis of sovereignty). However, it is important to understand that the Ottoman conceptualization of justice differs in many key aspects from that of the Western understanding, which equates justice with equality:[178]

In the Ottoman polity, justice refers to keeping society in harmony by giving each societal category no less and no more than its function and status deserve. The Ottoman thinkers, mainly influenced by the teachings of earlier Islamic theoreticians such as Ibn Sina and Dawwani, divide the Ottoman society into four categories each corresponding to the four main elements present in the world, namely fire, water, air and earth

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[175]Ahmet Mumcu, "Osmanlı İmparatorluğunda egemenlik kavramı ve gelişmesi," 40 and Metin Kunt, "Siyasal tarih: 1600 – 1789," 137.

[176]Ahmet Mumcu, "Osmanlı İmparatorluğunda egemenlik kavramı ve gelişmesi," 44.

[177]Metin Heper, *The state tradition in Turkey,* 27.

[178]Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri: 1789-1980,* (İstanbul: Yapı Kredi Yayınları, 1998): 25.

representing soldiers, intellectuals, tradesmen and farmers.[179] This social stratification model is evident in many earlier classical works of Turko-Iranian political theory such as *Siyasetname* of the Seljuk Grand Vizier Nizam ül-Mülk (1092) and *Kabus Name* (1082) of Kai Ka'us Ibn Iskandar.[180] Based on these "mirror for prince" theories, the main responsibility of the Ottoman rulers is perceived to keep the 'circle of justice' (*daire-i adalet*) running along the following lines: a ruler can have no power without soldiers, no soldiers without money, no money without the well-being of his subjects and no popular well-being without justice.[181] The works of prominent Ottoman statesmen such as Lütfü Pasha (Grand Vizier of Suleiman I), Katip Çelebi and Hasan Kafi also confirm the lasting prevalence of the theory of 'four orders' *(erkan-ı erbaa)* and the circle of justice in the Ottoman state practice.[182]

Accordingly, this societal model based on the idea of Ottoman justice helps the institution of absolute sovereignty of the Sultan vis-à-vis the society since individuals making up the Ottoman society are always viewed as subjects in obedience to the absolute rule of the Sultan as long as he provides justice and order. In a way, justice becomes linked to the concept of *had*, accepting one's given place and status in society and not attempting to transgress boundaries unless above infused disruptions to societal harmony occur. In this respect, the liberal Western political preoccupation with striking a balance between authority and freedom never constitutes a concern for the Ottomans: In the classical Ottoman polity, justice, order, and obedience represent the highest political values underpinning the concept of sovereignty; not freedom, participation and equality.

3.2.4. From Dynastic Sovereignty towards the Sovereignty of the Ottoman State

Ironically, yet expectedly, the birth of the concept of state sovereignty in the Ottoman political life corresponds to a period in which the classical Ottoman state

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[179]Metin Kunt, "Siyasal tarih: 1600 – 1789,"131.

[180]Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,* 97.

[181]Metin Heper, *The state tradition in Turkey,* 25-26 and Metin Kunt, "Siyasal tarih: 1600 – 1789,"131.

[182]Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,* 99 and Metin Kunt, "Siyasal tarih: 1600 – 1789," 134.

system disintegrates and the Sultans lose their grip over effective governance. Since it is not within the aim of this chapter to discuss the reasons for this regression, here it will suffice to state that the end of 17th and the 18th centuries witness the breakup of the socio-economic system of the Ottoman Empire due to both endogenous and exogenous factors, destabilizing not only the balance that was struck in the central government between the Sultan, the ulema and the military structure, but also between the forces of the center and the periphery. In fact, what we see now is that sultans are seldom engaged in law and policy-making, often leaving the business of government to viziers and other high-ranking Ottoman bureaucrats. The Imperial Council (*Divan-i Hümayun*) ceases to meet in the Imperial Palace after the 18th century, and the Ottoman civil service gradually seizes political sovereignty in the name of the Ottoman State, *Devlet-i Aliyyei Osmaniye*. This change in the balance of powers proves also critical for opening up a period of gradual transformation in relation to the issue of sovereignty.

In order to understand the shifting locus of sovereignty from the Sultan to the idea of 'the state,' it is worthy to note the increasing numbers of *coup d'etat,* the objective of which is often justified as to put an end to an incompetent and degenerate rule of the Sultan in the name of 'saving the state.' It should be stressed, however, that these revolts are directed against the rule of a *specific Sultan*, and never against the *institution of the Ottoman Sultanate*. Hence, while the sovereignty is closely associated with the persona of the Sultan during the 15th and 16th centuries, in the period to follow, political sovereignty is increasingly seen as an attribute of the state, rather than the Sultan himself.

Another example of this transformation can be found in the text of Charter of Alliance (*Sened-i İttifak)*, an agreement drawn up in 1808 between the Sultan and the local notables (*ayans*) to determine the relationship between the center and the periphery. For the first time, the Ottoman State, not the Sultan himself, comes to be recorded as a party to a legal contract.[183] In fact, *Sened-i İttifak* is significant for the Ottoman conceptualization of sovereignty not only in terms of understanding the increasing importance of the State as opposed to the Sultan, but also for noting the rising importance of peripheral forces vis-à-vis the central authority. This is of course a direct consequence of the gradual decentralization process that takes place throughout

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[183]Metin Heper, *The state tradition in Turkey,* 35.

the 17th and the 18th centuries.[184] With the granting of territorial rental rights that could last for life tenure and can be transferred to children, a new class of local notables (*ayans*) assumes increasing political power in the periphery of the Ottoman Empire. The initial support from the central and religious authorities also helps *ayans* to establish small local dynasties, where they claim sovereignty over the subjects residing within the territorial borders under their control. According to Tanör, *ayans* represent the strongest class as the semi-feudal rural aristocracy of Anatolia and Balkans in the 18th century Ottoman Empire.[185] *Sened-i İttifak* reveals the rising power of the local notables to the extent that the Sultan has to agree to refrain from arbitrary punishment of *ayans* (Charter of Alliance, Article 4 and 5)[186] in return for their pledged allegiance to the Ottoman central authority both in terms of military support and taxation (Charter of Alliance, Article 1, 2, 3).

Some scholars of Ottoman history argue that *Sened-i İttifak* in a certain way represents the Turkish version of *Magna Carta*[187] and that it constitutes an important step towards to the final acceptance of national sovereignty and democracy in Turkey.[188] Although not to deny the significance of this agreement for the Ottoman political development, two facts challenge its overvaluation: (i) it is important to note that popular demands play no role in the drafting of the charter; *Sened-i İttifak* is a mere contract between the central authority and local authorities defining their mutual obligations and spheres of jurisdiction, (ii) the agreement is never put into effect,[189] since rather than agreeing to strike a balance between the political role of the center and the periphery as the central authority loses effective power, instead the Ottoman Sultans increasingly revert to personal despotism.

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[184]Bernard Lewis, *The emergence of modern Turkey,* 384.

[185]Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri: 1789-1980,* 24.

[186]The original text of Charter of Alliance can be found in İrfan Bingöl, *Ülkemizde Anayasa hareketleri: sened, ferman ve anayasaların çıkışlarına neden olan olaylar, sened, ferman ve anayasaların asıl metin ve tüm değişiklikleri, sened ve fermanların türkçeleştirilmiş şekilleri.* (İstanbul: Atak Ofset, 1993): 9-21.

[187]Orhan Aldıkaçtı, *Anayasa hukukumuzun gelişmesi ve 1961 anayasası.* (İstanbul: İstanbul Üniversitesi, 1973): 36-38 and İdris Küçükömer, *Düzenin yabancılaşması: batılaşma.* (İstanbul: Ant Yayınları, 1969): 56-57.

[188]Bahri Savcı, "Anayasacılığımızın gelişim çizgisi üzerine," *Ankara Üniversitesi Siyasal Bilimler Fakültesi Dergisi* 50, no.3-4 (1995): 279-289.

[189]Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri: 1789-1980,* 49-54.

Here, it is also interesting to note that it is first during the 18th century that the Ottoman Sultans start to systematically use the religious title of caliph.[190] In search of compensation for "the loss of suzerainty abroad and diminution of sovereignty at home," Sultans increasingly refer to the title of the caliphate.[191] It is now argued that the Sultans are 'the shadow of God on the face of earth' and their personal figure is said to represent divine sovereignty. According to Bernard Lewis,

> "The claim by the Ottoman Sultan to a kind of religious pontificate extending over Muslims other than his own subjects was new and unprecedented. Since the extinction of the classical Islamic Caliphate in medieval times, there had been no single, universally recognized titular head of the whole Islamic community, and each monarch had become, in effect, a Caliph in his own realms, using some of the titles and exercising some of the prerogatives of the Caliphate, but only as an adjunct to his secular sovereignty. The assertion of religious authority beyond the frontier was a radical departure –an attempt, for the first time since the fall of Abbasids, to establish a universal Islamic leadership, and to claim it for the House of Osman…In the hard time that lay ahead, the Ottoman claim to Muslim leadership was to arouse growing enthusiasm at home, and win increased acceptance abroad."[192]

However, even the claim to the caliphate proves inadequate to restore the Sultan as the locus of sovereignty in the Ottoman polity.[193] Thus, when we come to "the longest century of the Ottoman Empire," the 19th century, the general political picture finally looks ripe for the genesis of a new discussion on sovereignty:[194] The authority and the charisma of Sultans decline while their despotism rises; domineering, yet 'incompetent', bureaucracy increasingly gains monopoly over governmental affairs; all

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[190]Ilber Ortaylı, *İmparatorluğun en uzun yılı.* (İstanbul: İletişim Yayınları, 2005); 2005; Bernard Lewis, *The emergence of modern Turkey*, 324; Metin Heper, *The state tradition in Turkey,* 34.

[191]Bernard Lewis, *The emergence of modern Turkey*, 323.

[192]Ibid.324.

[193]Ibid. 34.

[194]Here, it is apposite to state that while many historians focusing on the Ottoman Empire bring forth the reigns of Selim III (1789-1807) and Mahmut II (1809 – 1839) as the initiation of a sweeping reform era of the Ottoman political order (Ortaylı, 2005: 12; Heper, 1985: 37), the concept of dynastic sovereignty, nonetheless, remains unchallenged during these years. Contrarily, the centralizing rule of Selim and Mahmut suggests a brief interval, an ephemeral return to the concept of absolute Sultanic sovereignty, as it was experienced in the 'golden days' of the Ottoman Empire. Thus, although it is true that a westernization process starts to take root through the efforts of these Sultans opening the way to later political and social transformation, we, nevertheless, witness no discussion on the concept of sovereignty, let alone any debate over the sovereignty of the people, throughout this period.

considered, the Ottoman polity suffers from an ineffective central authority in handling demands of non-Muslim and Muslim communities as well as the peripheral forces within the Empire. Distancing away from the Islamic tradition, the violation of basic individuals rights becomes a common practice, and the system of justice, which formed the basis of the classical Ottoman doctrine of sovereignty, comes to a near collapse.[195] Faced against a failing, yet at the same time oppressive regime, an unprecedented preoccupation with political change starts to take root. It is in against this background that a novel discussion over the concept of sovereignty begins.

3.3. Prelude: Political Legitimacy, Public Opinion, and Ideology

As it has been discussed in the introduction of this study, sovereignty is an aggregate concept made up of distinct components that not always move in an identical way. The concept involves constituent elements such as territory and population, and components such as authority and autonomy. While autonomy mainly refers to an external understanding of sovereignty including effective control over borders, external recognition, and capacity to exclude external authority structures from internal decision-making, authority relates to an internal dimension of ruling involving questions of control and legitimacy. Given the profound and swift changes in the composition of both territory and the population of the Ottoman empire during the 19th century and the related erosion of both political autonomy and authority, three correlated developments prove conducive for the production of a new political discourse in which a novel ideal of sovereignty starts to formulate: (i) rising concern for political legitimacy in relation to growing interest in 'the people', (ii) birth of 'public opinion'; (iii) emergence and growing influence of political ideologies in pursuit of a solid basis for political unity.

At this point, it is worthwhile to look a little closer to the ideas of Sadık Rıfat Paşa (1807- 1858), one of the leading architects of *Tanzimat*, a reform era that appears as a pioneer in inducing interest in the question of 'the people'. In this regard, selected works of Sadık Rıfat Paşa collected in a book entitled *Müntehabat-ı Âsar* provide

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[195]Recai Okandan, *Amme Hukukumuzun Anahatları: Türkiye'nin Siyasi Gelişmesi*, 47.

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remarkable insights into the Tanzimat psyche. Being an ambassador in Vienna, Sadık Rıfat mainly derives his political ideas from his on-sight European observations and sees in himself a mission to transfer these valuable opinions for a governmental reform to his Ottoman counterparts. What stands out as one of the most striking elements of Sadık Rıfat Paşa's arguments, found in one of his most important articles, "Avrupa Ahvaline Dair Risale" (also described as one of the two most important texts of Turkish westernization by A.H. Tanpınar), is that for the first time, a rupture in the exclusive relationship between the concept of sovereignty and territoriality of the Ottoman Empire is detected. Instead, the unity and prosperity of the population emerges as a new concern. Contrary to what was commonly held, in Sadık Rıfat Paşa, the *raison d'etat* becomes linked to the provision of the welfare of the population and the protection of its rights. In opposition to the traditional Ottoman understanding of political rule, Sadık Rıfat asserts:

> "No individual subject and likewise, no country were created for the sake of states. On the contrary, since states are simply graces of God granted to worldly rulers to protect and safeguard the welfare and well-being of their domains, in the administration of state affairs they have to act in conformity with the rights of their people and the laws of the state; and therefore no arbitrary or despotic act can be observed…. Since these matters are reckoned as the fundamentals of the major policies for the civilized nations of Europe, it is an indispensable urgency to endeavor and make utmost efforts so as to prepare the necessary conditions for the Ottoman State (*Devlet-i Aliyye*) to attain all these."[196]

Going further, Sadık Rıfat innovatively underlines the necessity for the Sovereign to win over the hearts of the population making up the Ottoman Empire. For Rıfat, a good government cannot stay aloof from the interests and demands of the people and that both the state and the bureaucracy should be the servants of the Ottoman population regardless of their ethnic and religious origins.[197] It is the responsibility of political rulers to grant individuals their due natural rights: the protection of life, property and

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[196]Sadık Rıfat Paşa, 'Avrupa Ahvaline Dair Risale' cited in Ö.B. Özkul "Tanzimat'ın unutulmuş mimarı Sadık Rıfat Paşa," http://us.geocities.com/begunay /mt.htm (accessed 08.05.2006)

[197]Selçuk Akşin Somel, "Osmanlı reform çağında Osmanlıcılık düşüncesi," *Cumhuriyet'e devreden düşünce mirası: Tanzimat ve Meşrutiyet birikimi.* (İstanbul: İletişim Yayınları, 2001): 94-95; Gökhan Çetinsaya, "Kalemiye'den Mülkiye'ye Tanzimat zihniyeti," *Cumhuriyet'e devreden düşünce mirası: Tanzimat ve Meşrutiyet birikimi.* (İstanbul: İletişim Yayınları, 2001): 66.

honor. As Rıfat sees it, it is the stress on the well-being and the protection of rights of individuals that sets Europe apart from the Ottoman polity and lies behind its success:[198]

> "In accordance with its methods to ensure safety and progress, the contemporary European civilization has sought to promote its essential interests only through increasing its population, improving public works in their domains and countries, and through ensuring law and order. Now, thanks to their ample means, they can easily accomplish all these and achieve progress through such abundant interests, thus are able to compete with each other for status and prestige. And the very basis of this substantive state of affairs is that they intend to fully safeguard life, property, honor and reputation for each and every people and nation; namely, to exercise thoroughly the essential rights of freedom. Furthermore legal independence is much respected and esteemed; in other words, all individual subjects and countries were not simply designed and created for the sake of states. Apparently, by the perfect wisdom of God, Sovereign of the Universe, so many worldly rulers were divinely entrusted only to ensure and supervise the prosperity and improvement of lands. Therefore, in the administration of state affairs, they all act in accordance with national laws, so that no kind of unjust and coercive treatment is observed."[199]

As the above quote clearly shows, Sadık Rıfat places utmost significance upon the rule of law and accordingly contends that governments should by all means refrain from unlawful acts. In fact, it would be justified to state that the idea of human rights and the rule of law, as well as the concept of *hürriyet* (freedom) first infuse into the Turkish mind through writings of Sadık Rıfat.[200] In this respect, more than Mustafa Reşit, Âli and Fuad Paşa, it is Sadık Rıfat's ideas that guide the text of the Imperial Rescript of Tanzimat, introducing the idea of rights and opening the way towards the institution of the rule of law in the Ottoman political system. Inspired by earlier proposals of Sadık Rıfat, Tanzimat Rescript identifies the preservation and guaranteeing of life, property and honor of all subjects as a precondition of assuring loyalty to *Devleti Aliyye*. Besides spelling out - though indirectly - the rights of the people, the Rescript also underlines their duties to the state in terms of taxation and

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[198]Ahmet Hamdi Tanpınar *Ondokuzuncu asır Türk edebiyatı tarihi.* İstanbul: İstanbul Üniversitesi Yayınları, 1942a): 77.

[199]Sadık Rıfat Paşa, 'Avrupa Ahvaline Dair Risale' cited in Ö.B. Özkul "Tanzimat'ın unutulmuş mimarı Sadık Rıfat Paşa," http://us.geocities.com/begunay /mt.htm (accessed 08.05.2006)

[200]Hilmi Ziya Ülken, *Türkiye'de Çağdaş Düşünce Tarihi,* (İstanbul: Ülken Yayınları,1999), 56; Jale Parla, "Tanzimat edebiyatında siyasi fikirler," *Cumhuriyet'e devreden düşünce mirası: Tanzimat ve Meşrutiyet birikimi.* (İstanbul: İletişim Yayınları, 2001), 224-225.

military service.[201] Thus, it is first through this Rescript that the traces of a novel approach to the relationship between the state and the 'people' is discovered in the Ottoman polity.[202]

Yet of course, both the Tanzimat Rescript and Sadık Rıfat Paşa's focus on freedom and rights should be read with caution. First, as for Sadık Rıfat, it should not be forgotten that Metternich, the great Austrian champion of state centralization, constitutes his role model for competency in Ottoman rule.[203] Moreover, the abundance of Islamic motifs in his thought also indicates Sadık Rıfat's conservative stance with regards to the idea of a regime change. As it becomes apparent, Sadık Rıfat's ultimate aim lies in offering proposals for a governmental restructuring and restrengthening. In this sense, it is appropriate to read his concern for 'the people' in association with his will to introduce new and effective governance techniques based on an original idea: continuity of the state through public participation.

A similar strand of conservatism can also be found in the Tanzimat Rescript: To begin with, it should be noted that it is the Sultan himself who makes this proclamation, with 'all rights reserved' to annul its effects. Thus, it is indeed a document of auto-limitation drafted by a few Ottoman bureaucrats under the pressure of European powers and proclaimed by the consent of the Sultan. Seen from this perspective, Tanzimat Rescript is a far cry from a constitution; it cannot even be considered as a bill of rights: Popular demands and participation play no role in its materialization.[204] Even the limited audience during its proclamation, the dignitaries of the Porte and the foreign diplomats,[205] testify to its distance from the interest of the general public.

It should also be underlined that Tanzimat Rescript and *Islahat Fermanı,* the second complementary rescript proclaimed in 1856, bring no immanent changes in the conceptualization of sovereignty. This situation can in part be explained by the fact that,

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[201]The original text of the Tanzimat Rescript, *Gülhane Hattı Hümayunu,* can be found in İrfan Bingöl, *Ülkemizde Anayasa Hareketleri,* 24-29.

[202]Bahri Savcı, "Anayasacılığımızın gelişim çizgisi üzerine," 283.

[203]Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,* 178 and İlber Ortaylı, *İmparatorluğun en uzun yılı,* 241.

[204]Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri: (1789-1980),* 68 and Niyazi) Berkes, *Türkiye'de Çağdaşlaşma.* 188.

[205]Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,* 155.

as our research reveals, the idea of popular sovereignty never appeals to the famous state figures of Tanzimat such as Mustafa Reşit Paşa, Âli Paşa, Fuad Paşa and Ahmet Cevdet Paşa. For instance, while Mustafa Reşit advocates the institution of consultative assemblies in the Ottoman polity based on the administrative conclusions that he derives from his experiences in Europe, he nonetheless makes no referrals to the idea of popular sovereignty in his writings. For Reşit, in contrast to the European model of popular election based on the concept of popular sovereignty, the members to these consultative bodies can only be appointed by the Sultan in the Ottoman case, since it is the Sultan who holds sovereignty in trust in the name of God.[206]

As the arguments of Âli Paşa in his 'political will' also display, the main political concern of Tanzimat statesmen remains within the maintenance of the sovereignty of the Ottoman Sultan vis-à-vis external and internal powers, and the will of safeguarding the unity of the Ottoman state represents the overall objective of all the reform process throughout the Tanzimat era. The below lengthy excerpt from Âli Paşa illustrates this reasoning very lucidly:

> "Whilst we were struggling against the problems abroad, the administration of the country itself had always been a question we were preoccupied with. To be informed about and obviate the demands of people, to monitor the intellectual developments among them and to find out what their needs were: All these had always been among our responsibilities, which was an ungrateful task though. Because we had to prevent ourselves from falling into the trap set by all European countries, some utopists and short-sighted diplomats. For them we, immediately and unpreparedly, had to introduce European customs, traditions and policies into Turkey. There had been times we did yield so as to counteract the disturbances by acting moderately and when the demands made seemed rightful to us. At the same time, we always guarded the general interests of our State and accepted what was most necessary. First and foremost, we sought to govern properly what belonged to the Sultan and reconcile the requirements for sovereignty with concessions demanded by both the people and the Europeans. Since absolute sovereignty was by no means negotiable and our gracious sultans had always exercised their sovereignty with kindness, it was inconceivable for them to share any part of these rights with someone else. The sultan regarded them as ancient, divine and sacred rights. So many efforts were made and so much pain was taken to enforce the measures required by the

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[206]Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,*154.

circumstances. In fact, the main objective and the result of all of these had ultimately been the consolidation of the sovereignty in question."[207]

Thus, given the conservative motives of its architects and their staunch stance against compelling changes in the prevailing regime, Tanzimat era indeed ends up with the affirmation of the absolute sovereignty of Bab-ı Âli bureaucrats, rather than leading to a new political order based on the idea of popular sovereignty, a form of parlamentarism and public freedoms. In this respect, the outcome of *Tanzimat* constitutes a complete disappointment for the majority of the Ottoman 'men of pen': The reforms fall short of ensuring their most basic promise of safeguarding the life, honor and property of all Ottomans; furthermore they also fail in setting up an efficient political order to invigorate the Ottoman State. Instead, Tanzimat opens the way for a despotic rule exercised by incompetent bureaucrats of Bab-ı Âli, who gradually take control and establish their illegitimate and oppressive authority not only over the population, but also over the Sultan:[208]

> "Had the Gülhane Rescript not confined the general ordinances of the Sharia, which it claimed to reestablish in its preamble, only to the notion of individual freedom that was interpreted simply as protection of life, property and honor, and had it also fully proclaimed many other principles such as freedom of thought, popular sovereignty and the method of consultation [usul-i meşveret], then it could have served as a fundamental law (a preliminary constitution) for the Islamic caliphate."[209]

Hence, particularly seen from the standpoint of the newly emerging group of lower ranking, yet 'enlightened' bureaucrats of the early 19th century, the loss of political legitimacy emerges as one of the fundamental stumbling blocks in front of the possibility of progress. In fact, it may not be appropriate to label this condition as 'a loss of legitimacy,' since indeed this period is the first time that the question of political legitimacy emerges as a matter of serious concern in the Ottoman context. As it is generally agreed, the concept of political legitimacy primarily refers to public acceptance and recognition of right to rule. Thus, political legitimacy can become an issue only in cases where public opinion exists and matters. Yet for in reality, up until the 19th century, public opinion is virtually absent in the Ottoman polity. It is only with

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[207]Âli Pascha, "Testament politique," *La Revue de Paris*, XVII, no.7, March-April 1910, 505-524. The translation into Turkish can be found in Engin Deniz Akarlı, *Belgelerle Tanzimat*. (İstanbul: Boğaziçi Üniversitesi, 1978), 17-48.

[208]Birol Emil, "Ziya Paşa'da İslâmiyet ve Meşveret Fikri,"15.

[209]Namık Kemal, *İbret*, No.46, 1872

the development of independent press accompanied with the emergence of a self-sufficient intelligentsia that public opinion, or *efkâr-ı umumiye* as the Ottomans of the time coined it, comes into sight and gains significance in the production and dissemination of political demands. The mobilization and manipulation of masses to take action against the degeneration of the Ottoman Empire through the utilization of autonomous media constitutes a significant new current with a profound impact upon the consequent political developments.

The examples of independent dailies and magazines are first published by non-Muslim minorities and foreigners in the early 19th century. The first independent daily, *Ceride-i Havadis*, appears in 1840 under the administration of a British migrant named Churchill. However, the influence of these first papers is limited due to low levels of circulation.[210] It is in effect with İbrahim Şinasi's two leading dailies, *Tercüman-ı Ahval* (1860) and *Tasvir-i Efkâr* (1862) that the press steadily obtains a key role in shaping and guiding the political agenda of the time.[211] Thus, as Mardin aptly puts it, it is through the pioneering efforts of Şinasi that "the birth of the public opinion" occurs in the Ottoman polity.[212] Accordingly, the press offers two unique opportunities: (i) for the first time it gives 'the men of pen' a possibility of economic independence from the state, and thereby helps the emergence of a new class of intelligentsia; (ii) it provides an effective platform through which ideas of intelligentsia could be expressed, paving the way for courageous governmental opposition.

Yet of course, the development of public opinion cannot in itself explain the sudden appearance of innovative theoretical arguments utilizing unprecedented political concepts such as 'popular sovereignty'. The question thus arises as to where these ideas came from and how were they systematized into a new discourse. As it is often expressed, until the mid 19th century, the Ottoman political and intellectual class stayed aloof from Western political thought currents and prevailing ideologies of the period.[213] In fact, the stale condition of Ottoman political thought was marked not only by

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[210]Ebüzziya Tevfik., *Yeni Osmanlılar tarihi.* (İstanbul: Kervan Yayınları , 1973), 290.

[211]Erik Jahn Zürcher, *Modernleşen Türkiye'nin tarihi.* 9th Ed. (İstanbul: İletişim Yayınları, 2000), 103-108.

[212]Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,* 252-276.

[213] Eric J. Zürcher, *Modernleşen Türkiye'nin tarihi,* 109-116.

isolation from the Western intellectual developments, but also by an absence of any kind of political 'ideology.' Islam, in a certain way, represented the only 'soft ideology' guiding the lives and the minds of the Ottomans.[214] The subsequent formulation and the growing impact of "hard" political ideologies in the Ottoman Empire during the 19th century such as Ottomanism, Westernism and Islamism stand out as another key factor that helps explain the political motives behind the emergence of an unprecedented public discussion on sovereignty.

In part, the development of 'hard ideologies' in the Ottoman Empire should be seen as an indirect result of the gradual westernization process starting as early as the reign of Selim III, a period that coincides to the immediate aftermath of the French Revolution. The introduction of a new secular education system, first initiated by the schools established during the reign of Mahmut II, and the parallel intensification of cultural encounters with Europe through increasing numbers of mutual visits and diplomatic exchanges all play a significant role in the penetration of Western ideas into the Ottoman psyche and support the continuous injunction of innovative political ideas onto the Ottoman public agenda.

During this period, many Ottoman men of pen start to learn European languages, French being the most preferred one of all. The establishment of a Translation Bureau within the cadres of Bab-ı Âli and the following oppositionary activities of the bureaucrats 'raised in' this bureau in itself reveal the growing influence of the Western inspired proposals in the Ottoman political life. In addition, the independent press also contributes greatly to the dissemination of European political ideas.[215] For instance, it is first through Şinasi's *Tasviri Efkar* that the Ottoman elite can read the influential book of Vattel on the natural law theory, which the newspaper publishes in a series of articles.

Political visits, sometimes in the form of appointed governmental posts and sometimes in the form exile also constitute a vital factor of exposure, which immensely

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[214]A comprehensive analysis of the role of Islam as a 'soft ideology' in the Ottoman Empire can be found in Şerif Mardin's *Din ve İdeoloji*, (İstanbul: İletişim Yayınları.1997), 67-104. Mardin distinguishes between 'hard' and 'soft' ideologies; while the former represents a systemized and theorized ideas of a specific political current limited to the elite culture, the latter refers to a 'map', a diffuse cognitive system, which guides the lives of human beings.

[215]Cemil Meriç, *Bir facianın hikâyesi.* Ankara: Umran, 1981), 123 and Edward Engelhardt, *Tanzimat ve Türkiye.* (İstanbul: Kaknüs Yayınları, 1999), 443.

contributes to the infiltration of Western political ideas into the Ottoman mind during the period in question. It should be remembered that almost all leading figures of the reform movement, both the *Tanzimat* statesmen and the subsequent genres of Ottoman intelligentsia, spend years in European capitals and accordingly gain considerable insights into the available European political theories. For instance, the Young Ottomans, the first influential group of 'autonomous' Ottoman intellectuals in opposition to the Tanzimat regime, establish the foundations of their political views during their stay in cities such as Paris and London. The frequent usage of novel Turkish words corresponding to popular Western concepts such as liberté (*hürriyet*), patrie (*vatan*), nation (*millet*), public (*umum*), souverainité (*hakimiyet*) in the writings of the Young Ottomans, coupled with their widely read (among the elite) translations of leading European theoreticians such as Rousseau, Montesquieu and Volney all indicate an unparalleled exposure to European influence.[216]

The process of westernization of the Ottoman political life cannot of course only be seen as an outcome of endogenous developments. For in reality, it should be underlined that starting with the late 18th and the early 19th century, the political pressure exerted by European powers becomes a weighty factor behind the motor of change in the Ottoman polity. Just to cite one example, it is a very well known fact that the Ottoman Empire is first officially accepted into the 'European family of states' in 1856 in return for the concessions that the Sultan makes to religious minorities in the Reform Edict (*Islahat Fermanı*) of 1856 recognizing their equality with the Muslim community.

In effect, it is very important to understand that a dialectic relationship between the Ottoman elite and the West occupies the backstage of all these developments. In other words, it is through the Western lens that the Ottomans see, describe and change themselves. Even the increasing usage of the term *Turc* or *Turquie*, as exemplified by the names that reformists identify themselves with, reflects a mirror image of the Western perception of the Ottomans. As it is well documented, it is mostly in the writings of the Orientalists that we come across a wide- spread utilization of terms such as *Turc*, *Turkey* or *Turquie* (Mardin 2001, 43-44). Thus, when analyzing the political ideas of this period, the dialectic internalization of Western inspired ideas should be

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[216]Kâmıran Birand, *Aydınlanma devri devlet felsefesinin Tanzimatta tesirleri.* (Ankara: Son Havadis Matbaası, 1955).

taken into consideration and a form of reverse orientalization should be seen as the leitmotif of the emergence of a new Ottoman *weltanschauung.*

3.4. Discursive Discovery of Popular Sovereignty: A way out of the impasse?

The beginning of a debate as to what constitutes the appropriate source and locus of sovereignty in the Ottoman polity can in one way be attributed to the anxious search of Ottoman intellectuals and statesmen for a new focus of allegiance to maintain and strengthen the Ottoman State. This pursuit finds its best expression in Ottomanism, a novel ideology that guides the political motives of leading Ottoman elites up until the 1910s. Ottomanism, or *ittihad-ı anasır* as it was called at the time, aims to ensure the survival of the multi-ethnoreligious Ottoman Empire through the introduction of the concept of 'Ottoman citizenship.' Faced with the growing separatist demands of different ethnic and religious groups living under the Ottoman rule and the increasing imperialist pressures of Western powers, the ideology of Ottomanism represents an innovative solution: If only all the Ottoman subjects - Muslims, Christians, Jews - could be persuaded and turned into 'Ottoman citizens' under a constitutional order with equal rights and duties, then it would be possible to reaffirm their loyalty to the House of the Ottoman. This new concept of citizenship thereby would provide the needed cement to unite the population, joining together the pieces of a collapsing Empire. The idea of the unification of all Muslim and non-Muslim groups would serve the interests of all, since in the absence of unity, it was argued, all groups would fall prey to the imperialist intentions of stronger European states. In return, the harmony of all ethnic and religious groups of the Empire would help Ottoman Empire to regain its long-lost strength and pave the way for a return to its glorious past.[217]

Within this framework, it is not difficult to understand why the idea of popular sovereignty constitutes a new empowering discursive tool for the Ottoman intellectuals

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[217]Kemal H. Karpat, *The politicization of Islam: reconstructing identity, state, faith, and community in the late Ottoman state.* (New York: Oxford University Press, 2001), 345-347; Yazıcı, *Osmanlılık fikri ve Genç Osmanlılar Cemiyeti.* (Ankara: T.C. Kültür Bakanlığı Yayınları, 2002); Kâmıran Birand, *Aydınlanma devri devlet felsefesinin Tanzimatta tesirleri,* 46.

in pursuit of the goals of Ottomanism: First, it serves to curtail the absolutist tendencies of the ruling bureaucrats and opens the way for a more participatory and effective government. Second, it helps to diffuse multi-ethnoreligious identities into the inclusive concept of 'the people.' By locating the sovereignty in the people, the idea of popular sovereignty simultaneously gives various communities a say in governmental affairs and holds them responsible for the political faith of the Ottoman polity. Hence, in a way, the concept of popular sovereignty contributes to the widening of the popular base of the Ottoman state and accordingly provides political legitimacy to the Empire. Seen from this perspective, it ultimately ensures the continuity of the State. As Niyazi Berkes explains, in the new context of the 19th century:

> "Sovereignty can no longer be conceived as an imposition of authority from above, but rather it needs to be reestablished and be based upon the elevation of natural rights to the political level. There can be no superior locus for sovereignty beyond and above the will of the public."[218]

3.4.1. In the midst of the earthly and the divine: Where to look?

Thus, it is within the context of a troubled search for a regime change that the discussion on sovereignty comes to fore and eventually leads to a continual construction of a new discourse with lasting impacts upon the ideology of the revolutionist elite that establishes the Republic of Turkey from the ashes of a collapsed empire. As a survey of Turkish political thought during the 19th century reveals, it is first in the writings of the Young Ottomans that the idea of political reform based on a novel understanding of sovereignty is systematically treated. Suffused by the ideology of Ottomanism and utilizing the new means of independent press, the writings of Namık Kemal, Ali Suavi and Ziya Paşa, the leading representatives of the Young Ottoman movement, fuse together in a public call for a profound transformation of the political order. Yet, how could this objective of a regime change be achieved?

The pursuit of an answer first and foremost requires a discussion as to where the source and locus of sovereignty should be located in the Ottoman polity to put an end to the regression and to ensure the survival of the Empire. Among the men who participated in a progressive search for answers to these overarching questions, Namık Kemal stands out as the most important figure, who has had a pervasive influence in

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[218]Niyazi Berkes, *Türkiye'de Çağdaşlaşma,* 289.

introducing and extending the meaning of popular sovereignty in Turkish political thought. Kemal's attempt to analyze the origins of government and to formulate policy proposals to revitalize the 'contract' between the Ottoman rulers and the public constitute a major contribution to opening the way for a new conceptualization of sovereignty in Turkey.

In the below excerpt from "Wa-shawirhum," one of the most original and significant articles of Namık Kemal appearing in *Hürriyet* newspaper, he offers an explanation of why sovereignty should belong to public, basing his conclusion upon premises unprecedented in Turkish political thought:

> "The Almighty created man bestowing freedom upon him. And naturally he cannot choose but benefit from this divine grace. Public freedom can only be preserved within the society itself, for only the society is capable of breeding an overpowering force to safeguard one individual from the offense of another. As is understood, the purpose of society in the world simply consists of devising such an overpowering force to preserve freedom, on which the survival of the mankind depends. Thus sovereignty, which serves to substitute for rights and to reject falsehood, is composed of the sum all powers possessed by all individuals. Therefore, since not only the natural right of the person over his own self but also collective forces concern all individuals, sovereignty belongs to the public in every community (*ümmet*)."[219]

Taking off from the inviolability of the private person, Kemal ends up with a novel understanding of sovereignty, its source firmly and uniquely located in the people. For Kemal, the addition of individual powers that all together make up the body public represents the real essence of sovereignty and thereby, he concludes, in all communities the right of sovereignty belongs to the public. It is rather evident from the above passage that Kemal derives his line of argumentation on popular sovereignty from Western social contract theories of the 17th and 18th centuries. Most particularly, it is the political ideas of Rousseau and Locke that serve as the most pervasive source of inspiration for Kemal. Although secondary literature analyzing Kemal's political theory often treat and prioritize the influence of Rousseau over Kemal,[220] nevertheless in our view, Kemal's notion of popular sovereignty, though originally driven from Rousseau, diverge in several important aspects from that found in the French theorist and prove in some ways akin to the views expressed by Locke. Yet of course, as it will be discussed

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[219]Namık Kemal, "Wa-shawirhum fi'l-'amr" *Hürriyet*, 20 July 1868

[220]Serap Yazıcı, *Aydınlanma felsefesi ve 1923 devrimi.* (İstanbul: Demet Yayıncılık, 1994); Kâmıran Birand, *Aydınlanma devri devlet felsefesinin Tanzimatta tesirleri.*

in detail later in this chapter, Kemal's ideas embody severe limitations, which prevent probably the most important Ottoman political theorist of the 19th century from reaching liberal conclusions on solid foundations that could have had a lasting influence over Turkish political life. But now, let us concentrate on several original elements in Kemal's conception of sovereignty that are noteworthy:

First is his stress on the individual and the natural entitlement of the individual to freedom as a point of departure. As the initial line of Kemal's passage suggests, by virtue of being a creation of God, each person is endowed with an inalienable right to liberty. Similar to the Lockean position, there is a theological connection in Kemal between the possession of natural rights by birth and the equal and free standing of every individual. Here in Kemal's mind, the Western tradition of natural rights with the Islamic theological principle of the inviolability of the individual merges[221] to conclude that since individuals are free and equal right-bearers, they cannot be subject to the rule of any political authority without their consent. Of course, at the heart of Kemal's belief in the idea of popular sovereignty lies his fight against absolute and unjust political authority and his wish to bring in constitutional limits to the rule of Bab-ı Âli government. In this sense, the Western tradition of constitutionalism, particularly as represented by the line associated with Grotius and Locke, provide Kemal with necessary tools. In common with liberal constitutional thinking, for Kemal the establishment of political authority is necessary primarily to prevent violation of freedoms and to ensure limited, yet effective government void of arbitrary rule.

Seen from this perspective, the idea of popular sovereignty represents a reconciliatory solution for the simultaneous need to protect the inalienable liberties of individuals and at the same time to avoid absolutist political tendencies. Thus, what is important to note here is that, most probably for the first time in Ottoman political thought, it is in Kemal's political views that the main objective of the constitution of society and political authority becomes the assurance of freedom and rights, not the maintenance of order and justice. As Kemal sees it, the peaceful coexistence of individuals can only be ensured in a society that consents to the establishment of a political authority based on popular sovereignty.

For Kemal, popular sovereignty represents the addition of the power and will of all individuals making up the society. This definition brings us to the second innovative

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[221]Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,* 301.

point of Kemal's understanding of sovereignty: It is interesting to take notice of the fact that Kemal conceptualizes sovereignty as a *right*, which undeniably belongs to the public as an end product of the freedom of each individual. Here, it should be emphasizes that while Kemal embraces the idea of popular sovereignty as a new organizing political principle of the Ottoman polity, he nonetheless delicately refrains from instituting the concept of the 'people' into a new despotic entity. Although there are some divergent views in the secondary literature as to Kemal's stance towards the balance between the community and the individual,[222] in our reading, Kemal's oft-cited concerns over the potential tyranny of the majority indicate his cautiousness in not placing the will of the 'people' above the will of the individual. The below passages taken from two different articles written four years apart testify to Kemal's enduring reluctance to locate the source of sovereignty in any authoritative body, which in turn could tyrannize individual freedom:

> "However, it is a precept of reason that 'regardless of the time, the place or the method used, the government should choose the road which will least limit the freedom of the individual. No community can agree on, or confirm in the office, an individual as an absolute ruler, nor can it bestow legislative powers on a single individual. And even if it so desires, it cannot rightfully do so. For it neither has the right to tyrannize an individual nor to violate the rights of all."[223]
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> "The sovereignty of the people, which consists in that the source of the power of the government is the people, and which is called *biat* in the religious law, is not a power that derives from the abstract meaning attached to the conceptions such as the 'majority' or the 'people'. It is a right, which derives from the congenital independence with which every individual is endowed at his creation, and follows from personal independence. 'Everyone is the ruler of his own world."[224]

What is remarkable here is that, while Kemal is clearly influenced by Rousseauian ideas on popular sovereignty, he nevertheless dismisses the gist of the Rousseauian conception: the idea of the general will. As discussed in the first chapter, in contrast to Locke, for Rousseau, popular sovereignty represents something beyond the mere

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[222]Both Şerif Mardin and Niyazi Berkes are in agreement as to Namık Kemal's concern against the tyranny of majority (Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,* 299-301 and Niyazi Berkes, *Türkiye'de Çağdaşlaşma,* 292), while Okandan indicates that the will and the force of the majority have an elevated place in Kemal's thought (Recai Okandan, *Amme Hukukumuzun Anahatları: Türkiye'nin Siyasi Gelişmesi,* 123-127).

[223]Namık Kemal, "Wa-shawirhum fi'l-'amr", *Hürriyet*, 20 July, 1868, 1-4.

[224]Namık Kemal, "Hukuk-ı Umumiye", *İbret*, 8 July, 1872

addition of each individual will: it reflects the unchallengeable will of the community of citizens as a collective body, expressed as an entity in itself, as *Volonté Général.* The doctrine of inalienable popular sovereignty represented in the General Will sets Rousseau apart from and in effect sometimes in conflict with the doctrine of inalienable individual rights advocated by Locke. Thus, while Rousseau subordinates the individual will to the General Will, in Kemal's conception, we do not come across such subjection. This is in part related to Kemal's emphasis on personal freedom, and in other part it is related to an absence of a theory of state in Kemal's thought, which is probably a direct consequence of a lack of an organic theory of state in Islam.[225]

Kemal mostly develops his ideas on the relationship between the state and the individual in a series of articles published in *İbret*.[226] Through these articles, it becomes apparent that neither the state nor the community is elevated to a separate and transcendent existence in Kemal's account. In other words, the totality does not constitute anything more in itself than a mere addition of its parts. Kemal's usage of the terms "state" and "government" interchangeably also reveals the lack of a conception of the state in and for itself. This does not mean that Kemal rejects romantic appeals to unifying themes such as the fatherland (*vatan*) and religious community (*ümmet*); on the contrary, it is Kemal who popularizes the idea of allegiance to the fatherland in the Turkish mind. In effect, currents of European romanticism and liberalism merge together in Kemal's expression of his thoughts on the Ottoman polity; however, in his explanation of origins of political obligation, neither the state nor the community is presented as entities located above and different from the individuals:

> "State is not an entity separate from the people. It cannot have any interest for its own sake, because subjects do not levy any kind of tax upon themselves. The term 'state' thus indicates no other entity but the public."[227]
> His attempt to safeguard the individual vis-à-vis the community and the state has

to be placed in the forefront when considering how far Kemal's ideas go beyond from

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[225]Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,* 300.

[226]Namık Kemal, "Dostane bir Vesatât", *İbret*, 27 June 1872; Namık Kemal, "Herkesin maksudu bir ammâ rivayet muhtelif," *İbret*, 2 July 1872 and Namık Kemal "Hukuk-ı Umumiye," *İbret,* 8 July 1872. Namık Kemal's articles in *İbret* can be collective found in *Namık Kemal, Osmanlı Modernleşmesinin Meseleleri, Bütün Makaleleri 1,* eds. Nergiz Yılmaz. Aydoğdu and İsmail Kara (İstanbul: Dergâh Yayınları, 2005).

[227]Namık Kemal, *İbret,* No.18

those established in writings of other Young Ottomans and the subsequent generation of Young Turks. At this point, it becomes apposite to compare the ideas of Namık Kemal on sovereignty with those of other prominent members of the Young Ottomans such as Ziya Paşa (1825 –1880) and Ali Suavi (1839-1878):

Being a public administrator rather than a political theorist, Ziya Paşa is mainly focused on extending a criticism of the ruling bureaucrats and the government, trying to highlight ill practices and to recommend policies for betterment.[228] Besides his influential articles in papers such as *Muhbir* and *Hürriyet*, Ziya Paşa is also well known for his poems that help familiarize the concepts like freedom, rights, law and civilization in the Ottoman mind. Yet, neither his political writings, nor his poems reach the level of originality present in Kemal. While Ziya Paşa supports Kemal's ideas on popular sovereignty and contributes a great deal to the popularization of the term, he nonetheless lacks a genuine interest in elaborating a full-fledged theory of sovereignty, where the people are identified as the fundamental source of political authority. However, one element in Ziya Paşa's thought is worthy of mention: his discussion on the inalienability of sovereignty. Under the influence of Rousseau and his close acquaintance with Rousseau's *Emile* and *Discours sur l'Inégalité,* in a series of articles that appeared in *Hürriyet* from December of 1868 until May of 1869,[229] Ziya Paşa explains in detail how he sees the original constitution of political society and its consecutive degeneration into a despotic rule. Here, Ziya Paşa builds on Kemal's ideas on popular sovereignty by emphasizing the inalienability of sovereignty of the people, an idea that he most probably derives from Rousseau. He reminds everyone that Kings/Sultans were at first the 'paid servants' of their community, yet in time people became subjects of political rulers, forgetting the contractual origins of their political obligation. Similar to Kemal and Suavi, Ziya Paşa believes that the Sultans of the Ottoman Empire up until the 16th century were in effect similar to those found in early Islam; never acting as rulers with absolute rights, but rather as the administrators of the

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[228]Hilmi Ziya Ülken, *Türkiye'de Çağdaş Düşünce Tarihi*. (İstanbul: Ülken Yayınları, 1999), 112; Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,* 337.

[229]Ziya Paşa, "Hatırâ," *Hürriyet*, 14 December ,1868, 5-8; Ziya Paşa, "Hatırâ," *Hürriyet*, 4 January, 1869, 4-8; Ziya Paşa, "Hatırâ," *Hürriyet*, 15 February, 1869, 1-5.

religious community.[230] Within this context of political degeneration, Ziya Paşa fervently dismisses the irrevocable delegation of sovereignty of the people; instead he holds the rulers continuously responsible.

Ziya Paşa's ideas on the responsibility of the rulers prove also similar to, and according to Mardin goes beyond, the liability of rulers conceived in Locke.[231] In Locke too, we come across a similar relationship of *trusteeship* between the society and the government: In transition from the state of nature towards the creation of civil society, individuals make a contract with one another as equals, yet when it comes to the establishment of a political authority, the agreement takes a form of a trusteeship granted to the government by the society. In other words, dissimilar to the members of society, the government in itself does not bear inalienable rights, but rather the authority that it is endowed with is revocable and subject to certain conditions.

The opinions of Ali Suavi with regards to the issue of sovereignty stand in opposition to the ideas of Ziya Paşa and Namık Kemal. As a matter of fact, Suavi's stance on the source of sovereignty represents one of the clearest points of rupture with Kemal and Ziya. While Suavi believes in the significance of reaching out and awakening 'the public', he nevertheless opposes the idea of 'popular sovereignty' on the basis of its incompatibility with the precepts of Islam. Although it is rather difficult to categorize the political thought of Suavi since, as one of the most debated figures of the Young Ottoman movement, he is bequeathed with conflicting representations ranging from an Islamist[232] to a secular modernizer;[233] from a democratic revolutionary[234] to a Turkish nationalist,[235] as far as his ideas on sovereignty are concerned, the Islamic tradition clearly provides the necessary concepts and tools constituting the fundamental base of Suavi's political conceptualizations.

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[230]Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,* 341-43.

[231]Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,* 346.

[232]Hüseyin Çelik, *Ali Suavi ve dönemi.* (İstanbul: İletişim Yayınları, 1994).

[233]Falih Rıfkı Atay, *Başveren inkılapçı.* (İstanbul, Toplumsal Dönüşüm Yayınları, 2000, original work published 1951).

[234]Mithat Cemal Kuntay, *Sarıklı ihtilalci Ali Suavi*. (İstanbul, Ahmet Halit Kitapevi, 1946)

[235]İsmail Hami Danişmend, *Ali Suavi'nin Türkçülüğü.* (Ankara, 1942)

Despite his outright rejection of the idea, interesting discussions on sovereignty nevertheless appear frequently in Suavi's writings in newspapers such as *Le Mukhbir* and *Ulum*, both of which he publishes in Europe. In one of the most important articles he wrote on sovereignty, "El Hâkimu Hüvallah," Suavi explicitly underlines the fact that in Islam sovereignty can only belong to God, and accordingly sees no value in the discussion of a political order based on the idea of popular sovereignty:

> "There exists a term which has gained considerable notoriety nowadays, 'popular sovereignty' as the expression goes. This term is a translation from the French. Its original reads: 'souveraineté du peuple.' Now let us inquire into the meaning of these French words. What does souveraineté mean? This word is originally from the Latin 'soprenos' which means 'does what he desires.' Sole master of his self [hâkim-i binnefs], absolute authority [amiri mutlak], free in his actions [fail-i muhtar]. Well what is it, in fact, that rules by itself and has absolute power over things? Something, which cannot be qualified with any attribute other than that of Divinity. Thus, in this sense, there does not exist a single human being who possesses souveraineté."[236]

> "So who is the one ruling by his own nature, exerting his entire will upon all beings? Possessing this attribute, there is no one else but God the Exalted. Thus, in this sense, there is no individual possessing sovereignty. Because no person is absolute neither in his consciousness nor in his willpower. Then what does "sovereignty" mean and to whom does it belong? It naturally belongs to a supreme power, who is not human. This owner is greater than all beings, he is the sovereign, utterly just, free from grudge; thus, He is Allah. The teaching 'Allah is the sovereign' [El Hakimu Hüvallah] was revealed to our Prophet (peace be upon Him), who is the true master of Sharia. Islamic jurisprudence is entirely based upon this principle."[237]

As illustrated, Suavi firmly rejects Kemal's hypothesis, which locates the source of sovereignty in the individual, and instead posits that according the Islamic tradition there can be only one source and locus of sovereignty and that would be within God. Since in Islam individuals are expected to submit to the absolute authority of God and therefore cannot be the masters of themselves, they cannot posses sovereignty. Furthermore, building upon the Islamic tradition where all human beings are deemed as equals of one another, Suavi contends that no individual can claim supremacy and domination over others. In this respect, Suavi also refutes the understanding that locates sovereignty in the Sultan or, in a similar logic, in the parliament.

While the influence of Western liberal currents can be readily found in Kemal and Ziya Paşa's ideas on sovereignty, Ali Suavi's logic in this regard in many ways displays

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[236]Ali Suavi, "El Hâkimu Hüvallah," *Ulûm*, 1 August, 1869, 18.

[237]Ibid.18.

similarities to the teachings of the French traditionalist school developed in reaction to the French Revolution, the main representatives of which include Joseph de Maistre and Louis de Bonald. Coming from a staunch catholic position, de Maistre and his followers refute the most cherished notion of the French Revolution, the doctrine of popular sovereignty, by arguing that sovereignty can only belong to God. The children of God are born together with his sovereignty and therefore a separate claim to sovereignty by the people can only be absurd, as well as impossible. By being a possession of God, sovereignty can only be absolute and indivisible. It should be remembered that the ultimate objective of the French traditionalist school was in fact to restore the divine authority of the monarch and to fill in the political vacuum by "whatever seemed supreme and adequate to the notion of absolute sovereignty" [238] to overcome the chaos followed by the Revolution. In a similar fashion, Ali Suavi's referral to the transcendental notion of God can be seen in connection with his wish to fill the vacant seat of the Sovereign[239] with an effective figure of absolute unity, a vacancy that caused much harm to the Ottoman polity. In effect, in Hüseyin Çelik's view, Suavi advocates a political regime that may be entitled nomocracy, where the divine source of sovereignty, God, is placed above everything else and the rulers are mere administrators responsible for executing God's laws on earth.[240]

Yet of course, the apparent difference between Suavi and Kemal is not such that Kemal's conception of sovereignty is based on secular premises, while that of Suavi is deeply rooted in an Islamic understanding. On the contrary, as it is often mentioned in later interpretations of Namık Kemal, and correctly so, Kemal's liberal conception of popular sovereignty is also confined by an incessant attempt to justify his political ideas through referral to Islamic traditions. In fact, it is worthy to note that the titles of the two most important articles "Wa-shawirhum fi'l-'amr" (*Take counsel with them in the conduct of affairs*)[241] and "al-Hâkim Huwullâh" (*the Sovereign is God*), in which Suavi and Kemal elaborate most perceptibly on the subject of sovereignty, are verses directly

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[238]Hinedaki Shinoda, *Re-examining sovereignty: from classical theory to the global age,* 48.

[239]Although the Sultan supported by the government officially represented the Sovereign of the Ottoman Empire, in Suavi's view, the people occupying these institutions of power at the time were incompetent and corrupt to perform their function to maintain the continuity of the Ottoman unity.

[240]Hüseyin Çelik, *Ali Suavi ve dönemi,* 554.

[241] *The Koran*, trans. N. J. Dawood, 56.

taken from the Koran. Despite the contradictory conclusions driven from the verses, the mutual search for Islamic justification is obvious. In fact, the thought of all members of Young Ottomans is heavily permeated by Islamic motifs. However, it is early Islam that appeals to them: Young Ottomans' search for justification for their liberal ideas mostly focuses on early Islamic theology and practice; they often accuse the later Turko-Mongo-Persian state tradition for introducing an absolutist tendency and thereby for corrupting political rule.

In many instances, Kemal tries to show that, in its original and pure form, Islam does not stay distant to the idea of popular sovereignty and that original Islamic practices such as *biat* (contract of investiture) and *meşveret* (consultation) all point to the significance of 'the people' in governmental affairs. The institution of *Biat*, which can be thought as a form of a social contract between the caliph and the community ensuring obedience in exchange for justice, provides a legitimate basis from which Kemal can justify the crucial position he appoints to the consent of people in his political thought (Akşin, 2000: 348). In response to questions extended as a critique of the idea of popular sovereignty, Kemal writes:

> "As long as popular sovereignty is acknowledged, then should the people's right to have a republic not be recognized? Just the opposite….Who on earth can deny that right? Was Islam not a sort of a republic in its earlier phase anyway?
>
> Does popular sovereignty mean unfair submission? As a matter of fact, we are the sovereigns ruling over our domains. Actually we all take part in the government. Yet, through a legitimate covenant [*biat-i meşrua*] we entrusted the execution of state affairs to House of the Ottoman.
>
> Can the attainment of the method of consultation [*usul-ü meşveret*] be only possible by imitating the parliaments currently existing in Europe? Yes, inevitably, it will be the only way to achieve that. Because up until the Janissaries were done away with, the Ottoman State had been ruled according to the consent of the *ummah*, and thus the method of consultation. The people exercised themselves their right to rule, which they would otherwise confer upon the members of the parliament."[242]
>
> Although Ali Suavi, Ziya Paşa and Namık Kemal have divergent opinions as to

the source of sovereignty in a political community, their ideas merge together in the specific form of the political system, which would be held responsible for the exercise of sovereignty. The people's right to sovereignty would be exercised by consultative assemblies carrying out the legislative function. In their call for the constitution of a

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[242]Namık Kemal, "Usul-ü meşveret hakkında Mektuplar," *Hürriyet*, 14 September, 1868.

consultative assembly, the Islamic concept of "meşveret" forms a bridge among the Young Ottomans' thought. In search for an Islamic justification for the introduction of a parliamentary system in the Ottoman Empire, Young Ottomans utilize the terminology of "Usûl-i Meşveret" for the first time in 1867 in *Muhbir*, a Young Ottoman newspaper published in London under the editorial leadership of Ali Suavi. In a series of articles published in *Muhbir* in 1868 under the title of "Emrâz-ı Dahiliyye" (19th and 20th issues), and in an article named "Usul-i Meşveret" (27th issue), the system of *meşveret* is shown to be in line with Islamic theology and in fact to be a common practice in early Islam, particularly in its golden days during the reign of Prophet Muhammad and the following four caliphs. Departing from a sense of nostalgia for a return to the 'golden age', the abandoning of the system of *mesveret* is identified as one of the underlying reasons for the current backwardness of the Ottoman polity.

In fact, Kemal sees much merit in the notion of separation of powers between different political functions. Kemal derives his ideas on separation of powers from the French theorist Montesquieu and as he himself admits, the two significant works of Montesquieu, *The Spirit of the Laws* and *Considerations on the Grandeur and the Decadence of the Romans* prove decisive in shaping his ideas in this direction. For Kemal, since legislation is an expression of popular sovereignty, it has to be separated from the execution.[243] But here too, similar to his earlier attempts at justifying new concepts in reference to old Islamic or Ottoman traditions, Kemal asserts that up until the 17th century, there was a well functioning separation of powers between the Sultan, the ulema and the janissaries in the Ottoman State, yet this balance was gradually disrupted by later developments.[244] To achieve a form of separation of powers, Kemal envisages the establishment of a representative government based on three consultative mechanisms: a council of state (*Şuray-i Devlet*) in charge of drafting of legislation and the members of which are to be appointed and dismissed by the Sultan; a parliamentary chamber (*Meclis-i Şura-yı Ümmet*) with a right to approve or deny legislation prepared by *Şuray-i Devlet* and the members of which are to be chosen by popular election; and a Senate made up of the family of the Sultan, high ranking religious and military leaders and local notables. In Kemal's view, this body would be responsible for keeping a balance of power between *Şuray-ı Devlet* and *Şuray-ı Ümmet*. Similar to Rousseau,

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[243]Recai Okandan, *Amme Hukukumuzun Anahatları: Türkiye'nin Siyasi Gelişmesi,* 122.

[244] Namık Kemal, "Hasta Adam," *Hürriyet*, 7 December, 1868.

Kemal believes that since there is no possibility of direct rule in a big state such as the Ottoman Empire, people inevitably need to delegate the execution of sovereignty to a government. For Kemal, a mixture of the political systems of France and England, a monarchy supported by a parliamentary system, can exemplify the best form of government for the Ottoman Empire.[245] Thus, in Kemal's vision, while the right of sovereignty belongs to the people, its practice is not conceived as indivisible and absolute.

> "Because the people do not have any actual opportunity to exercise the duties entailed by that right of sovereignty, it is indispensable that an *imam* should be designated and a government should be formed, which is nothing but the fact that the society entrusts some individuals with the exercise of the mentioned duties."[246]

In their various writings, Young Ottomans go in great detail in highlighting the differences between *Usul-i Meşveret*, conceptualized as a form of parliamentary assembly, and *hükümet-i mutlaka* (absolute government) or *hükümet-i şahsiyye* (personal government).[247] As Ziya Paşa explains in the 32nd issue of *Muhbir*, the good government is a form of representational government supported by a constitutional assembly, which would eventually lead to the maturation of the people and the realization of their will.[248] Ziya Paşa further compares the Ottoman political system to those in Europe and concludes that a parliamentary system would indeed help the Ottomans to progress. Ziya Paşa holds:

> "Now let us take a look at the states situated on the continent of Europe. Has there remained any absolute state other than Russia? And has even that government not gradually been striving to imitate the laws prevailing in other European states? In as much as the course of development in the public opinion of Europe is like an overwhelming flood….. And given that the Ottoman State, too, is considered as belonging to the family of Europe, it is totally unlikely that we will be able to resist against the world and survive."[249]

Yet, in this newly envisaged political system, none of the Young Ottomans dare touch the privileged position of the Ottoman Sultan. While all concede to the position of

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[245]Kâmıran Birand, *Aydınlanma devri devlet felsefesinin Tanzimatta tesirleri,* 37.

[246]Namık Kemal, "Wa-shawirhum fi'l-'amr", *Hürriyet*, 20 July, 1868.

[247]Birol Emil, "Ziya Paşa'da İslâmiyet ve Meşveret Fikri," 176.

[248]Hüseyin Çelik, *Ali Suavi ve dönemi*, 77; Şerif Mardin, *The Genesis of Young Ottoman Thought: A Study in the Modernization of Turkish Political Ideas,* 349-352.

[249]This quotation of Ziya Paşa is cited in Murat Uraz, *Ziya Paşa*, (İstanbul: Tefeyyüz Yayın Evi, 1946), 56.

the Sultanate, their ideas differ only with regards to the level of his involvement in day-to-day politics. While Kemal and Ziya foresee a role for the Sultan similar to that of the British monarch, for Suavi, this role goes beyond a symbolic crown.[250] Yet even Suavi, a fervent believer in the institution of Sultanate, denies limitless and arbitrary political power gathered in the hands of a monarch. To this end, he makes a clear distinction between despotism and constitutional monarchy, advocating the latter.

However it should be underlined that although Suavi condemns despotism,[251] he disagrees with Kemal on the necessity of separation of powers and accordingly never accepts the principle of checks and balances. Departing from the idea of "the unity of imamate" in Islam, Suavi rejects Kemal's proposals urging for an effective cross checks and balances between the powers of legislative, executive and the judiciary. Suavi evades the possibility of an institution of a non-hierarchical governmental functions by arguing that since Islam already permits and exercises a separation of power between *müftü* (the interpreter of Shariat), the *kadı* (the judge of Islamic court) and the *valis* (the governor acting as the arm of the executive), it makes no sense to have checks and balances from the point of Islamic order.[252]

> "Although we acknowledge that the offices of the Grand Vizier and the *Şeyhülislam* should be separated for the affairs to be properly managed, nevertheless, execution depends on verdict, verdict on *fatwa*, fatwa on the Sharia and the law, and Sharia and the law on the principle of eternal justice, respectively. Here the principle of unity of *imamet* [*Vahdet-i İmamet*] originates in the above-explained sequence."[253]

As a number of contradictions in the above-presented debate reveal, even the Young Ottomans, which are often labeled as the members of the first "democratic intelligentsia movement"[254] directed against the absolutist, yet inefficient rule of the Ottoman polity, disagree upon the main premises of the regime that they are seeking to establish. In this perspective, it is now appropriate to turn our attention to the critical question that was raised in the introduction of this chapter: what are the main shortcomings of this theoretical construction process and what do these shortcomings

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[250]Ali Suavi, "Demokrasi, Hükümet-i Halk, Müsavat," *Ulûm*, no.1, 18-19.

[251]Ali Suavi, "Hükümet-i Mutlaka," *Le Mukhbir, Usul-ü Mesveret,* 14 March, 1868.

[252]Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,* 368.

[253]Ali Suavi, "El Hakimü Hüvallah", *Ulûm*, no.2, 79-80.

[254]Mümtaz Türköne, *Osmanlı Modernleşmesinin Kökleri.* (İstanbul: Yeni Şafak, 1995), 72.

imply for the subsequent political developments. However, before delving into an analysis of the in-built limitations of the Young Ottoman thought, it is first necessary to look at the general reception of the idea of popular sovereignty in the Ottoman political life to understand the extent of its influence. The objections raised by conservative Ottoman statesmen, in fact representing the majority of the Ottoman decision makers, also highlight some of the reasons why the principle of popular sovereignty could not in the end be embraced in the Ottoman context of the late 19th century.

3.5. Opposition: Islam, Consultation and the Position of *Millet-i Hakime*

Systematic objections to the new conceptualization of sovereignty come to fore particularly during the heated discussions on the proposals originated by the Young Ottomans for the introduction of a constitution and a parliamentary assembly. At this stage, the meaning of the Koranic verse of "Wa-shawirhum fi'l-'amr" (Take counsel with them in the conduct of affairs), which also refers to the title of Kemal's most discussed article, occupies the central stage of deliberations on whether or not a form of parliamentary system based on popular sovereignty with the participation of all millets making up the Ottoman Empire can be a suitable political panacea for an Islamic empire. As discussed, Young Ottomans interpret this verse as an evidence of Islam's sympathy towards a regime of consultation and accordingly project this 'legitimate basis' on their further call for the setting up of a constitutional assembly.[255] Others point to its context in the Koran, which reveals no relation to a discussion of politics, let alone a possibility of a consultative and representative government.[256] The verse becomes intensely debated not only from the perspective of whether or not Islam allows consultation, but also from the perspective of who would constitute the consultative assembly, or in other words who would represent the adjective of *hum* (they) in the

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[255]*Hürriyet*, No: 4, 20 July, 1868, pp.1-3.

[256]In effect, the discussion on the meaning of this verse continues to date, the verse being subject to multiple interpretations depending on the motive of the referent. For a more detailed discussion please see Niyazi Berkes, *Türkiye'de Çağdaşlaşma,* 321; Hüseyin Çelik, *Ali Suavi ve dönemi*; Cemil Oktay, *Siyaset yazıları: hum zamirinin serencamı ve diğerleri,* 30.

verse.[257] In this respect, Ahmet Mithat's book *Üss-ü İnkılab* clearly demonstrates the positions of the opposing camps. As it becomes apparent, the conservative statesmen and religious leaders, a few representatives of which include Ahmet Cevdet Paşa, Rüşdü Paşa, Halil Efendi, Nusret Paşa and Mahmut Celaleddin Paşa, object to the ideas of popular sovereignty and constitutional assembly and criticize the advocates like Young Ottomans for trying to induce democratic and liberal elements into the Ottoman mind under the misleading forgery of Islam:[258]

To begin with, as exemplified by the ideas of the leading ulema of the time like Nusret Paşa and Mustafa Sabri,[259] they find the principle of popular sovereignty incompatible with the Islamic tradition and accordingly dismiss the idea of a constitutional regime on the grounds that it would establish a regime based on popular sovereignty, replacing the regime of the Sultan/Caliph. Going further, for the opposition who identifies all these new political ideas as *bid'at* (a form of heresy), drafting of a constitution means the destruction of the monopoly of *Shariat* in the Ottoman polity and thereby it opens the way towards deviation from Islam.

In fact, for most of the Ottoman statesmen, whether or not Islam allows it, the current ill state of the public can in no way lead to the construction of an effective political system. In their view, in a polity where 'the people' cannot be entrusted with consultation, a regime based on popular sovereignty cannot be sustained. As Ahmet Mithat explains, even the statesmen like Mütercim Rüştü Paşa, Halil Efendi and Ahmet Saib, who finally yield to the idea of constitution and the opening up of a consultative assembly out of obligations to *raison d'etat*, nevertheless retain their general distrust of the public.[260]

Another area of concern on the concept of popular sovereignty refers to the participation of non-Muslims in the decision-making process. Since a parliamentary assembly based on the principle of popular sovereignty would inevitably include non-Muslims, the religiously oriented conservatists reject such a practice on the basis of its potential destabilization of the innate link between the Ottoman state and Islam. For statesmen such as Mahmut Celaleddin Paşa, even if the verse of "Wa-shawirhum fi'l-

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[257]Cemil Oktay, *Siyaset yazıları: hum zamirinin serencamı ve diğerleri,* 29-41.

[258]Niyazi Berkes, *Türkiye'de Çağdaşlaşma,* 324-325.

[259]The ideas of Nusret Paşa and Mustafa Sabri are discussed in Niyazi Berkes, *Türkiye'de Çağdaşlaşma,* 324 and 384.

[260]Cemil Oktay, *Siyaset yazıları: hum zamirinin serencamı ve diğerleri,* 37.

'amr" indicates some form of consultation, the adjective of *hum* (*they*) can only point to Muslims, and no one else:

> "Our Sultan is the caliph of our prophet and the leader of the believers; his orders which are in accordance with Islam are to be obeyed; and it is a religious duty to remain loyal to Islam, which is our foothold. If it is required to establish a parliament, which may be permitted provided that it will only be composed of Muslims. Otherwise, it could not be deemed permissible to admit non-Muslim subjects to such a parliament and to entrust them with the state administration."[261]

In a certain way, the notion of popular sovereignty remains void of content once the idea of equality of individuals and their equal right to political participation remains as a contested premise. In fact, the fear over the loss of the sovereign and dominant position of the Islamic community within the ranks of the Ottoman Empire, conceived in the concept of *millet-i hakime*, is a determining phenomenon eroding the basis of the concept of popular sovereignty during the period in question. Ahmet Cevdet Paşa, one of the most powerful critiques of the reform movement, vividly expresses the widespread concerns over the newly developing idea of equality (*müsavat*) of religious communities following the proclamation of the Reform Edict of 1856 in the following passage taken from his famous book on the Ottoman history, *Tezâkir*:

> "This *firman* brought full legal equality between Muslim and non-Muslim subjects, which seriously upset the people of Islam. Previously, the privileges granted to Christians constituted one of the four principles which were established as the basis of peace provided that these would not encroach upon the sovereignty of the state. Yet, the question of privileges is now bygone. All of a sudden, non-Muslim subjects happened to be regarded as equal to the people of Islam in all political rights. Many Muslims began to grumble, saying 'Today we have lost the sacred rights of our community, which were won with the blood of our fathers and forefathers. Once the Muslim *millet* was the ruling community, now it has been divested of such a sacred right. For Muslims, this is a day to weep and mourn."[262]

Ahmet Cevdet himself refutes the Young Ottomans ideas on popular sovereignty on the grounds that they would eventually lead to the demise of the Ottoman Empire. As Cevdet sees it from the traditionalist perspective of an Ottoman statesman, it would be impossible to revitalize the Ottoman strength, make the state structure efficient and at the same time 'democratize' the political system. For Cevdet, the Western originated concepts of liberal Ottoman citizenship and the civic association with the idea of *patrie*

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[261]This quotation from Mahmut Celalleddin Paşa is cited in Cemil Oktay, *Siyaset yazıları: hum zamirinin serencamı ve diğerleri,* 38.

[262]Cevdet Paşa, *Tezâkir,* ed. Cavid Baysun. (Ankara: Türk Tarih Kurumu Basımevi, 1953), 67-68.

cannot provide the Ottoman Empire with the necessary cement. It is only in Islam that Cevdet perceives such a potential; Islam represents the real 'volkgeist' of the Ottoman Empire.[263]

> "Let us assume that we now introduce the concept of *patrie*. Even if it in time takes root in the public opinion and comes to attain the level of prestige it has in Europe, it will never be as strong as the religious zeal. It will not at all supersede that notion. Furthermore, so much time will be needed to achieve it. And up until then, our armies will lose the spirit to fight."[264]

Accordingly, in Cevdet's account, the panacea for the Ottoman revival cannot be found in Western concepts and civilization since the political culture of the West irreconcilably differs from that of the Ottomans. For instance, where there is a separation of spiritual and political leadership in the West, they are merged together in the Ottoman context; where the classes are important political actors in the West, the Ottoman polity in contrast functions on the notion of solidarity. These kinds of incompatibilities lead Cevdet to conclude that the governance of the Ottoman polity can only be improved by local remedies, stemming out of the Islamic tradition. His long lasting effort to formulate an Ottoman civil code, *Mecelle*, should be seen in this perspective as an example of Cevdet's firm belief in indigenous solutions to home-grown problems. In opposition to Mithat Paşa's proposals to adopt a form of European-inspired civil code, Cevdet's *Mecelle,* a unique effort at codifying the orthodox Islamic law in corporation with *örf-i sultani,* becomes the first Ottoman civil code that remains in effect until 1926.[265] For Cevdet, the Roman law and Islamic law cannot be reconciled since they are products of different mentalities:

> "The first code to be compiled on the continent of Europe was *Corpus Juris Civilis*, which was composed and compiled in the city of Constantinople thanks to the works of a group of scholars. This code constitutes the very basis of European law systems, and is well-known and respected everywhere. But it does not compare to *Mecelle-i Ahkâm-ı Adliye* [Compendium of Judical Statutes] and there exists many differences between the two. Because the former was accomplished thanks to the efforts of five or six jurists; whereas, the latter was, by five or six learned men of Islamic jurisprudence, extracted and compiled from the glorious Sharia, which is a divine command."[266]

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[263]Süleyman Seyfi Öğün, *Türk Politik Kültürü.* (İstanbul: Alfa Yayınları, 2004), 324-325**.**

[264]Cevdet Paşa. *Ma'rûzât*, Ed. Yusuf Halaçoğlu. (Istanbul: Çağrı Yayınevi, 1980), 273.

[265]Hilmi Ziya Ülken, *Türkiye'de Çağdaş Düşünce Tarihi*, 74.

[266]Cevdet Paşa, *Tezâkir*, 64.

Later in the 19th century, the ideas of the conservative camp find expression in the ideology of Pan-Islamism, flourishing in the Ottoman polity first during the reign of Abdülhamit. The Pan-Islamists see the caliphate not only as a spiritual leadership, but as an expression of political sovereignty: Going beyond the mere unity of faith, all Muslim nations should unify politically and stand against the Western ascendancy in world affairs. Every Muslim should understand that unless political unity is achieved, Islam would loose vigor and fall prey to the Western civilization.[267] This ideology of course stands in opposition to the liberal strand found in Ottomanism, which seeks unity based on the concept of Ottoman citizenship regardless of ethnic and religious differences, and which, to this end, employs the concept of popular sovereignty as the theoretical basis of the urgently needed unity.

3.6. Doomed Birth of 'Popular Sovereignty': Trapped in between the Discursive Clash of Liberalism and Conservatism

While the above discussion illustrates the various lines of 'external' argumentation in opposition to the concept of popular sovereignty and other associated ideas for a regime change, the Young Ottoman's discourse in effect in itself embodies several fault lines that in the end turn their idea of popular sovereignty into a feeble product. Thus, although it is first through the writings of the Young Ottomans that the principle of popular sovereignty suffuses into the Turkish political life and becomes a familiar concept during 1860s and 1870s in support of the efforts for effective governance, it nevertheless reflects a short-lived synthesis of Western and Islamic liberalism designed to save a multinational dynastic Empire from collapse. In this sense, it contains all the contradictions of this rather odd amalgamation, and therefore its function remains ephemeral.

First, let us focus on the immediate political outcome of the efforts of the Young Ottoman movement: The ideas of the Young Ottomans prove decisive in the proclamation of the first Ottoman constitution, *Kanun-i Esasi*, in 1876.[268] In three

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[267]Niyazi Berkes, *Türkiye'de Çağdaşlaşma,* 361.

[268]Ibid.293.

months after the constitution goes into effect, a form of parliamentary assembly opens its doors with 115 members, 69 of which are Muslims, while 46 come from various non-Muslim millets.[269] Since it is not within our aim to discuss the details of the constitution and the activities of this first, yet short-lived, parliament,[270] it will suffice to state that although neither of these mechanisms satisfies the demands of the Ottoman intellectuals in opposition to the regime,[271] they nevertheless reflect the Young Ottomans' fragile synthesis of Western and Islamic conceptions.

Although Young Ottomans try to highlight liberal aspects of Islamic theology, their conflation of Islamic theory with European ideas nonetheless puts limits to the further development of a secular basis of popular sovereignty, which, in the context of a multi-religious Empire, could have been instrumental. As it is depicted in the first chapter, the theoretical construction of the modern concept of sovereignty in Western Europe develops in parallel to the process of secularization and the first two most important proponents of the concept, Bodin and Hobbes, make a radical break with the theological connection of sovereignty by locating its source and locus in the secular foundation of the state. Yet, seen from this perspective, the initial development of the modern idea of sovereignty in the Ottoman political thought misses a figure similar to Bodin or Hobbes. Instead, there is a jump to the idea of popular sovereignty prior to the formulation of a secular theory of political obligation.

Moreover, although the influence of liberal constitutionalism is rather evident in the Young Ottoman thought, the ideas that Locke propagates in his famous *A Letter Concerning Toleration* (1689) such as the clear distinction that he draws between private and public life and the relegation of religion to the private life are nonetheless absent in the Young Ottoman writings. Kemal and Ziya Paşa make it clear in many

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[269]Niyazi Berkes, *Türkiye'de Çağdaşlaşma,* 336.

[270]Almost a year after its establishment, the parliament closed down in February 1878 with the order of Sultan Abdülhamid on the grounds of his legal right stated in the new constitution.

[271]While representatives of Young Ottomans participated in the drafting of the constitutional text, the scope of their proposals was severely curtailed by bureaucratic and Sultanic objections. In the end, as Berkes describes it in Namık Kemal's words, the constitution turned into a meaningless text (Niyazi Berkes, *Türkiye'de Çağdaşlaşma*, 330). The last minute injection of the famous article of 113, which gave the Sultan the unquestionable right to exile anyone suspected by the police without trial, prepared the ground for exile of the intellectuals and statesmen who were indeed responsible for writing up the constitution.

instances that while sovereignty belongs to people, the will of the people cannot transgress the precepts of *Shariat*. For Suavi too, *Shariat* can be the only appropriate medium through which God's sovereignty can emanate onto earthly matters. In Suavi's thought, *ulema* gains particular significance as the ultimate "interpreters of this incarnation of God's sovereignty on earth".[272] Young Ottomans futilely attempt to ease the potential tension between the worldly and the divine by arguing that if Islamic law is practiced appropriately, the public will and the will of God would indeed move in harmony.[273] In fact, they go further to point out that it is the misapplication of *Shariat* that underwrites the current ills and the backward status of the Ottoman polity.[274] It is of course a question to be further explored whether they genuinely see no contradiction between the practice of *Shariat* (where decisions on the absolute 'rights' and 'wrongs' as to how one should live are already taken by God) and the pursuance of natural rights, or given the actual conditions of the time, they are in effect hiding their liberal proposals behind the veil of 'pure' Islam.

With regards to secularism, the ideas of Namık Kemal, Ziya Paşa and Ali Suavi are indeed behind of those earlier figures associated with the beginnings of the Young Ottoman movement such as Mustafa Fazıl and Şinasi, who courageously and innovatively seek a separation of religion from political affairs.[275] It is important to remember that, in a famous letter addressed to the Ottoman Sultan as early as 1866,[276] Mustafa Fazıl calls for a distinction between governmental affairs and Islam, a plea that never finds a place in the Young Ottoman thought:

> "But my Sultan, your Excellency knows far better than I do that religion
> and sect have control over the soul and promise us other-worldly blessings;
> thus, it is not religion and sect which set the limits for laws of nations. If

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[272]Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,* 374.

[273]Kâmıran Birand, *Aydınlanma devri devlet felsefesinin Tanzimatta tesirleri, 41-42;* Nevin Önberk, "Namık Kemal'de Özgürlük Fikri," *Doğumunun yüzellinci yılında Namık Kemal.* (Ankara: Atatürk Kültür, Dil ve Tarih Yüksek Kurumu, 1993), 104.

[274]İhsan Sungu, "Yeni Osmanlılar ve Tanzimat," *Tanzimat: yüzüncü yıldönümü münasebetile.* (İstanbul: Maarif Matbaası, 1940), 802 and 806.

[275]İlber Ortaylı, *İmparatorluğun en uzun yılı,* 25; Niyazi Berkes, *Türkiye'de Çağdaşlaşma,* 283.

[276] Although there is a scholarly discussion on the ambiguity surrounding the original writer of this letter (for this matter please see Hüseyin Çelik, *Ali Suavi ve Dönemi,* 30) it nevertheless represents a path-breaking document in representing the newly emerging demands of governmental reform.

religion does not persist in the form of eternal truths; that is to say, if it intervenes in worldly affairs, it shall destroy all, so will itself then. His Majesty, neither Christians nor Muslims do have their own separate policies, for justice is of only one kind on earth. What we name politics is simply true justice. The reason why we have been perishing is the old course we have taken. This outworn course had corrupted and perverted the officials of our State. Then, these already-corrupt men further degraded and disgraced the already-outworn course. Now let us entirely abandon this course, and lay aside the obsolete principles, which not only failed to protect the state but also subverted it. Let us embrace the new laws that were established in other states and proved to be a source of well-being for them."[277]

In contrast to any form of secularism, the constitution of 1876 indeed affirms the title of the Caliphate of the Ottoman Sultan and clearly states that Islam is the religion of the Ottoman State (Article 3, 4, 11). Confirmation of the Islamic basis of the Empire inevitably contributes to the disenchantment of non-Muslim nations with reform movements. In fact, the principle of popular sovereignty, a notion that could have helped to sustain the foundation of an inclusive Ottoman citizenship, never makes into the constitution: the first seven articles unmistakably locate the sovereignty in the Ottoman dynasty without any conditions or reservations.

Besides a lack of secular foundation and public-private distinction, Young Ottoman's synthesis of Western and Eastern 'liberalism' is also curtailed by the lack of a theory of civil resistance, the sole exception to which can be found in Ali Suavi's writings.[278] It should be understood that in Kemal's thought, the community could breach the contract only if the ruler does not follow his obligations emanating from *Shariat*; however even in this case, it can only be the joint decision of community to revolt, not the decision of an individual.[279] This of course emerges as a significant contradiction in Kemal's thought as far as his stress on the individual freedom is concerned.

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[277] Mustafa Fazıl Paşa, "Paris'ten Bir Mektup," *Dersaadet,* 1910, 15-16.

[278] In contrast to other Young Ottomans, it is only Suavi who develops certain ideas on civil revolt. As it is often mentioned in his articles in London based *Muhbir*, Suavi underlines the potential of below-initiated push for change. To this end, he utilizes *hadith* to show that Islam indeed allows for civil resistance when deemed necessary. Suavi's thought not only justifies, but goes actually further in calling to take public action against unjust rule. It is meaningful to remember that he himself dies in a failed *coup d'etat* with the intention of bringing Murat V to throne, an event also known as *Çırağan Vakası* in the Ottoman history.

[279] Şerif Mardin, *The Genesis of Young Otoman Thought: A Study in the Modernization of Turkish Political Ideas,* 294-295.

In this respect, it is also important to underline the fact that the Young Ottoman idea of popular sovereignty never embodies a democratic revolutionary aspect. Even Suavi, who is sometimes praised as the first 'democrat' of Turkish politics[280] based on an article he wrote in *Ûlum* under the title of "Demokrasi, Hükümet-i Halk, Müsâvât," concludes that due to the multinational composure of the Empire, democracy could in no way provide a solution for the ills plaguing the Ottoman system. In fact, according to Berkes, the Young Ottomans do not espouse any of the political ideas that can be classified as part of the ideology of the European "Young" movements such as revolutionism, nationalism and republicanism.[281] Young Ottomans, even in their most radical proposals, do not aspire to eradicate the Ottoman dynasty. Kemal, Ziya and Suavi all pay tribute to the special role of the Sultan in the Ottoman polity, and as mentioned before, it is the illegitimately claimed sovereignty of the Bab-ı Âli bureaucrats that they attack, not the institution of the Sultanate.[282] Thus, Young Ottomans' ideas fall short of envisaging the building of a Republic based on the sovereignty of the people:

> "As long as popular sovereignty is acknowledged, so shall not the people's right to have a republic? Just the opposite…. Who on earth can deny that right? Was Islam not a sort of a republic in its earlier phase anyway?… It is another fact that a republic will lead us to disaster, which no one can deny. But actually no one among our people can imagine of founding a republic. Nevertheless, despite the actual impossibility of materializing such an idea, this is not to say that the truth is falsified. Greeks wanted to establish a republic. But that was not allowed in Greece. Do they not know the fact that the Muslim millet, which constitutes the majority within the Ottoman domains, is so fond of the ruling dynasty? As a matter of fact, we are the ones reigning in our domains, we all take part in the government. However, we entrusted the executive power to the Ottoman dynasty through a

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[280]Nevin Yazıcı, *Osmanlılık fikri ve Genç Osmanlılar Cemiyeti.* (Ankara: T.C. Kültür Bakanlığı Yayınları. 2002), 122.

[281]Niyazi Berkes also argues that the ideas of Young Ottomans cannot be associated with liberal constitutionalism in a substantial sense (Niyazi Berkes, *Türkiye'de Çağdaşlaşma,* 285). In Berkes's reading, Islam emerges as the dominant force in the Young Ottoman thought overriding all other concerns. Yet, although not to deny the weight of Islam the Young Ottoman thinking, as the above presented analysis shows, the influence of Western liberalism over the Young Ottomans can be traced, the mirror images of which the Young Ottomans seek in Islamic heritage (Niyazi Berkes, *Türkiye'de Çağdaşlaşma,* 282-283).

[282]Necdet Kurdakul, *Tanzimat dönemi basınında siyasal ve anayasal fikir hareketleri.* (Ankara: Kültür Bakanlığı, 2000), 32-33; Ebubekir Sofuoğlu, *Osmanlı Devletinde Islahatlar ve I. Meşrutiyet.* (İstanbul: Gökkubbe Yayınları, 2004), 163.

legitimate covenant, we always desire that dynasty to be in power, and we demand a constitutional monarchy."[283]

Rather, since their major concern remains within the halting of the nearing collapse of the Ottoman Empire, Republicanism and Ottomanism prove as two incompatible ideologies and the Young Ottomans unmistakably side with the latter.[284] Despite sometimes discussing what the idea of Republic entails in the European context and what merits it can offer,[285] Young Ottomans do not see Republicanism fit for the Ottoman context, since, in their view, it contradicts with the espousal of an empire headed by a Sultan/Caliph supported by the principle of popular sovereignty.

3.7. Conclusion

In conclusion, as this chapter explains, the introduction of the ideal of popular sovereignty to the Ottoman psyche should be evaluated in close connection to the ideology of Ottomanism, produced in response to the need to reinvigorate a falling Empire by establishing new forms of political association with and loyalty to the Ottoman polity. Faced against the undermined authority and the charisma of Sultans, their rising despotism, increasing monopoly of overbearing, yet inept bureaucracy over governmental affairs; making use of the newly developed 'public opinion' and its unprecedented concern with political legitimacy, and under the influence of Western thought currents, the Ottoman intellectuals of the time discover the ideal of popular sovereignty as the much-needed nodal point to articulate their demands to transform the Ottoman political life. In this context, popular sovereignty represents a reconciliatory solution for the demand to protect the rights and liberties of individuals making up the

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[283] Namık Kemal, "Usul-ü meşveret hakkında Mektuplar," *Hürriyet*, 14 September 1868.

[284] Necdet Kurdakul, *Tanzimat dönemi basınında siyasal ve anayasal fikir hareketleri,* 34.

[285] Some examples of the Young Ottoman discussion on "Republicanism" can be found in 115th, 116th, 120th and 125th issues of *İbret* newspaper. Ziya Paşa's article entitled "İdare-i cumhuriyet ile hükümet-i şahsiyetin farkı," *Hürriyet*, no. 99 is also illuminating in this regard.

Ottoman Empire, while helping to soften the absolute political rule with the introduction of a form of a parliamentary assembly and a constitution partially reflecting the will of the people.

Although it is these guiding principles that lead the Young Ottomans to introduce and popularize the concept of popular sovereignty in the Ottoman mind, they nevertheless give birth to a child with serious ailments. Despite its liberal underpinnings, once void of revolutionary, secular and democratic aspects, the concept proves as a deficient tool for helping to introduce a more effective and participatory political rule in the Ottoman Empire. On the one hand, under the pervasive influence of the Western social contract theories and liberal constitutionalism of the 17th and the 18th centuries, many of the Young Ottomans find the idea of popular sovereignty conducive for the pursuance of their constitutional reform policy to ensure the continuity of the Ottoman Empire through change. On the other hand, the divergent degrees of their submission into the Islamic *weltanschauung* and their continued loyalty to the Ottoman Sultanate inhibit the constitution of an effective and unified 'revolutionary' movement to sustain the foundations of a secular constitutional order. At the same time, given the prevalence of conservative and religious statesmen's reign over Ottoman politics, the discourse developed by Young Ottomans, a short-lived articulation of Western and Islamic liberalism designed to save a multinational dynastic Empire from collapse, proves a frail and ineffective product.

While the above-discussed contradictions gradually erode the empowering role of popular sovereignty, one other significant dimension helps explain its eventual demise: the absence of the idea of 'nation' at its foundation. As Ottomanism eventually fades into the oblivion following a destructive series of wars bringing the disintegration of the Empire in early 20th century and as Turkish nationalism slowly takes root, it is the new ideal of national sovereignty that now comes to be propagated by the Ottoman thinkers and politicians alike. It is in the next chapter that these issues will be taken up in detail.

4. CREATION: TURKISH NATION-STATE BUILDING AND THE POLITICAL DISCOURSE ON SOVEREIGNTY

4.1. Introduction

As discussed in the foregoing chapter, in the context of the disintegrating Ottoman Empire of the late 19th century, popular sovereignty was discursively 'discovered' by the Young Ottomans and was articulated with the ideology of Ottomanism with the purpose of replacing a number communal memberships with that of an overriding membership to the Ottoman state; an articulation that was considered instrumental to ensure the continuity of the Empire. Therefore, the idea of popular sovereignty could not derive its political strength from 'the will of a single nation,' on the contrary, it was a 'liberal'[286] concept brought to fore to sustain the basis of the egalitarian project of Ottomanism, which rather naïvely aspired to awaken and unite the population under the banner of the House of the Ottoman irrespective of religious and ethnic affiliations. Yet of course, as the growing number of internal uprisings in the early 20th century revealed, political liberation from the Empire as an 'independent nation', not legal equality within its jurisdiction was what mostly appealed to ethnic groups within the Ottoman Empire such as the Greeks, Bulgarians, Serbs, Albanians, Arabs, Kurds, and the Armenians.

The emerging 'national' consciousness among these ethnoreligious groups and its calamitous political consequences for the Empire engendered a significant shift of focus among the Ottoman elite from the advocacy of Ottomanism towards the advocacy of a burgeoning ideology: Turkish nationalism. During the period in question, the concept of sovereignty became divorced from its earlier association with liberal discourses, the aim of which were to find the source of needed political strength in the assurance of equal

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[286]The peculiarity of the Young Ottoman 'liberalism,' namely its frail amalgamation of Western liberal constitutionalism with Islamic theology has already been discussed in detail in Chapter 2.

participation of the Ottoman public to political life. Instead, ongoing international wars and internal revolts with an end result of the Ottoman disintegration essentially and in a way irrevocably led the political elite to reformulate their claims to sovereignty in the name of a new entity: the 'Turkish nation'. In this setting, the newly espoused ideal of 'national sovereignty' helped to sustain the legitimacy of the compelling political objective of demarcating and securing the boundaries of the emerging Turkish Republic both in terms of territory and population.

Taking this critical conjuncture as a point of departure, this chapter analyzes the ways in which the idea of 'national sovereignty' constitutes the *nodal point* of the nationalist/republican discourse in its employment of a *logic of difference*, in line with its attempts to weaken and displace 'internal' and 'external' antagonisms and to form a coherent unity out of heterogeneous identities in order to be able to create a Turkish nation-state out of the remains the Ottoman Empire.

To this end, the chapter first looks briefly at the political circumstances that make the discursive transition from the idea of popular sovereignty towards the idea of national sovereignty necessary in the context of the early 20th century Ottoman Empire and examines in this respect the ideas of the *Young Turks*, the early actors who understand and underline the need towards a reconceptualization of the source of sovereignty from the abstract idea of 'the people' to the newly surfacing concept of 'the nation.' The second part of the chapter explores the instrumental articulation between the concept of national sovereignty and the evolving ideologies of Turkish nationalism and populism. More specifically, the chapter traces the way in which the ideologues and the activists of Turkish nationalism produce the doctrine of national sovereignty into a prevalent and effective discourse of legitimacy in support of first the Turkish War of Independence and later on the process of Turkish nation-state building.

This analysis illustrates the discursively empowering role that the concept of national sovereignty has played during the period in question and exposes its implications on the production of Turkish national identity and state-society relations as they have become shaped in the late 1920s. In this light, the chapter ends with a discussion of the built-in problems associated with the new republican one-party regime, the legitimacy of which has come to be based on the principle of "Sovereignty is vested Fully and Unconditionally in the Nation" as a result of a chain of equivalences constructed among sovereignty, Turkish nation, People's Party and the 'Eternal Chief'.

4.2. From 'popular sovereignty' towards the sovereignty of the 'nation'

In the political literature on sovereignty, there is a widespread negligence over the crucial distinction between the concepts of popular and national sovereignty; and we repeatedly see these two terms conflated and used interchangeably with one another. For instance, in an article that discusses the theoretical foundations of popular and national sovereignty, Mehmet Ali Ağaoğulları argues against a differentiation between the two concepts and erroneously goes on with a historical analysis that treats both concepts as identical since, as he sees it, "both are the products of the 18th century bourgeoisie and theoretically there are no differences between the two".[287] However, as illustrated in the first chapter, the historico-theoretical construction of these two principles rests on disparate premises of different political traditions and therefore it is important to keep in mind the divergent implications of locating the source and locus of sovereignty in the 'people,' or in the 'nation.' As we now know, the modern notion of the 'nation' refers to an essential category, which reduces the diversity in a population to a single criterion: that of belonging to an ethnically and culturally homogenous group.[288] In this sense, the idea of the 'nation' represents an abstract unity possessing a moral, cultural and political essence on its own separate from and above of its constituent parts: the people.

Within the perspective of this key distinction, the following analysis charts out the ways in which sovereignty increasingly come to be contextualized within the anti-imperialist and nationalist position developing within the cadres of the *Young Turks*, a revolutionary group of Ottoman military and bureaucratic elite influential upon the course of Ottoman political developments between 1895 and 1918. As Ottomanism eventually looses ground and as Turkism slowly takes root as one of the defining ideologies of the newly emerging Turkish nation-state, it is the new idea of national sovereignty that now becomes propagated by the Ottoman thinkers and politicians alike, replacing the concept of popular sovereignty.

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[287]Mehmet Ali Ağaoğulları, "Halk ya da Ulus Egemenliğinin Kuramsal Temelleri Üzerine Birkaç Düşünce" *Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi* 41, no.1, (1986):132.

[288]Craig Calhoun, *Nationalism.* (Buckingham: Open University Press, 1997),18.

Influenced by the ideas of Social Darwinism, Young Turks believe that the only way to ensure survival is to attach to unifying themes such as the surfacing idea of the 'nation' and in this context the principle of national sovereignty offers merits both in terms of centralization of power and the securing of unity against interventions of major international powers. However, while discovering the importance of forming a nation, it must be underlined that Young Turks never ascribe to the idea of the creation of a *republic*, nor advocate republicanism as an ideology. In fact, Young Turks never develop their ideas into a concrete and comprehensive ideology. Their political quest is mostly motivated by the pragmatic search of means to prevent the disintegration of an empire; and not by the establishment of an independent nation-state with a clearly delineated territory, population and a new regime based on national sovereignty.[289]

In order to better grasp the development of this anti-imperialist and nationalist position to predominance within the Young Turk movement, it might be useful to briefly remind ourselves of the rupture between liberals vs. conservative/nationalists that was made evident in the famous congress of the Young Turks in 1902.[290] In this congress, the leading Young Turks such as Ahmet Rıza, Bahaeddin Şakir and Nazım Bey stress the need for centralization and independence from the West, whereas a group led by Prens Sabahaddin advocates decentralist and liberal ideas mainly framed in the form of federalism, coupled with a demand for increased cooperation with Europe. The level of inclination towards allowing European involvement in governmental affairs divides the movement into two camps: The former group later on takes the name of "Osmanlı İttihat ve Terakki Cemiyeti" (Committee of Union and Progress) and eventually turns into the ruling party of the Second Constitutional Period between 1908 and 1918. The followers of Sabahaddin unite under the banner of "Teşebbüs-ü Şahsi ve Adem-i Merkeziyet Cemiyeti" (Individual Entrepreneurship and Decentralization Party) calling for decentralization of public administration and the institution of some autonomous rights for religious and national minorities. However, their political objectives never come to be realized as Sabahaddin and his followers eventually

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[289]Sina Akşin, *Jön Türkler ve İttihat ve Terakki.* (Ankara: İmge Kitabevi, 2001); Şerif Mardin, *Jön Türklerin Siyasi Fikirleri: 1895-1908.* (İstanbul: İletişim Yayınları, 2004).

[290]Ayşe Kadıoğlu, *Cumhuriyet İradesi Demokrasi Muhakemesi.* (İstanbul: İletişim Yayınları, 1999), 78.

become marginalized from the leadership cadres of the Unionists.[291] However, it is still important to note here some exemplary passages of Sabahaddin concentrating on the emerging idea of national sovereignty since he stands out as one of the very few significant political figures to ever discuss this principle from the perspective of individual rights and state-society relationship during the period in question. As early as 1913, Sabahaddin realizes some inherent problems associated with the flourishing principle of national sovereignty:

> "Looking from a sociological perspective, there exists no difference between legitimizing the central rule through monarchical rights inherited from a royal ancestor and alternatively resting it upon popular sovereignty. Under both circumstances, there shall be no change in the status of individuals in relation to the state. The point is not about the exercise of sovereignty by an assembly on behalf of one single person or all individual subjects, but about the monopolization of powers and sovereignty in the hands of a certain political class and the ceaseless domination of the state apparatus over private lives of individuals.
> As seen, decentralization, namely self-administration by the citizens, is a phenomenon manifesting the public life in individualistic societies, whereas national sovereignty is a theory embodied in communitarian mentalities!"[292]

In understanding the rationale behind the rising preeminence of nationalism and the accompanying transition from the ideal of popular sovereignty to the sovereignty of the 'nation', a brief analysis of the political ideas of the Young Turks is illuminating. In many aspects the Young Turk movement represents a prolegomena to Kemalism, and in this perspective, their stance vis-à-vis the interplay between the state, society and sovereignty embodies noteworthy insights into the mindset of the Republican elite. Before going into a more detailed analysis of some representative works of a few Young Turks, who has produced the most original thinking on sovereignty among the group, it would be useful to compare the general political position of the Young Turks to that of the Young Ottomans, since it is in these critical differences that we find the clues of the logic for the abandonment of the idea of popular sovereignty in favor of the concept of national sovereignty.

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[291]Bernard Lewis, *The emergence of modern Turkey*. (Oxford: Oxford University Press, 1992), 213; Faroz Ahmad, *The Making of Modern Turkey*. (London and New York: Routledge, 1993), 33-50.

[292]Prens Sabahaddin, *Türkiye Nasıl Kurtulur*.(İstanbul: Liberte, 1913), 358.

4.2.1 Elitism and Distrust towards the 'People'

While the Young Turk movement is conventionally labeled in the Turkish political science literature as 'constitutionalist' and 'liberal' due to their aim to reinforce the 'frozen' Ottoman constitution and to re-activate the parliament, their so-called 'constitutionalism' in effect differs in many significant ways from that of the Young Ottomans. To begin with, in opposition to the Young Ottomans, the Young Turks share a deep distrust towards the idea of the 'people'. Penetrated by the theories of Gustave Le Bon, the prominent French sociologist famous for his works on theories of national traits and the psychological characteristics of crowds, the Young Turks see in the public a major irrational force that can be dangerous for the continuity of a polity unless proper guidance is provided.[293] In this respect, the need for extensive social transformation through education under an appropriate elite leadership occupies the center of Young Turks' reform proposals.[294] For instance, Abdullah Cevdet, under the influence of his earlier translations of Le Bon's leading books such as *Psychologie des Foules, Les Incertitudes de l'Heure Présente* and *Lois Psychologiques de l'Evolution des Peuple*, states:

> "We desire the affairs of the nation to be guided by not the masses who do not know anything but to say 'Nay' but by the ministers of the people distinguished by their political wisdom, special qualities, freedom of conscience, loved by all, the protectors of just laws adorned by the freedom of the press."[295]
> "The spirit of the people is so sacred that it cannot be made an instrument in the hands of some leading figures in the press. Yet, I would dare to state that journalists and political authors are the free and independent guides leading the society. These heroes, who are capable of altering the consciousness and the moral course of the world, truly deserve to draw the attention of those who wish to see that true social education take root in this society."[296]

Thus, it should be stressed that while the Young Ottomans' ideas on the notion of popular sovereignty are underlined by the potential that Locke and Rousseau see in the

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[293]Şükrü M. Hanioğlu, *Bir siyasal örgüt olarak Osmanlı İttihad ve Terakki Cemiyeti ve Jön Türklük.* (İstanbul: İletişim, 1989), 613-617; Şükrü M. Hanioğlu, *The Young Turks in opposition.* (Oxford: Oxford University Press, 1995), 206.

[294] Şerif Mardin, Jön Türklerin Siyasi Fikirleri: 1895-1908.

[295]Abdullah Cevdet, "Teselsül-ü Saltanat Meselesi," *İçtihad*, May 1905, 89.

[296]This quotaion of Abdullah Cevdet, from "De la Necessite d'une Ecole," is cited in Şükrü M. Hanioğlu, *Bir siyasal düşünür olarak Doktor Abdullah Cevdet ve dönemi.* (İstanbul: Üçdal Neşriyat, 1981), 167-168.

rationality of the people, in the case of the Young Turks, Le Bon's mistrust of the masses and his concern on the implications of their irrationality dominate the Young Turk *Weltanshauung* on the state-society relationship. As Şükrü Hanioğlu rightly puts, "for this reason constitutionalism and representative government seemed valueless to the Young Turks – parliament itself was nothing more than a heterogeneous crowd".[297]

4.2.2 Anti-Cosmopolitanism and the Search for a Common Identity

The stance towards cosmopolitanism and multi-ethnoreligious identities constitutes another fundamental difference of emphasis between the two movements. Dissimilar to the Young Ottomans, Young Turks tenaciously criticize the absence of a well-established ethnic identity among the Ottoman elite and blame this lack for the creation of vulnerability towards the Western influence. Despite their avoidance of expounding racial theories,[298] Young Turks are nevertheless aware of the fact that the contemporary era is characterized by an undeniable power of nations and that composite identities erode the basis of this empowering unity. Therefore, in the eyes of the Young Turks, partly under the influence of German romantic movement of the late 18th and early 19th centuries and the ideas of Hegel and Fichte, the promotion of cosmopolitan liberal ideas remains as a degenerative position that have plagued the former generation of Ottoman statesmen and intellectuals and subsequently caused detrimental results for the sustainability of the Empire.[299] In themselves, the Young Turks represent a more homogenous crowd: they all identify themselves as Turks (although ethnically some of them belong to different groups), the majority of them are young graduates of modern secular schools and most come from the bourgeois bureaucratic class.[300] In contrast to the cosmopolitan Ottoman identity, it is most vividly in the writings of the Young Turks that we come across the emergence of a new identity that is now called 'Turkish'. In

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[297]Şükrü M. Hanioğlu, *The Young Turks in opposition.* (Oxford: Oxford University Press, 1995), 32

[298]Ibid.211.

[299]Şerif Mardin, *Continuity and change in the ideas of Young Turks.* (İstanbul: Robert College, 1969), 9.

[300]Sina Akşin, "The place of Young Turk revolution in Turkish history," *Ankara Üniversitesi Siyasal Bilimler Fakültesi Dergisi,* 50, no.3-4, 16.

this respect, the articles published by Ziya Gökalp, Ali Canip and Ömer Seyfettin in one of the leading periodicals of the Young Turk era, *Genç Kalemler*, are revealing. As an editorial objective, *Genç Kalemler* aims at the promotion of Turkism and Turkish nationalism through a simplified Turkish language void of Arabic and Persian influences.[301] The contributors of *Genç Kalemler* display a form of romantic populism of reaching out to the common people through a medium, in this case the simplified Turkish language, which would enable them to 'educate' the masses. In return, this education would help delineate the contours of a common identity, assure their unity, and support the Turkish public in their quest for progress.

In the first-issue article "Edebiyat-ı Müstakbelemiz", Ali Canip talks about a new literature "inspired by the spirit and consciousness of its own, replacing the cosmopolitan character of the literature of the time." Ömer Seyfettin advances the issue in an article entitled "Yeni Lisan" stating that a new, natural and authentic language is needed for the "Turks who have entered a new life, an age of awakening."[302] The further writings of Ömer Seyfettin also offer some important clues for depicting the reasons behind the shift from Ottomanism to Turkish nationalism as 'the intellectual prescription' for the reversion of the backwardness and weakness vis-à-vis the West. The main mission of Seyfettin's writings prove to be the dissemination of the consciousness of Turkishness among masses with the purpose of establishing a strong Turkish nation that could stand against perils of uprootedness, degeneration and cosmopolitanism, reflecting the overriding themes of German romanticism. As a result of his long military service in the Balkans, Seyfettin realizes that these populations share very little in common with the Ottoman Turks. Aware of the fact that the loyalties of the Balkan people lie with their own 'nations' and that they have very weak links to the Ottoman Empire, Seyfettin concludes that the idea of the Ottoman nation is nothing more than a dream preached by the Ottoman intellectuals. Instead, influenced by the upsurge of nationalist feelings in these regions, he believes that Turks could regain their strength and status only if they manage to become a strong nation themselves. His short stories such as *Hürriyet Bayrakları, Nakarat* and *Bomba* exemplify his aim of showing

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[301]Masami Arai, "Jön Türk Dönemi Türk Milliyetçiliği," in *Modern Türkiye'de Siyasi Düşünce I: Tanzimat ve Meşrutiyet Birikimi*, ed. Murat Belge (İstanbul: İletişim Yayınları. 2001), 181-184.

[302]Atilla Özkırımlı, "Genç Kalemler," *Türk Edebiyatı Ansiklopedisi*, Vol.2, (İstanbul: Cem Yayınevi, 1990), 532.

the futility of the idea of Ottomanism in the face of the strong sense of separateness and nationhood in the Balkans.

Throughout these writings, Seyfettin warns Ottoman Turks to become aware of the potential betrayal of these nations and demands that Ottomans equip themselves with a separate consciousness as Turks in order to stand strong against treachery. These stories reveal a sense of hatred towards the non-Turk and non-Muslim communities of the Ottoman Empire. However, Seyfettin's hatred is not only reserved to these groups, but is also directed towards the failure of the Ottoman Turks to unify their forces together as a nation.[303] In line with the general Young Turk thinking, aspects of Social Darwinism are also incorporated in Seyfettin's stories where he tries to show that in order for one nation to survive, the killing or the annihilation of another is justifiable if not necessary.[304] The short story *Beyaz Lale* stands out as the paramount example representing Seyfettin's Social Darwinist tendencies, where the Bulgarian military chief justifies the systematic torturing and killing of Turks in a war of survival of 'nations.'

In another story entitled *Primo Türk Çocuğu,* Seyfettin constructs a vivid depiction of the 'ideal Turk'. The story opens up with lines from Ziya Gökalp's well-known poem, *Turan,* and portrays a child finding his Turkish consciousness and returning to his 'roots' despite being born to and raised by an Italian mother and a Westernized Turkish father. He discovers his 'real Turkish essence' through school and friends and changes his name from Primo to Oğuz. Joined by his "re-converted" father, they deny the mother, fighting and destroying whatever they see as indicative of the Western influence.

These new elements in the Young Turk *weltanschauung*, namely the elitist distrust of the people, the dislike of cosmopolitanism, and the beginning of a search for a national identity that would support the molding of a 'dangerous' heterogeneous public into a governable body, help explain the reasons behind their gradual abandonment of the idea of popular sovereignty and its eventual replacement with the idea of national sovereignty.

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[303]Ömer Seyfettin, *Bomba.* (Ankara: Bilgi Yayınevi, 1998)

[304]Emin Alper, "Ömer Seyfettin," in *Modern Türkiye'de Siyasi Düşünce I: Tanzimat ve Meşrutiyet Birikimi,* ed. Murat Belge, (İstanbul: İletişim Yayınları, 2001), 186-188.

4.2.3 Early Articulations of 'Nation' and 'Sovereignty'

In terms of the noteworthy contributions of specific Young Turks to the discursive articulation of sovereignty, some useful discussion can be found in the works of Tunalı Hilmi and Abdullah Cevdet.[305] The efforts of the two are worthy of attention, since their ideas constitute a bridge between the concepts of popular and national sovereignty. A visionary article entitled "Un Projet d'Organisation de la Souveraineté du Peuple en Turquie" written by Tunalı Hilmi (1871-1928), a prominent politician of the Second Constitutional period and the early Republican era and one of the regular contributors of the Young Turk publications such as *Meşveret, Mizan, Osmanlı* and *İnkılap,* is a very little discussed, but a critical text in tracing the transition from the idea of popular sovereignty towards the idea of national sovereignty. Published originally in Geneva in 1902,[306] Hilmi offers innovative ideas in this article brought together under a constitutional proposal based on the principle of popular sovereignty. Hilmi starts off with a deeply pessimistic foreword, arguing that unless immediate measures are undertaken to reform the state structure, a civil war will be unavoidable in Turkey. To prevent immense destruction, he sees a pressing need to inform the public in detail

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[305]As it is often discussed, the wish to get rid of the despotic grip of the Ottoman Sultan of the time, Abdülhamid II, constitutes the main political motive of the leading figures of the early Young Turk movement such as Ahmet Rıza (1859-1930), Mizancı Murat (1853-1912) and Abdullah Cevdet (1869-1931) (Tarık Zafer Tunaya, *Hürriyetin ilanı. İkinci Meşrutiyetin siyasi hayatına bakışlar.* (İstanbul: Arba Yayınları, 1959), 33). To this end, as mentioned above, their focus rests on short-term pragmatic actions rather than formulating and advocating extensive political theories. In effect, the Young Turks in general do not even bother to discuss the available options of political systems such as republicanism or democracy and their applicability to the Ottoman case. Needless to say, they also pay minumum attention to the perennial questions of political theory such as the source of political obligation and the demarcation of mutual rights and duties of the state, the society and the individual. Given this lack of attention to political theory and thinking, it becomes rather difficult to clearly frame Young Turk's political ideas with regards to the issue of sovereignty. Yet, since the political consequences of the movement's initiatives prove key in the later development of the idea of the 'Turkish nation,' in the name of which political sovereignty is eventually claimed, some 'tracing' effort is beneficial.

[306] This significant work was translated from French and published in *Tarih ve Toplum* magazine in March 1984, vol. 3 under the title "Tunalı Hilmi'nin Halk Hâkimiyeti Risalesi ve Anayasa Tasarısı" (Tunalı Hilmi "Tunalı Hilmi'nin Halk Hâkimiyeti Risalesi ve Anayasa Tasarısı," *Tarih ve Toplum,* 3, 24-31.)

about the reform programme of the "Committee"[307] by utilizing a simplified vernacular in all languages spoken in the Ottoman lands. The proposals following this foreword constitute an example of such an attempt.

Before delving into the details of his scheme, it should be emphasized at the outset that Tunalı Hilmi's vision of a political order based on popular sovereignty differs in important aspects from a contemporary understanding of popular sovereignty in linkage to democratic order. Hilmi distorts the basic premises of the idea of popular sovereignty by attempting to amalgamate popular principles with elitism and a constitutional monarchy. To start with, Hilmi makes strikingly conflicting statements with regards to the role of public in his suggested political system. Although Hilmi asks his declared audience, 'the reformers of Turkey', "to become the noble pioneers of democracy in the East", he himself admits that his plan excludes any input from public opinion. Hilmi justifies the absence of public participation by reasoning that intellectuals should be in charge when the general population lacks the necessary intellectual levels to engage in political life:

> "After taking a glance at the bill we have proposed, some people will probably ridicule us, thinking that we meant to prepare a parliamentary law without the participation of the people. Because they hold the belief that legislative authority belongs exclusively to the magistrates elected by the people. But is this really the case?….Consequently, laying all municipal and judicial questions aside and abandoning the idea of direct elections, we have set up a peculiar system to serve as a basis for a future parliament, which is required by the socio-economic conditions of Turkey. As much as the lack of the means of communication is known, so is the intellectual level of all the people. Laying aside some part of Turkey and its population – except for a few tribes – nobody can deny this fact; to claim the opposite would be a great lie. The least important factor to take into consideration would be the people's intellectual opinions."[308]

After eliciting upon his ideas on the relation between the intellectuals and the population in the foreword, Hilmi goes on to offer a detailed plan as to how "popular sovereignty should be organized" in Turkey. Two points are particularly noteworthy in his scheme: i) his ideas on popular election, ii) his ideas on the nation:

In his complex legislative system, Hilmi sets up ten different chambers, all organized hierarchically from the smallest unit of public administration (*Köylüler*

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[307]The "Committee" that Hilmi mentions is the Committee of Union and Progress, the governing political party of the Second Constitutional period, remaining in power, except a very brief interval, until 1918.

[308]Tunalı Hilmi "Tunalı Hilmi'nin Halk Hâkimiyeti Risalesi ve Anayasa Tasarısı", 24-31.

Meclisi) to the larger *Ahali Meclisi* (National Parliament) and *Âyan Meclisi* (Senate) representing the interests of the nation at large. It is important to stress that Hilmi envisages popular election only for the smallest village chamber, *Köylüler Meclisi*, the members of which are to be chosen by votes of males over 21 years of age. All the members of other representative institutions are to be *appointed*, not elected, among the members of lower chambers and sometimes among the high-ranking state bureaucrats. It is also interesting to take notice of the extraordinary powers that Hilmi grants to the head of the public administration unit corresponding to each chamber: these public administrators possess a right to bring to a standstill the activities of chambers when deemed necessary. If the reasons for a standstill continue to hold, the members of the chambers are to be renewed. In effect, Hilmi goes further and gives the overall supervision of the functioning of chambers to the "Committee" organized in each city by the members of Committee of Union and Progress. It remains unclear from his statements whether Hilmi sees the "Committee" as a mere arbitrator between the executions of government and public demands, or as the ultimate decision maker on the fate of the governing assemblies.

While Hilmi's negative stance vis-à-vis popular election and his related granting of extraordinary powers to the bureaucrats and the Committee leadership are though-provoking elements of his scheme, it is the second contribution of Hilmi that proves the most original: In the 12th article of his constitution, Hilmi declares the source of *Ahali Meclisi* and *Ayan Meclisi* as the *nation*; and in the 11th article he identifies all legislation with the *nation*. By bringing in the idea of the *nation* as an abstract unity constituting the basis of all legislative activity Hilmi takes a rather novel position within the Ottoman political life.

Yet, in opposition to the later development of the principle of national sovereignty based on the ideas of Turkish nationalists, the dominant identity of this "nation" remains ambiguous in Hilmi's proposal, often oscillating between Turkism and Ottomanism: Despite arguing that the language of the state should be Turkish (Art. 33), Hilmi concedes that Albanians and Kurds can open schools and provide education in their own language. Moreover, he advocates the publication of laws in whichever language prevails in every region. Hilmi also labels everyone from 'Turkey' as Ottoman (*Her Türkiyeli Osmanlıdır.*) (Article 17) and puts religious and ethnic freedoms of all Ottomans under constitutional protection. His model calls for a proportional representation in assemblies based on the population size of each religious community.

In introducing Tunalı Hilmi's article 'popular sovereignty' and his draft for a constitution, the editors of *Tarih ve Toplum* identify Hilmi as 'populist and Turkist', yet even the above discussed opinions of Hilmi immediately following this brief introduction shows the limits of both his populism and Turkism. Rather, Hilmi emerges as a figure trapped in between the ideologies of Turkism and Ottomanism, trying to utilize both of their appeals towards the introduction of a new regime in the Ottoman Empire.

While Tunalı Hilmi's article and his draft constitution represent one of the most detailed works discussing the issue of sovereignty among the Young Turks, Abdullah Cevdet stands out as a much more influential figure in Turkish political thought in conveying the rationale behind the newly developing idea of national sovereignty. In the absence of a well-rounded theoretical work, Abdullah Cevdet's political ideas on sovereignty can only be followed eclectically from a number of articles he published as the editor of a magazine entitled *İçtihad* from 1904 until his death. However, it should be noted that Abdullah Cevdet's influence upon Turkish political thought is not solely confined to his original writings; his numerous translations of prominent Western theoretical and literary works, the most important of which are those of the French sociologist Gustave Le Bon, also need to be taken into consideration. Yet, for the purposes of our analysis, we will not go deep into Abdullah Cevdet's ideas on sociology, instead we will focus on his political writings that present important steps in the conceptualization of sovereignty in two related ways: i) formation of the idea of a Turkish nation as the source of sovereignty in the Ottoman polity, ii) unprecedented attack on the persona and the institution of the Sultanate.

Distancing away from the moderate approach of Young Turks towards the Ottoman Sultans, Cevdet openly criticizes a system based on the sovereignty of a hereditary dynasty. Influenced by the currents of biological materialism prevailing among the student of military school of medicine, Cevdet, a graduate of *Askeri Tıbbiye* and a doctor by profession, finds the members of the Ottoman family genetically deficient and therefore unfit for effective ruling.[309] For Cevdet, the only condition for progress in the Ottoman lands lies in the awakening of the *nation*. Once the nation stands strong, there will be no longer need for a Sultan to unite the Ottoman subjects. In

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[309]Şükrü M. Hanioğlu, *Bir siyasal düşünür olarak Doktor Abdullah Cevdet ve dönemi,* 220 and 279.

fact, Cevdet is very critical of labeling the population as *milliye-yi Osmaniye* (the Ottoman nation) or as *memalik-i Osmaniye* (the Ottoman subjects) by contending that this label signifies a slave mentality where a 'nation' would have no essence in itself, but is just perceived as an offshoot of the ruling family.

> "I am of the opinion that using the term 'Ottoman nation' is the same as saying 'Ottoman slaves'....Is there any nation or state on earth that is known for the name of its ruling dynasty?… You can be quite sure that the name you bear reeks of the putrid smell of bondage."[310]

Instead he calls "the citizens of Turkey," not the 'Ottoman subjects,' to take charge of their political fate and to select the most competent and able leader among themselves:

> "Please do note that we do not say Turkey belongs to the subjects of Turkey. Instead, what we say is that it belongs to its citizens. Because the era of subjects, monarchs, rulers and the ruled is now over. Now, it is the time only to become subject to equitable laws established and approved by the people themselves."[311]

The radical nature of his stance against the Sultan could only be appreciated by comparing his writings in *İçtihad* to the writings of other leading figures of Young Turks such as Ahmet Rıza and Bahaeddin Şakir in the official publications of Young Turks, *Meşveret* and *Şura-yı Ümmet*, often openly demonstrating their favorable views towards the Sultanate.[312] In fact, even Tunalı Hilmi, who took pains to come up with a new political system based on popular sovereignty, wants to keep the Ottoman dynasty in tact, affirming the status of the hereditary monarchical rule supported by the title of the caliphate in his constitutional proposal.

Yet in Cevdet's view, the House of the Ottoman no longer possesses the ruling competency, therefore cannot represent an efficient focus of loyalty to maintain the State. Aware of the fact that the modern era is dominated by the states built upon the principle of national sovereignty, Cevdet holds, in opposition to the common belief in the Sultanate, that the unity of the Ottomans can be ensured only by pursuance of the national interests making up the Ottoman Empire. In this perspective, realism emerges as a fundamental characteristic of Cevdet's political views. In contrast to the works of the Young Ottomans, Cevdet's ideas on the nation does not carry romantic traits, rather his approbation for national unity is motivated by contemporary realities and heavily

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[310]Abdullah Cevdet, "Şurayı Osmani gazetesi müdürüne," *İçtihad*, November 1906, 255.

[311]Abdullah Cevdet, "Uyanınız, Uyanınız!" 1907, 37.

[312]Şerif Mardin, *Jön Türklerin Siyasi Fikirleri: 1895-1908,* 227.

permeated by a discourse on interest. The following passages testify to his informed realism:

> "Whatever is said, and whatever is done, it is the era of the sovereignty of the community [ümmet]. To try to delay the coming and reign of this era would be just like a state of ferocious delirium in which one stabs a dagger into the heart of eternity and ceases the sunrise." [313]

> "The glue to stick together various elements and peoples of distinct faiths is not a royal dynasty. It is probably the common interests and well-being of such various elements, which would be achieved only through the participation of each element, each People of the Book in the rule or the Turkish Empire via a constitution and a parliament. No other way can be possible."[314]

All this - the incompetence of the Sultanate and the irreversible rise of national interests - leads Cevdet to conclude that the maintenance of the State requires going beyond a constitutional system headed by the Ottoman dynasty: without labeling his proposal as a 'republic,' Cevdet indeed envisages a political system based on national sovereignty and ruled by an elected head. Excerpts from three well-known articles of Cevdet all point to the same direction:

> "A legitimate government means national sovereignty, rather than dynastic sovereignty, and what I mean is that a nation can survive only if it promotes its common interests and its own means of sovereignty and well-being and further chooses the path of light and progress; not when it assigns a dynasty as its ruler and reason for survival."[315]

> "Instead of hoping for help from the Sultan's grace and favor, the nation should pursue the means to ensure and preserve its own well-being in its own existence. All what is endowed is doomed to lead to habituation."[316]

> "We can chant "Long live the Sultan!". Then, that would mean we could elect one among us as our Sultan. We would then appoint him through the gathering of the public. The Sultan should be the most virtuous, the most public-spirited, the wisest and the stoutest man among us. Then he shall be an official of ours so as to supervise the strict and equitable application and execution of the just laws legislated and ratified by the electorate representing us, namely, the citizens of Turkey. If he fails to pay due attention to his duty, then we shall depose and replace him with another."[317]

As it can be deduced from the above passages, for Cevdet, a great potential lies in the awakening of the nation and in the exercise of its common will. Yet, it should be

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[313] This quotation is from Vittorio Alfieri's book translated by Abdullah Cevdet; Vittorio Alfieri, *Hükümdar ve Edebiyat*, trans. Abdullah Cevdet, Matbaa-ı (İstanbul: İçtihat Kütüphanesi, 1905).

[314] Abdullah Cevdet, "Hanedan-ı Osmani,"*İçtihad,* no.2, 1906, 219.

[315]Ibid.222.

[316] Abdullah Cevdet, "Teselsül-ü Saltanat Meselesi," *İçtihad,* May 1905, 86.

[317] Abdullah Cevdet, "Uyanınız, Uyanınız!," 1907, 37.

underlined that Cevdet's initial conceptualization of the nation does not rely upon an ethnic basis. A Kurd by birth, to Cevdet, the concept of 'citizenship of Turkey' represents an inclusive panacea for political revival. Yet, at any rate Cevdet too, like Hilmi, should not be mistaken for a democrat: whereas on the one hand he wants to rid the Ottoman polity from the inefficient rule of the dynastic family and while within this context he emphasizes the significance of national sovereignty, on the other hand, he, like the other Young Turks, trusts neither the ability nor the capacity of the public to govern the state effectively. Following the steps of Le Bon, Cevdet also concludes that the collective spirit of the community constitutes a major force that either can destroy or progress a polity. However, without proper guidance for channeling this energy, masses always present a danger and posses a destructive potential.[318]

As the works of Tunalı Hilmi and Abdullah Cevdet testify, the idea that sovereignty should be vested in the nation slowly starts to take root in the mind of the Ottoman elite in the beginning of the 20th century in the context of an Empire at the verge of collapse. While the representatives of the early Young Turk movement start to grasp the empowering role of the concept of the nation, they nevertheless refrain from conceptualizing it in an exclusive relationship to Turkism. It is only after 1908, the start of the Second Constitutional era, that this irrevocable association becomes established. Now it is appropriate to turn our attention to the rise of Turkish nationalism and the role that the concept of national sovereignty plays in this context.

4.3. Turkish Nationalism, Populism and Sovereignty

In a lengthy article that interrogates the relationship between sovereignty and nationalism, Bernard Yack illustrates that in many cases around the globe, the doctrine of popular sovereignty leads to the politicization of communal identities and loyalties, and thereby contributes to the rise and spread of nationalism. As the need to find prepolitical and cultural roots that bind the abstract concept of the 'people' into a

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[318]Şükrü M. Hanioğlu, *Bir siyasal düşünür olarak Doktor Abdullah Cevdet ve dönemi,* 613-17; Şerif Mardin, *Jön Türklerin Siyasi Fikirleri: 1895-1908,* 246-248; Hilmi Ziya Ülken, *Türkiye'de Çağdaş Düşünce Tarihi*, 250-256.

defined political community arises, the concept of popular sovereignty inevitably undergoes a transformation from the simple idea of 'the rule by the people' or 'the exercise of political authority by the many or the majority.' Instead, the plea for direct popular rule or governmental sovereignty becomes replaced with what can be labeled as the 'constituent sovereignty of the nation'. This new doctrine grants the supreme authority in the 'nation', which in Yack's description refers to "an intergenerational community bound by an imagined heritage of cultural symbols and memories associated with a particular territory or territories." In this new understanding, the prepolitical community, not the majority of the citizens, becomes the sovereign. Hence, "no person or persons, whether one, few or many could ever have the final say over how to make use of state's authority".[319] Given this precedence of the "will of the nation" over the will of the citizens, it becomes indeed misleading to identify - as it is often the case - the modern doctrine of popular sovereignty with a definitive commitment to a democratic form of government. On the contrary, as Yack shows, this reconceptualization of popular sovereignty can also provide legitimacy to authoritarian regimes where leaders or parties can declare to embody the nation's innate but tacit will (Yack, 2001: 518-519). The deliberations of Yack with regards to the relationship between popular sovereignty, nationalism and authoritarian regimes offer some interesting illuminations for the Turkish case, where the discourse on popular sovereignty indeed precedes the emergence of and makes an important contribution to the rise of Turkish nationalism, as well providing a basis of legitimacy for the new political regime of the surfacing Turkish nation-state.

As many scholars of Turkish history and political science discuss at length, out of all the ethnoreligious groups that make up the Ottoman Empire, Turks are among the last to cultivate a form of 'national consciousness.' The development of Turkish nationalism is in fact not only late in comparison to other nationalist currents destabilizing the foundations of the Ottoman Empire, but it is also a 'derivative' product, the first advocates of which are found among the immigrants of Turkish origin escaping from the Russian suppression. It is first in the writings of these immigrants that we come across persuasive discussions on the significance of formulating a political revitalization project based on the concept of Turkish nation.

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[319]Bernard Yack, "Popular Sovereignty and Nationalism" *Political Theory* 29, no.4 (2001): 519.

Yusuf Akçura (1876 – 1935), an immigrant from Russia, who has later become one of the leading ideologues of Turkish nationalism and the leader of the Turkish nationalist movement between 1908 and 1914, is among the first to realize the potential that an ideology based on Turkish nationalism can offer. As Akçura puts it in a famous article "Üç Tarzı Siyaset" first published in 1904 in *Türk* magazine in Cairo, the Ottomans in the early 20th century have three possible political directions to follow, which can be labeled as Ottomanism, Islamism and Turkism.[320] Although all of these ideologies seem as available alternatives, given the political context of the time, for Akçura, only one of them is a reasonable and a viable option: Turkism. In this article, in contrast to the majority of the Young Turks who still see an empowering potential in the solidification of the multiethnic and multireligious basis of the Empire to maintain the unity of the Ottoman territory, Akçura convincingly dismisses Ottomanism as an untenable ideology to recover the long-lost strength of the Ottoman State. To Akçura, the idea to create an Ottoman nation regardless of 'ethnic' and religious differences is a delusional inspiration driven from the premises of French nationalism. It is interesting to note here that Akçura compares the French version of liberal nationalism with that of German nationalism and advocates the latter as a model to follow. French nationalism of the post-revolutionary era rests on the principle of *jus soil*, or in other words, on the principle that in order to be considered a French national, a declaration of allegiance to the French *patrie* is deemed sufficient. Akçura criticizes the Ottoman statesmen of the Tanzimat era and the Young Ottomans for failing to see the weaknesses associated with such a principle in the Ottoman context.

For Akçura, the development of a German type of nationalism based on 'racial' ties[321] with its undeniable contribution to the German process of unification between 1866 and 1871 and the victory of Bismarck over the forces of Napoleon III during the

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[320]Yusuf Akçura, *Türkçlüğün Tarihi*. (İstanbul: Analiz Yayıncılık, 1998).

[321] Despite Akçura's frequent referals to the 'Turkish race' in his writings, his conceptualization of race does not rest on blood ties or pyhsical traits, but rather signifies a public, conscious of its common cultural values. In this sense, it is fair to say that Akçura utilizes the term to make a differentiation between the Turkish nation and Islamic community and to define an entity whose 'essence' is clearly demarcated. While the influence of German nationalism is visible over Akçura, his strand of nationalism does not stress blood and soil ties: Georgeon also explains that Akçura sees the nation as "a race, a language and a tradition." (Francois Georgeon, *Türk Milliyetçiliğinin Kökenleri: Yusuf Akçura (1876-1935).* (İstanbul: Tarih Vakfı Yurt Yayınları, 1996): 43.)

Franco-Prussian War of 1870 is in itself a case in point to show the vainness of Ottomanism, an attempted, yet failed, replica of the French and American versions of 'liberal nationalism.' As Akçura sees it, the Ottomans can compete with the rising power of the West only if they give up their fixation on maintaining the territorial unity of the Empire and instead focus on creating a nation out of existing ethnic and religious ties among the population that is left behind.[322]

In a similar fashion, Akçura also condemns Pan-Islamism as an unsustainable and therefore indefensible ideology. As Akçura observes, the European powers already enjoy an unmatched influence over the lands of Islam and derivation of political strength through a political leadership based on Islam, as some of the Young Ottomans tried to accomplish, can only remain as a futile strategy. Instead, Turkism can be the only political path to safeguard the interests of the Ottoman state. In arriving such a conclusion, Akçura himself admits the influence of growing relations with Germany. To this end, Akçura calls for an awakening of the Turkish consciousness among the Ottoman elite and intellectuals and encourages them to turn their attention to a possible unification with Central Asian Turks living under the Russian tutelage. With Akçura, the early romantic populist phase of Turkish nationalism transforms into the more expansionist idea of Pan-Turkism, which he sees as an instrumental strategy to help the Ottomans constitute a powerful bloc situated between the 'white Europe' and 'yellow Asia'.[323] The Panturkist ideas find support among some influential Ottoman elite as the writings in nationalist publications such as *Türk Yurdu* reveal.[324] Following Akçura's lead, Turkish nationalism increasingly penetrates into the cadres of Committee of Union and Progress particularly after 1907,[325] however, it is only after the period following the Balkan Wars that the Turkish nationalism becomes the guiding ideology among the Ottoman elite. The same period also witnesses the establishment of *Türk Ocakları*

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[322]Francois Georgeon, *Türk Milliyetçiliğinin Kökenleri: Yusuf Akçura (1876-1935).* (İstanbul: Tarih Vakfı Yurt Yayınları, 1996), 40-42.

[323]Ibid.44-46.

[324]Firdevs Gümüşoğlu, "Türk Yurdu," in *Modern Türkiye'de Siyasi Düşünce 4: Milliyetçilik,* ed. Murat Belge, (İstanbul: İletişim Yayınları, 2001), 269-273.

[325]Ayşe Kadıoğlu, *umhuriyet İradesi Demokrasi Muhakemesi*, 78.

(1912), a powerful association which brings together a large group of activists to promote the cause of Turkish nationalism throughout the Empire.[326]

Although Akçura's political ideas have been pioneeringly significant in the emergence and the following establishment of Turkish nationalism into the most influential ideology of the period in question, it is in Ziya Gökalp's (1876 – 1924) writings that we find the most elaborate ideological formation of the necessity of creating a 'Turkish nation-state' through the help of Turkish nationalism. Similar to his contemporaries, Gökalp criticizes the absence of an established common identity among the Ottomans and underlines the need to rediscover the Turkish roots as the basis of needed unity:[327]

> "Istanbulites saw themselves as townsmen (*şehrî*), whereas the residents of Rumelia were regarded as Albanian, those of Black Sea region as Laz and those of South-Eastern Anatolia as Kurds; but there was nobody around calling himself Turk. The term 'Turk' meant '*kızılbaş*' in Eastern Anatolia and a 'vulgar villager' in Constantinople. Both at home and abroad, Turks were saddled with all the blame, but no Turkish people could still come forward to say 'Here I am'." [328]

Gökalp takes up this question of "is there a Turkish nation? Or is it possible to construct such a nation?" in detail in a number articles published in *Türk Yurdu* magazine between 1912 and 1914 and later turned into a book entitled *Türkleşmek, İslamlaşmak, Muassırlaşmak* (1918). In Gökalp's thought, the nation is compared to an organism that 'becomes fertilized, buds and grows' on the common sacred ideal of independence, particularly surfacing in times of an external threat.[329] Gökalp agrees with the Bergsonian notion that nations possess 'a spirit' composed of tradition and 'a body' made of up rules.[330] Nations hold a collective consciousness, where individuals find existential meaning in this collectivity. Thus, in contrast to Akçura, Gökalp's conceptualization of the nation rests more on moral and ideal unity. As he describes in his own words:

> "...a nation is not a racial, ethnic, geographical, political or voluntary group or association. Nation is a group composed of men and women who

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[326]Füsun Üstel, "Türk Ocakları," *Modern Türkiye'de Siyasi Düşünce 4: Milliyetçilik,* ed. Murat Belge (İstanbul: İletişim Yayınları, 2001), 263-264.

[327]Ziya Gökalp, *Türkleşmek, İslamlaşmak, Muassırlaşmak,* ed. Y. Toker. (İstanbul: Toker Yayınları, 1997), 35-38.

[328]Ibid.39.

[329]Ibid.51-52.

[330]Ibid.23.

have gone through the same education, who have received the same acquisition in language, religion, morality and aesthetics. The Turkish folk express the same idea by simply saying: "The one whose language is my language and whose faith is my faith, is of me."[331]

For Gökalp, all aspiring nations need an *ideal* (*mefkure*), or what Laclau would call a *horizon,* to unite forces and to move forward. In Gökalp's own words: "*mefkure* is the nurturer of the present, the creator of the future as well as the reality of the past. It is an ideological power to move, coming from its history of the nation and ensuring its leap forward."[332] In order to awaken and strengthen this progressive national ideal, a Turkish nationalist programme in terms of language, history, aesthetics, ethics, law, religion and economics needs to be advocated.[333]

While it is important to underline the importance of Gökalp's ideas in the formulation and the promotion of a new identity based on Turkism, what particularly differentiates Gökalp from his peers is his unique, and given the context of his time, much-needed synthesis of three disparate origins in the making of this identity. As Gökalp envisions, the societal consciousness presents itself in three related but different levels: nationalism, communitarianism (*ümmetçilik*) and modernism (*çağdaşlık*). Gökalp assumes that these dimensions are non-conflicting and he bases this assumption on his famed distinction between culture (*hars*) and civilization (*medeniyet*). While culture is a moral, legal and aesthetic set of national values unique for each community; civilization covers internationally accepted methods, scientific data and technical knowledge.[334] Consecutively, as Gökalp sees it, it would be possible to have a unique culture while belonging to the Western civilization, just like the Japanese example he mentions with admiration.[335] Gökalp states in his famous expression that this community is "from the Turkish nation, the Islamic *ümmet* and the Western civilization."[336]

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[331]Ziya Gökalp, *Ziya Gökalp Diyor ki...* (İstanbul: Ahmet Halit Kitabevi. 1959), 137.

[332] Ziya Gökalp, *Türkleşmek, İslamlaşmak, Muassırlaşmak,* 56.

[333]Ziya Gökalp, *Türkçülüğün Esasları ve Doğru Yol: Ulusal Egemenlik ve İlkelerin Sınıflandırılması, Çözümlenmesi ve Yorumlanması.* (İstanbul: İnkılap Yayınları, 2001), 98 – 161.

[334]Ziya Gökalp, *Türkleşmek, İslamlaşmak, Muassırlaşmak*, 27.

[335]Ziya Gökalp, *Türkçülüğün Esasları ve Doğru Yol: Ulusal Egemenlik ve İlkelerin Sınıflandırılması, Çözümlenmesi ve Yorumlanması.* 58.

[336]Ibid.65.

However, Gökalp's espousal of the Western civilization does not mean that he approves of a cosmopolitan way of thinking; on the contrary, for Gökalp, cosmopolitanism presents a 'clear and present danger' to the constitution of the Turkish nation-state. Therefore, Gökalp strongly opposes the Ottoman identity that he classifies as cosmopolite and thereby draws an incompatible wall between the Ottoman and Turkish identities:

> "Why are the two types living in the same country, the Turk and the Ottoman, so divergent to each other? Why is everything about the Turkish type beautiful and the Ottoman type ugly? When the Ottoman type embraced imperialism which was harmful to the culture and lifestyle of the Turks, it became cosmopolite and prioritized class interests above national ones. Indeed, as the Ottoman Empire expanded, the rulers and the ones being ruled became two different classes. The cosmopolite rulers established the Ottoman class, while the subjects constituted the Turkish class. These two classes did not like each other. The Ottoman class perceived itself as the dominant community and looked down upon the Turks as a downtrodden community. The Ottomans referred to Turks as the "donkey Turk". When an official would visit a Turkish village, everyone would run away yelling that an "Ottoman is coming"[337]

Although Gökalp is considered to be one of the pioneers in advocating the idea of nation-state in Turkish politics; especially in the articles of his first two periods that Halil İnalcik defines respectively as "Ottoman" and "Turkist"[338] he does not associate the borders of Turkish nationalism with a certain piece of territory. For Gökalp, "homeland" is conceived to be more of a holistic ideal: "Homeland is neither Turkey, nor Turkistan for Turks; homeland is a big and eternal country of *Turan*". Gökalp explains the *Turan* concept as "a homeland which brings all Turks together and excludes the ones who do not belong to this nation. Henceforth, *Turan* "is the totality of the countries where Turks live and speak Turkish."[339]

A through examination of his articles in chronological order also reveals an evolution in Gökalp's ideas in relation to Turkism. While in his earlier articles published in *Türk Yurdu* magazine, Gökalp defends an understanding of nationalism based on a union of language, ethnicity and religion, his Turkism becomes more and more culture based in his articles following the War of Independence. Consecutively,

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[337]Ziya Gökalp, *Türkçülüğün Esasları ve Doğru Yol: Ulusal Egemenlik ve İlkelerin Sınıflandırılması, Çözümlenmesi ve Yorumlanması,* 32.

[338]Halil İnalcık, "Ziya Gökalp: Yüzyıla damgasını vuran düşünür," *Doğu-Batı* 3, no.12 (2004): 14.

[339]Ziya Gökalp, *Türkleşmek, İslamlaşmak, Muassırlaşmak,* 63.

Parla's definition of Gökalp's nationalism as 'a non-irredentist cultural nationalism' due to the lack of an idea of a dominant race, can be considered accurate, however this conclusion is more valid in terms of Gökalp's later works, particularly for his 'third period', which İnalcık categorizes as "Atatürkist".

It should be noted here that it is not possible to come across a discussion on the national sovereignty principle or to find an elaboration on the form of the emerging Turkish political regime in the three significant books where Gökalp shapes Turkish nationalism (*Türkleşmek, İslamlaşmak ve Muassırlaşmak, Türkçülüğün Esasları* ve *Türk Medeniyet Tarihi*). As he himself explains in his articles brought together in a collection under the title *Yeni Türkiye Hedefleri* (*Objectives of New Turkey*), "among the objectives of new Turkey, Turkism stands out in the area of culture and populism in the area of politics" and in this light, these books remain within what Gökalp calls the 'cultural area'. His specific ideas concerning the new form of political regime of the emerging Turkish nation-state mostly consist of his assessments of the political principles introduced and executed by M. K. Atatürk. Even though Atatürk states, "the father of my feelings is Namık Kemal and my ideas is Ziya Gökalp", Gökalp cannot be considered among the pioneers in the propagation of the ideal of national sovereignty and its discursive utilization within the efforts of nation-state building. Nevertheless, this fact that does not deny the lasting influence of Gökalp upon the development of the concepts of "nation" and "nationalism" in Turkish politics, as well as the establishment of an instrumental link between nation building efforts and solidarist corporatism. It is mainly from these perspectives that his ideas provide the necessary theoretical and ideological groundwork for the founders of the Republic of Turkey.

Until his book *Doğru Yol* (*The Right Path*), where Gökalp, following his inclusion to the People's Party in 1923, undertakes a lengthy evaluation of the party programme prepared by Atatürk, he neither mentions national sovereignty nor does he discuss the concept directly (this book will be evaluated in the next section of this chapter). Nevertheless, Gökalp's political views concerning populism, clearly under the effect of Durkheim and Rousseau, are worth mentioning since this ideology later becomes closely associated with the principle of national sovereignty, and constitutes one of the fundamental ideological underpinnings of the process of nation-state establishment. Especially in his articles published in *Halka Doğru* (*Towards the People*), Gökalp underlines the necessity of reaching towards the people as the first principle of Turkism. A mutual relationship underwrites his understanding of populism: while the rulers bring

civilization to people; they become enriched by the culture they learn from the public.[340] In most of his works, Gökalp emphasizes the value of the unique heritage of people, while at the same time stressing the importance of educating the public.[341] According to him, the 'people' unified by a common national ideal (*mefkure*) constitutes the highest power, and therefore he does not attempt to develop a system of government or a single party ideology, that he places over the community. However, these views never lead Gökalp to advocate a regime that would resemble a liberal democracy; instead, Gökalp prioritizes national interests over individual interests, rights and freedoms. In a similar fashion, his idea of 'society' depends upon an organic harmonious community made up of necessary professions without any class consciousness, or any other identity that could engender differences and conflicts with regards to the national ideal. As Taha Parla shows in his valuable and detailed work on Gökalp, solidarist corporatism represents the gist of Gökalp's sociology, a unique amalgamation that he derives from a plurality of intellectual traditions such as cultural Turkism, moral Sufism and Western corporatism.[342] Traces of Gökalp's populism based on a more democratic and pluralistic political understanding can be found in his articles published at a later period, after the establishment of the Republic, collected under the title *Yeni Türkiye'nin Hedefleri*. As these articles illustrate, Gökalp's understanding of populism differs from that of the leadership cadres of the Committee of Union and Progress, who mostly perceive populism as a mean to impose their own ideas and values on to the people.[343] On the contrary, especially in his later works, Gökalp explains that he uses the term *populism* as the Turkish translation for the term *democracy*[344] and accordingly he argues that the fundamental principles of a government built upon populism should be the assurance of

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[340]Ziya Gökalp, *Türkçülüğün Esasları ve Doğru Yol: Ulusal Egemenlik ve İlkelerin Sınıflandırılması, Çözümlenmesi ve Yorumlanması,* 41; İlhan Tekeli and Gencay Şaylan, "Türkiye'de halkçılık ideolojisinin evrimi," *Toplum ve Bilim,* 5-6, (1978): 60.

[341]Ziya Gökalp, *Türkçülüğün Esasları ve Doğru Yol: Ulusal Egemenlik ve İlkelerin Sınıflandırılması, Çözümlenmesi ve Yorumlanması,*: 59.

[342]Taha Parla, *Ziya Gökalp, Kemalizm ve Türkiye'de Korporatizm.* (İstanbul: İletişim Yayınları, 1989)

[343]Levent Köker, *Modernleşme, Kemalizm ve Demokrasi.* (İstanbul: İletişim, 1990), 131.

[344]Ziya Gökalp, *Yeni Türkiye'nin Hedefleri.* (İstanbul: Baha Matbaası, 1974), 33.

equality among races, nations, classes and sexes.[345] Needless to say, for Gökalp, who comes from a solidarist corporatist tradition, "one does not have to be a Bolshevik, communist, collectivist or socialist" in order to seek this ideal of equality. During the same period, Gökalp defines populism as the "the highest and latest stage to which contemporary nations can reach in politics."[346]

In a significant work on the evolution of the ideology of populism in Turkey, İlhan Tekeli and Gencay Şaylan draw attention to three different, yet related aspects of the populism: i) the political aspect, ii) the cultural aspect, iii) the aspect related to the societal order.[347] There is no doubt that Gökalp contributes greatly to the development of particularly the last two aspects of populism in Turkey. However, as we have mentioned earlier, the first aspect related to the participation of people in politics and administration, an ideal which later on finds concrete meaning in the principle of national sovereignty and becomes linked to the ideology of republicanism through Kemalism, is only found in his works of a later period.

In terms of the evolution of populism in Turkey, it is also important to stress the fact that it is in effect the intensified interaction with Russia following the Bolshevik Revolution that has been decisive in shaping both the nationalist and populist movements in Turkey. *Narodnism,*[348] a political movement that had become popular among the Russian intellectuals during the end of the 19th century with the purpose of "awakening" and "enlightening" the politically inactive peasant people, constitutes a highly regarded point of reference for the Turkish intellectuals of the time. Leading figures of Turkish nationalism under the influence of Russian narodnism, or the "Ottoman Narodnics" as Zafer Toprak refers to them, are also among the first ones to realize the importance of the participation of people into politics in Turkey.[349] Nevertheless, it is only during the period of National Struggle (*Milli Mücadele*) that it

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[345]Ziya Gökalp, *Yeni Türkiye'nin Hedefleri,* 34-61.

[346]Ibid.58

[347]İlhan Tekeli and Gencay Şaylan, "Türkiye'de halkçılık ideolojisinin evrimi,"64-65.

[348]For a detailed discussion the relationship between narodnism and the Russian revolution please see Franso Venturi, *Roots of revolution: a history of the populist and socialist movements in nineteenth century Russia,* (London: Phoenix press, 1983).

[349]Zafer Toprak, "Osmanlı Narodnikleri: "Halka Doğru" Gidenler, *Toplum ve Bilim* 24, (1984): 69-79.

becomes possible to transform this realization of the need to 'awaken the masses' into a concrete political principle rooted in the idea of national sovereignty. The analysis-to-follow will address this process and will focus on the discursive role that the idea of national sovereignty plays in relation to the construction of the Turkish nation-state:

4.4. Turkish Nation-State Building and Sovereignty

In this section of the study, we will look at the relationship between the establishment of the Turkish nation-state during the 1919-1922 period, also known as the period of National Struggle, and the doctrine of national sovereignty. To be more precise, we will look at the different roles national sovereignty played in creating the legitimate foundations of the new Turkish nation-state, especially in drawing and securing borders in terms of both territory and population. In this respect, it will be appropriate to take a closer look at the important political documents of the period such as the *Declaration of the Sivas Congress* (*Sivas Bildirgesi*), the *National Pact* (*Misak-ı Milli*), the *Law of Fundamental Organizations* (*Teşkilatı Esasiye Kanunu*), the People's Party programmes, Ziya Gökalp's *Right Path: A Classification, Analysis and Interpretation of National Sovereignty and Principles* (*Doğru Yol: Ulusal Egemenlik ve İlkelerin Sınıflandırılması, Çözümlenmesi ve Yorumlanması*), as well as the related statements of M. Kemal Atatürk with the purpose of mapping the ways in which the ideal of national sovereignty has been discursively constructed into a prevailing nationalist (and later on republican) discourse to create and sustain political frontiers between the 'inside' and the 'outside'.

The years during which the territorial, population and political boundaries of the Turkish nation-state were established is known as the *National Struggle Period* (*Milli Mücadele Dönemi*) running between 1919 and 1922. Within this conjuncture, national sovereignty emerges as the most important discursive component of the political movement aiming on the one side to stop the Allies of the World War I from tearing the Ottoman territory apart and on the other side to create a national unity and a much-needed common will to establish a new nation-state out of the remains of the Empire. This continual emphasis on national sovereignty can be found in the political and legal milestones of this period. It should also be noted that not only legal and political texts,

but even the names of the newspapers of the period suggest the rising preeminence of the ideal of national sovereignty and the elite's parallel attempt to popularize the usage of the term: The nationalist resistance movement entitles its newspaper as *İrade-i Milliye* (*National Will*) during the period of Sivas Congress and later changes its name to *Hakimiyet-i Milliye* (*National Sovereignty*) during the establishment of the Grand National Assembly in Ankara. Atatürk himself recurrently utilizes the concept of national sovereignty in many occasions and public statements, turning it into a central signifier around which he builds the nationalist/republicanist political discourse.[350] At the same time, through Atatürk, national sovereignty comes be articulated with other political ideals such as justice, freedom and equality, enhancing its discursive centrality:

> "The supreme freedom, equality and justice could be achieved and preserved only and definitely through establishing the principle of national sovereignty. Hence, national sovereignty is the mainstay for freedom, equality and justice. Before the nation itself, before its right to independence, before its deserved right to progress and renewal, any power is capable of survival only if it relies upon the will of the nation. Those who oppose to the will and the very foundation of the nation are doomed to frustration."[351]

In terms of the political manifestos of the period, the closing declaration of the first significant 'national' resistance event, Sivas Congress (September 4-12, 1919), which was organized under the auspices of the Anatolian and Rumelia Defense of Rights Associations (ARMHC) established by the union of local resistance congresses led by merchants, local landlords and old Union and Progress Committee members,[352] is a pioneering document in the establishment of the perceived boundaries of the new nation-state by the declaration of the 'national will' as the new sovereign of the land.

The first and second articles of this ten article declaration on the one hand locates the territorial boundaries of this 'national struggle' around the areas left behind after the 1918 Armistice signed between the Ottoman Empire and the Allies of the 1st World War, and on the other hand it delineates the contours of membership to this new political union within the Ottoman-Islamic communities.

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[350] Various maxims of Atatürk with regards to the issue of national sovereignty can be collectively found on the official website of the Turkish Grand National Assembly in a special section dedicated to 'national sovereignty,' http://www.milliegemenlik.gov.tr/milliegemenlik_sozler.htm (accessed 13.05.2006)

[351] Atatürk Söylev ve Demeçleri (1919-1938) I, (İstanbul, 1945), 215.

[352] Feroz Ahmad, *The Making of Modern Turkey,* 48-49.

A couple of other important points for the purposes of our study are worth mentioning with regards to this declaration: First, the Sivas declaration does not put any emphasis on being Turkish or belonging to the Turkish nation as the prerequisite for membership to the newly established political community. The Islamic communities of the Ottoman Empire are seen as the natural owners/partners of this struggle. (*"Bilcümle müslüman vatandaşlarımız bu cemiyetin azayı tabiiyesindedirler"*). This statement also points to the importance endowed to religious homogeneity within this freshly shaping concept of national citizenship during the period in question. A similar approach is also traced in the National Pact of January 28, 1920 (*Misak-ı Milli*), prepared in accordance with the principles of the Sivas and Erzurum declarations and with the purpose of outlining the conditions of peace that the forces of Turkish resistance would agree upon. The National Pact later turns into the manifesto of Turkish nationalism during the War of Independence and through this pact, the imperial ideal is permanently left behind in exchange for a nationalist movement aiming to bring together the remaining Muslim communities of the Ottoman Empire.

Second, just as it will continue until the abolishment of the Ottoman Sultanate in 1922, the declaration of sovereignty in the name of the people still remains linked to the 'ultimate aim' of the protection of the caliphate and the Sultanate (Article 2). Therefore, it should be stressed that it is never articulated within the context of a proclamation of a republic. As stated in the ninth article, the political leader of this struggle is presented as the ARMHC, which is positioned as exempt from self-interest and all kinds of political party building efforts: "Hereby [this assembly] is entirely unstained and free from all sorts of partisan tendencies and personal ambitions. All our Muslim compatriots are the natural members of the present assembly." Hence, at this point, national sovereignty is mainly brought forth as an ideal to establish unity against foreign powers, and therefore the declaration does not foresee any kind of regime alteration and does not carry forward a 'domestic' political dimension, which can be referred to as revolutionary.

Another important point is the statement, which clearly underlines that while declaring sovereignty in the name of the 'people', no privileges will be granted to 'non-Muslim communities' that could upset the political and social balance (Article 5). With regards to this issue, it should also be noted here that while the Sevres Treaty, which was signed between the Allies of the 1st World War and the official government of the Ottoman Empire in Istanbul on 14 August 1920, can be considered insignificant in terms of a discussion on the discursive formation of the national sovereignty ideal since

it never actually went into force and since the founders of the Turkish nation-state were never a party to it, it nevertheless had a lasting impact in the mindset of the nationalist elite. The harsh clauses of the Treaty concerning the territorial division of the Empire among the Allies and the various ethnic-religious communities living under the Ottoman rule have contributed to the establishment of the foundations of a defensive approach to 'national sovereignty' and accordingly the Sevres Treaty has constituted the 'humiliating' historical experience against which the twin ideals of the newly emerging Turkish nation-state, namely 'full independence' and 'unconditional national sovereignty' have come to be contextualized. In a similar fashion, the upcoming generations have inherited fears emanating from the historical legacy of the Treaty in terms of the imposition of minority rights in the context of this agreement: In the minds of the Turkish nationalists, it is this imposition of the West, which had destroyed the internal sovereignty of the Empire, thereby bringing its collapse. Hence, as we will discuss in detail in the following chapters of this study, the historical experience of Sevres has turned into a 'syndrome', which is recurrently revoked whenever concerns arise in relation to ethnic-religious demands in Turkey. In this respect, the 'Sevres Syndrome' has also contributed to the shaping of 'national security' doctrine prevailing in the Turkish polity up to date.

The political document, in which we find the first legal expression of the fundamental dictum of Turkish politics 'Sovereignty is vested Fully and Unconditionally in the Nation,' is the Law of Fundamental Organizations (*Teşkilatı Esasiye Kanunu*), accepted after a five month discussion period in the Turkish Grand National Assembly on January 21, 1921. The first article of this 24-article document, which is considered to be the first constitution of the newly establishing Turkish nation-state, not only implies a sharp turning point in the Turkish political life by wording that national sovereignty could *under no conditions* be restricted, but also underlines that people will be *directly* responsible for their own rule. Article 1 of this new constitution states: "Sovereignty is fully and unconditionally vested in the nation. The form of government is based on direct popular rule and the principle of self-determination" (*Hâkimiyet bilâ kaydü şart milletindir. İdare usulü halkın mukedderatını bizzat ve bilfiil idare etmesi esasına müstenittir*).[353]

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[353] The original text of the Law of Fundamental Organizations (Teşkilat-ı Esasiye Kanunu) can be found in İrfan Bingöl, *Ülkemizde Anayasa hareketleri: sened, ferman ve anayasaların çıkışlarına neden olan olaylar, sened, ferman ve anayasaların asıl*

For the purposes of our research, a detailed analysis of this document with respect to i) the exposition of the reasons behind its preparation and acceptance ii) an evaluation of the specific articles in terms of their approach to sovereignty iii) discussions in the Parliament during and after the enactment of the Law of Fundamental Organizations (LFO) is important for several different reasons. First of all, the impact of the ideas of Rousseau and the French revolution in the preparation of this text is evident. The first article of the LFO reflects this close association by instituting an indivisible, unlimited and non-transferable understanding of sovereignty, the roots of which can be found in the Rousseauian conceptualization (the Rousseauian notion of sovereignty has been discussed in detail in the first chapter of this study). Furthermore, the principle of 'union of powers', as well as the appeal to conventionalism, or parliamentary government, are the legacies of the French Revolution and the period of Convention (1792-1795) that are traced in the first 'constitution' of the Turkish Republic (this issue will be taken up in more detail below).

From the perspective of historical conjuncture, it should be stressed that the LFO was enacted right before the London Conference held with the Allied governments led by the English, French and Italians between February 27 and March 12, 1921, the aim of which was to put an end to the resistance movement headed by Mustafa Kemal. Thus, one of the fundamental reasons for the acceptance of the LFO was to prove to external powers that the Ankara government was in effect the official representative of the Ottoman people. Both in the congress declarations, the National Pact and the LFO, there is a reference to the national self-determination principle first established by the US President Wilson in 1918 through his famous 'fourteen points', which later turned into the reigning doctrine of international relations during the period in question. While on the one hand, the resistance movement constructed its international legitimacy upon this principle of national right to self-determination and self-rule, on the other hand, the two conditions that Wilson set forth conflicted with the fundamental political principle that Mustafa Kemal and his supporters fervently defended: 'sovereignty *unconditionally* belongs to the nation'. As Berkes states, the two principles of Wilson, a) national freedom must not be a revolutionary freedom to change the withstanding political regimen of the state; b) the nations that previously were ruled by the defeated Imperial Powers (German, Austrian-Hungarian and Ottoman Empires) of the 1st World War had

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metin ve tüm değişiklikleri, sened ve fermanların türkçeleştirilmiş şekilleri. (Istanbul: Atak Ofset, 1993)

to establish their political autonomy under the auspices of a 'guarantee state', which in return would be identified by the League of Nations.[354] Therefore, the underlining of *unconditionality* as an inalienable attribute of sovereignty should be evaluated within the context of a response to the Wilsonian principles.

Another fundamental reason behind the declaration of unconditional sovereignty framed to be executed by a direct rule through the principle of 'union of powers' relates to the efforts to eradicate internal opposition. Here it would be useful to return briefly to the domestic political context, in which Mustafa Kemal and his friends were undertaking their efforts of nation-state building: Although Mustafa Kemal aimed to derive the strength of his resistance movement from the will of the people with the congresses he organized, political groups such as *Halk Zümresi* and *Halk Şuralar Fırkası*, compromised of the old members of the Union and Progress Committee who had deeply internalized Russian narodnism, began gaining strength in the parliament with their programmes based on a more Russian version of 'populism' and as a result they even won the elections for the ministry of interior.[355] Thus given the ascendance of populist bloc in the Parliament, the main target in including the principles of 'populism', as it has been expressed in the LFO and presented to the Parliament on September 18, 1920 by Mustafa Kemal, was indeed to diffuse the opposition that was gaining ground through the ideology of populism.[356] In this perspective, the underlying objective of the 'anti-imperialist' and 'anti-capitalist' discourse[357] used in the 'Populism Programme' of Atatürk (a political language that never appears in the later political manifestos of Atatürk and his People's Party) should be thought in line with the efforts of party leadership to appeal to the members of the Parliament under the influence of the ideological currents of Russian narodnism.

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[354]Niyazi Berkes, *Türkiye'de Çağdaşlaşma,* 482-3.

[355]Mete Tunçay (Ed). "Mesaî: Halk Şûrâlar Fırkası programı, 1920; ek, Halk Zümresi siyasi programı," (Ankara: Ankara Üniversitesi Siyasal Bilgiler Fakültesi, 1972)

[356]İlhan Tekeli and Gencay Şaylan, "Türkiye'de halkçılık ideolojisinin evrimi," 64-65.

[357]For a detailed discussion concerning the relationship between the 'Populism Programme' and Russia three sources may be examined: Tarık Zafer Tunaya, *Devrim Hareketleri İçinde Atatürk ve Atatürkçülük.* (Ankara: Turhan Kitapevi, 1981), 276; Ahmet Demirel, *Birinci Mecliste Muhalefet,* 186-187; and Levet Köker, *Modernleşme, Kemalizm ve Demokrasi,* 140-143.

Taking into consideration all this historical background, it can be concluded that the LFO and its fundamental principle, "sovereignty is vested fully and unconditionally in the nation" was indeed a move to strengthen the position of Mustafa Kemal and his colleagues against both the 'external' and the 'internal' powers. It is evident that while sovereignty was being taken away from the Sultanate, this process was not a result of a long lasting struggle concerning the positioning of the individual and society vis-à-vis the state, nor was it based on the development of a philosophy of rights or political obligations in the Turkish polity.

In relation to the question under study, it would be now appropriate to draw attention to two contradictory features of 1921 Constitution that can be considered unique in the Turkish political life: The first one is a decentralized approach towards public administration, rooted in the principle of populism that have penetrated the political philosophy LFO for the reasons mentioned above; and the second is the centrality of principle of 'union of powers' within the first Constitution of the Turkish nation-state. While the LFO is referred to as the 'most democratic' constitution of Turkey by some political scientists because of this first characteristic,[358] it is simultaneously accused of creating a platform for a dictatorial parliament due to the second feature. As Ahmet Ağaoğlu, who later became a founding member of the opposing Free Party against Atatürk, expressed in the parliament, the LFO "granted the First Grand National Assembly with dictatorship laws; in fact he [Atatürk] personally made the declaration of this law of dictatorship."[359]

As for the issue of decentralization, more than half of the articles of the LFO in fact involve a detailed explanation of the principles of local administration.[360] The 11th article states that city councils would be the sole responsible for 'estates, education, health, economy, agriculture, public administration and internal affairs'. Along with cities, the role of provincial districts, the smallest unit of local administration, is also expanded, where this administration unit, made up of one or a few villages, would have an elected council or a management board, which would act autonomously concerning 'judicial, economic and monetary' issues (Article 20). All these clauses limit the

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[358]Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri: (1789-1980);* Ahmet Demirel, *Birinci Meclis'te Muhalefet: İkinci Grup.*

[359]Şeref A. Gözübüyük and Zekai Sezgin, *1924 Anayasası hakkındaki meclis görüşmeleri.* (Ankara: AÜSBF Yayınları, 1957), 368.

[360]Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri: (1789-1980),* 263.

jurisdiction area of newly established central nation-state and foresee a decentralized public administration.[361] In his detailed evaluation of the LFO, Tanör also links the importance given to local administration to the influence of the ideology of populism, particularly prevalent in the first parliamentary period.[362]

However, in contrast to its decentralized approach to public administration, the LFO unites the legislative and executive powers under the authority of a single organ: "Executive power and the right to legislate is manifested and concentrated exclusively in hands of the Turkish Grand National Assembly, which is the only and true representative of the nation." (*İcra kudreti ve teşri salahiyeti milletin yegane ve hakiki mümessili olan Büyük Millet Meclisi'nde tecelli ve temerküz eder*) (Article 2). Accordingly, it is important to underline that this constitution in effect foresees a parliamentary government, the example of which is the Convention established following the French Revolution. The president [prime minister] of the executive cabinet (*heyeti vekile*) also acts as the president of the parliament; and in this respect the 1921 Constitution does not create a position of the Presidency of the State. In fact, it should also be noted that the parliament additionally resumes the judiciary power during this period through the establishment Independence Courts (*İstiklal Mahkemeleri*).[363] Although the union of powers principle of the LFO comes to a halt with the enactment of the *Law of Supreme Commander* (*Başkumandanlık Kanunu*), it would be appropriate to say that the foundations of the idea that sovereignty unconditionally belongs to the nation and that the sole executive of this sovereignty in the name of the nation is to be the Grand National Assembly is in actual fact the legacy of the 1921 Constitution.

Hence, the historical developments following the enactment of the Law of Supreme Commander, the subsequent devolution of parliamentary authorities to Mustafa Kemal himself and thereby the appearance of an executive power above and independent of the Turkish Grand National Assembly claiming to be sole representative of sovereignty in the name of people should all be seen in line with the events that eventually led to the fragmentation of the First Turkish Parliament along a number of

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[361]This set up is noteworthy especially in the context of subsidiarity principle, as it becomes a contentious issue related to sovereignty during the European accession process discussed in the last chapter of this dissertation.

[362]Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri: (1789-1980)*, 264-5.

[363]Ibid.261.

opposing political camps.[364] Ahmet Demirel, in his detailed study of the so-called 'Second Group', known as 'the opposition' in the first constitutive parliament of Turkey, argues that contrary to the official explanation, which positions this group as a reactionary and religious force with the intention of 'preserving the Ottoman Dynasty'; it is indeed the increasingly dictatorial personal rule of Mustafa Kemal that the 'Second Group' fundamentally opposes. In defending their political position vis-à-vis the all powerful Commander-in-Chief, the 'Second Group' also makes use of the principle of national sovereignty arguing that the recent developments go against the core and soul of the national movement of independence, the aim of which was to establish a Parliament where the will of the nation could be represented.

Demirel validates his assertion by an in-depth analysis of historical documents and parliamentary proceedings, which confirm the contours of the opposition of 'Second Group' vis-à-vis the issues of responsibilities and liabilities of the cabinet (*heyeti vekile*), the limitations imposed on the authorities of the Parliament, the enactment of the Law of Supreme Commander, the method of selection/appointment of candidates for parliamentary membership, the independence of the parliamentary presidency, the establishment of Independence Courts and finally their position with regards to fundamental rights and freedoms. For the 'Second Group', the fact that parliamentary authority had been divided and transferred to the Supreme Commander, that the president of the parliament would also be the president [prime minister] of the executive cabinet, that he would be responsible for the appointment of candidates for the parliamentary elections, and that the president of the cabinet would use his authority without the consent of the parliament create an unforeseen power acting over and above the parliament; and according to Demirel, this *de facto* situation in reality constitutes the common gist of their opposition.[365]

As it can be followed from the foregoing discussions, 'national sovereignty' has been a discursively instrumentalized principle by the Kemalist government and the 'Second Group' alike in order to strengthen their political objectives with regards to the pacification/subversion of 'internal' and 'external' threats and enemies. According to Berkes, the heated political discussions on the issues mentioned above do not end up

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[364] Ahmet Demirel, *Birinci Meclis'te Muhalefet: İkinci Grup,* 229-231.

[365] Ibid.10.

crushing the opposition, but on the contrary makes it tougher,[366] and in return lead Mustafa Kemal and his colleagues to also harden their efforts to attain their respective objectives without compromise. The conflict between the government and the opposition becomes even more pronounced prior to Lausanne Peace Talks, following the *TBMM Hukuk-ı Hakimiyeti ve Hükümranın Mümessil-i hakikisi Olduğuna Dair Heyet-i Umumiye* decision dated November 1-2, 1922, through which the Sultanate come to be separated from the Caliphate and subsequently abolished. It is possible to find the clear manifestation of this tension, which is often expressed through the discussions focusing on the concept of 'national sovereignty', in the memoirs of Atatürk taken from *Nutuk*:

> "Three commissions came together in a room. Hoca Nuri Efendi was elected as the president. The members of the Legal Commission explained why the Sultanate could not be separated from the caliphate uttering the known nonsense they always make use of. The members who could prove the irrelevance of this assumption did not speak up… I got up on the table in front of us. I gave this speech out loud: Gentlemen, I said, sovereignty and the Sultanate are never given to anybody through scientific deliberations and discussions. Sovereignty and Sultanate can only be claimed by force and power. The Ottoman Dynasty confiscated the sovereignty of the Turkish nation by force. They have continued this abuse for six hundred years. Now, the Turkish nation has finally said no to this and is reclaiming its sovereignty and its own rule. Now the issue here is not, will we leave the rule and sovereignty to people or not. The issue is, to legitimize legally this reality which has already happened. Because this will absolutely happen. I think it will be appropriate for the parliament and the ones gathered here to accept this naturally. Otherwise, the reality will come about anyway. However, some might have to be beheaded." [367]

As a result of the intensification of opposition within the Parliament due to ongoing discussions concerning the legal abolishment of the caliphate and conditions of the Lausanne Peace Talks, the government calls for early elections based on the problems encountered during decision making and consequently the 1st Turkish Parliament is dissolved by a vote of simple majority.[368] This decision also brings the end of 'the First Parliament' considered by many Turkish scholars as being the most "populist and democratic" in comparison to the ones that followed. Accordingly, Mustafa Kemal establishes the People's Party on December 6, 1922 in order to clarify and strengthen his political programme, and on April 8, 1923 he publicly declares his

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[366]Niyazi Berkes, *Türkiye'de Çağdaşlaşma,* 501.

[367]Mustafa Kemal Atatürk, *Nutuk*. (İstanbul: Alfa Yayınları, 2005), 493.

[368]Ibid.522.

election statement, which includes the infamous 'nine arrows' that would establish the foundation of the Kemalist ideology later on.[369] Now we will turn our focus to an evaluation of this programme by Ziya Gökalp, who joined the People's Party in 1923 and became a member of the 2nd Turkish Parliament, in a booklet entitled *The Right Path: Classification, Analysis and Interpretation of National Sovereignty and Principles:*[370]

To start off, attention should be drawn to the title of the booklet, which already suggests the extent to which People's Party builds its political legitimacy upon the principle of 'national sovereignty'. Gökalp offers an explanation of the principles of the People's Party under twelve different chapters and places the assessment of national sovereignty under the first chapter. Here, it would be more meaningful to evaluate the attributes of 'national sovereignty', as conceived by the People's Party, with the sequence of importance given by Gökalp: First and foremost, it is important to underline that Gökalp closely associates national sovereignty with Turkish nationalism. For Gökalp, Turks have been under the captivity of the Ottoman Empire and been deprived of the freedom to identify with their own 'nation', while other 'nations' were left free to claim 'if my citizenship is Ottoman, then my nationality is Arab, Albanian…'[371] He also harshly criticizes the Ottoman tradition of cosmopolitanism and for the related denigration of Turks within this tradition. Seen from this perspective, for Gökalp, the major accomplishment of the People's Party lies in its declaration of the Turkish nation as the sole sovereign of this land:

> "Through the very successful ideological struggle of Defense of Rights Party following the armistice, today we are not only able to give the name **Turk** to our language, literature and nation; we are also able to call our government and homeland **Turkish** legally and officially. This is the clearest indication of our national sovereignty."[372]

As a matter a fact, it should be stressed here that, different from the Sivas Declaration, the National Pact and the 1921 Constitution, the 1923 People's Party programme makes a direct reference to the *Turkish nation* with regards to the issue of sovereignty. While the programme underlines the importance of the legal equality

[369]Mustafa Kemal Atatürk, *Nutuk*, 514.

[370]Ziya Gökalp, *Türkçülüğün Esasları ve Doğru Yol: Ulusal Egemenlik ve İlkelerin Sınıflandırılması, Çözümlenmesi ve Yorumlanması.* (İstanbul: İnkılap Yayınları, 2001)

[371]Ibid. 98.

[372]Ibid.98-99.

among people and explains that the People's Party does not make any distinction between classes, it also states that the Party is open to the membership of "every *Turk* and all individuals coming from another origin but accepting the Turkish nationality and culture."[373]

The second important aspect in relation to national sovereignty in Gökalp's evaluation is that it *cannot* be limited by any form of internal or external power. In Gökalp's account, these 'powers' consist of "(1) foreigners endowed with privileges and concessions emanating from the so-called external capitulations; (2) non-Muslim communities with privileges emanating from the so-called internal capitulations; (3) the Palace, which still wants to monopolize political power; 4) reactionaries who attempt to use religion as an enemy to politics."[374] According to Gökalp, impositions by these powers over national mechanisms cannot be accepted under any conditions in the context of national sovereignty. Only the nations themselves have the right to limit their own affairs, and these limits can be defined according to national ethics and culture within the framework of universal logic and wisdom. Nations should stay away from laws which would violate individual rights; however this responsibility cannot be imposed by an external power. It is interesting to see that the 'powers' which Gökalp defined as the enemy of the Turkish national sovereignty in 1923 still occupy the same role in the ongoing discussions on the issue of national sovereignty, the only exception of course being the Ottoman Palace.

The third significant aspect with regards to the evaluation of RPP's understanding of 'national sovereignty' in *Right Path* booklet is the support given to the principle of 'union of powers': Gökalp criticizes both the American presidential system in relation to its espousal of 'separation of powers' and the European parliamentary system in relation to its espousal of 'balance of powers'. Gökalp argues that 'separation of powers' within the US system remains only on the surface and never actually functions the way it should,[375] while he blames 'balance of powers' for "constituting a dangerous principle, which pushes cabinet members to organize a governmental coup, or to

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[373] The original text of the 1923 People's Party programme can be found in Taha Parla, *Kemalist Tek-Parti İdeolojisi ve CHP'nin Altı Oku.* (Istanbul, İletişim Yayınları, 1995)

[374] Ziya Gökalp, *Türkçülüğün Esasları ve Doğru Yol: Ulusal Egemenlik ve İlkelerin Sınıflandırılması, Çözümlenmesi ve Yorumlanması,* 99-100.

[375] Ibid.102-105.

surrender the country to chaos and influence of destructive powers at the most critical junctures."[376] Consequently, Gökalp declares, national sovereignty can only be possible in the context of 'union of powers':

> "Accordingly, a personal rule is not only present in the monarchical kingdoms of Europe and the America, but even the Republics are made up of mixtures of personal rule and national sovereignty. A complete execution of national sovereignty only exists in Turkey due our principle of union of powers. This is because in Turkey, the authority of law is not partially shared with individuals, but remains completely in the hands of the Parliament."[377]

Furthermore, Gökalp underlines, in the chapters where he evaluates the other principles of the Party Programme, that the People's Party would approach the public administration, law, economy and education in the context of the national sovereignty principle the contours of which are outlined and explained above. As once again seen in the foregoing assertions of Gökalp, the doctrine of 'sovereignty *unconditionally* belonging the nation' is in effect the heritage of a founding period based on the 'union of powers'.

Now, we will turn our attention to the implications of the politics of inclusion/exclusion, shaped by the doctrine of national sovereignty based on the principles of Kemalism, (which eventually turns into a full fledged ideology in the 1930s following the declaration of nine arrows in the People's Party programme of 1923), had on the construction of the Turkish nation-state, along with the creation of Turkish national identity and citizenship.

4.5. National Identity, Citizenship and Sovereignty

In an article entitled "Sovereignty and the Nation: Constructing the Boundaries of National Identity," Roxanne Lynn Doty analyzes the role of the discourse on sovereignty over the constitution of a national identity on the basis of a new citizenship policy employed during England's transition from an empire to a nation-state following

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[376]Ziya Gökalp, *Türkçülüğün Esasları ve Doğru Yol: Ulusal Egemenlik ve İlkelerin Sınıflandırılması, Çözümlenmesi ve Yorumlanması,* 106.

[377]Ibid.106.

the World War II.[378] According to Doty, England's approach to sovereignty during this period of 'crisis' lasting throughout the 1950s and 1960s can not be considered limited to merely an authority independent of external forces to make and execute laws and policies over a certain territory, or in other words as a principle of international relations: During the period in question, sovereignty indeed emerges as an internal political instrument, through which the United Kingdom attempts to differentiate the 'English' population from the 'colonial' populations under the rule of its former empire by producing immigration and citizenship laws based on the principle of sovereignty:

> "Instead, the inside/outside boundary is a function of a state's discursive authority, that is, its ability, in the face of ambiguity and uncertainty, to impose fixed and stable meanings about who belongs and who does not belong to the nation, and thereby to distinguish a specific political community –the inside– from all others – the outside."[379]

As many scholars of post-1924 Turkish politics and history indicate, the establishment of a chain of equivalences among the 'Eternal Chief' (M. K. Atatürk), the party (CHP), the state and the nation stand out as the underlying political feature of this period.[380] In his in-depth analysis of Atatürk's *Nutuk* and *Söylev ve Demeçleri*, Taha Parla expresses the various phases of this identification of the chief-party-nation in the following paragraph:

> "It is obvious and consistent in itself that the absolute charismatic leader, who was reluctant to share the national sovereignty with nobody but the (indivisible and integral) nation – not even with the Parliament itself – would be eager to exercise that power solely through a single party under his own chairmanship – let us here remember from *Nutuk* the theme of oneness of the parliamentary group and the parliament itself. There exists a very smooth transition from a charismatic leader who, by definition, derives his authority or (allegedly) legitimate power from his supreme qualities and, should the occasion arise, from a very abstract concept of nation – that leader is identical to that nation – instead of any institution or collective

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[378] Roxanne Lynn Doty, "Sovereignty and the nation: constructing the boundaries of national identity," in *Simulating sovereignty: intervention, the state, and symbolic exchange,* ed. Cynthia Weber. (Cambridge [England]; New York: Cambridge University Press, 1995)

[379] Roxanne Lynn Doty, "Sovereignty and the nation: constructing the boundaries of national identity,", 122.

[380] Taha Parla, *Türkiye'de Siyasal Kültürün Resmi Kaynakları: Cilt 3: Kemalist Tek-Parti İdeolojisi ve CHP'nin Altı Oku.* (İstanbul: İletişim Yayınları, 1995); Taha Parla, *Türkiye'de Siyasal Kültürün Resmi Kaynakları: Cilt 2: Atatürk'ün Söylev ve Demeçleri.* (İstanbul: İletişim Yayınları, 1997); Ahmet Demirel, Birinci Meclis'te Muhalefet: İkinci Grup.

entity to a republican theory with a single party under the rule of a single leader: A process whose signs could be traced back to earlier phases."[381]

A validation of Parla's above-assessment can also be found in Atatürk's own words:

"Indeed, in civilized states ruled in accordance with the principle of national sovereignty, the established rule which is effectively in force is the tenet that the political group representing the inclinations of the nation in general and capable of materializing with supreme authority the interests appertaining thereof should take charge of the affairs of state and then it shall load all the responsibility upon the shoulders of the top-level leader."[382]

The dissolution of the 1st Turkish Parliament, the amendment of election laws, the relatively independent policy-making status of the government from the parliament after 1923,[383] the recognition of the People's Party as the sole inheritor/successor of the national movement of independence,[384] and finally the shutting down of all opposition parties as a result of *Takrir-i Sükun* decree can all be considered among the most important historical construction and subsequent consequences of this identification. As it is well known, following the decree, Turkey has been ruled by a single party government over 20 years with the brief exception of Free Party experience that lasted only three months. During the period in question, the single party government rejected any form of liberal parliamentarism and instead enacted a corporatist/ solidarist political system under the rule of a single 'chief.'

While Parla presents the above evaluation of the single party period in Turkey, he also calls for a distinction between the so-called 'Political Kemalism' from a "Cultural Kemalism' during the period under survey: For Parla, 'Cultural Kemalism' constitutes a progressive ideology with its espousal of secularism, rationalism, a radical cultural revolutionism, where as 'Political Kemalism' remains as a more conservative ideology due to its solidarist/corporatist approach, authoritarianism, statism, and for its support of single party/single 'chief' rule.[385] The traces of this increasingly conservative political

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[381] Taha Parla, *Türkiye'de Siyasal Kültürün Resmi Kaynakları: Cilt 3: Kemalist Tek-Parti İdeolojisi ve CHP'nin Altı Oku*,105.

[382]Mustafa Kemal Atatürk, *Nutuk*, 171.

[383]Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri: (1789-1980)*, 288.

[384]Erik Jan Zürcher, *Cumhuriyet'in İlk Yıllarında Siyasal Muhalefet: Terakkiperver Cumhuriyet Fırkası (1924-1925)*. İstanbul: İletişim Yayınları, 1991), 156.

[385]Taha Parla, *Ziya Gökalp, Kemalizm ve Türkiye'de Korporatizm*. (İstanbul: İletişim Yayınları, 1989).

positioning can also be found in the transformation of the leading principles of Kemalism, namely populism, republicanism and nationalism upon which the 'national sovereignty' of the new nation-state has been founded, during the period under investigation:

Some significant differences can indeed be detected between the principle of populism advocated during the Turkish National War of Independence (and the initial years of the Republic) and the Kemalist populism of the 1930s. In the former version of populism, at least at the discursive level, self-rule and direct democracy (as expressed in the Constitution of 1921) constitutes a desired objective. However, the 1930s witness a transition in the perceived meaning of populism among the ruling Republican elite, the gist of which can be described along the line of "for the people, despite the people" (*halk için halka rağmen*).[386] This transformation also becomes evident in the 1924 Constitution, where a reference to direct popular rule no longer finds legal expression. This change in the formulation of the principle of populism also suggests the irreconcilable breaking up of its linkage to the ideal of a direct democracy, which would have required the institutionalization of some form of public participation within the political system.[387] Other historical examples of this shift during the period in question include the rejection of the demands to associate populism with a political system based on class or professional representation, as well as the annihilation of political opposition with claims to represent the interests of social groups with competing demands.[388] Atatürk defends the necessity of a single-party rule as the best possible way to ensure progress, national unity and harmony in his following words:

> "This nation has suffered so much from political parties. Here, let me make plain that parties in other countries were and is still always being established on the basis of economic motives, for there exists miscellaneous classes therein… We all know about the consequences witnessed due to the political parties established as if there existed distinct classes in our country. However, when the Republican Party is in question, it embraces not a part of but the whole nation… The Republican Party shall be a school to equip our people with political disciplining…. What we have achieved so far is so ample that these might not possibly be accomplished in the next three or

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[386]Levent Köker, *Modernleşme, Kemalizm ve Demokrasi,* 137-138.

[387]For the original text of 1924 Constitution please see İrfan Bingöl, *Ülkemizde Anayasa hareketleri: sened, ferman ve anayasaların çıkışlarına neden olan olaylar, sened, ferman ve anayasaların asıl metin ve tüm değişiklikleri, sened ve fermanların türkçeleştirilmiş şekilleri,* 90-109.

[388] Levent Köker, *Modernleşme, Kemalizm ve Demokrasi,* 145.

four years. As happens everywhere, we too might find discontented forces to emerge in the face of new movements and tendencies… Gentlemen, neither I nor any of you shall attempt to create offices based on our own personalities. We should all work in such a way that what we will establish shall be a national institution, which could only be achieved by equipping the people with political disciplining…. Success will certainly be attained through unity. If the people proceed by cooperating for a common cause, then they will succeed in any case."[389]

As it has been discussed in detail above, during the creation of the Turkish nation-state, another Rousseauian attribute, 'infallibility,' also comes to be articulated as a defining feature of the Turkish notion of unconditional, non-transferable and absolute national sovereignty. In this perspective, the reluctance and intolerance towards any kind oppositional plurality within the communitarian approach adopted during the Turkish process of nation-state building also find its philosophical resonance in the ideas of the leading the political figures of the French Revolution such as Rousseau and Sieyes, who locate the general will, or the collective will of the nation, above individuals and societal groups. During this period, the unchangeable privileged positioning of the 'Eternal Chief' within the Turkish political life also carries a certain parallelism with the paternalistic figure of the Rousseauian 'Law Giver,' who 'always knows what is best for the nation' and guides the common will in that direction.

During the single-party rule, while on the one hand, Atatürk and his People's Party discursively base the legitimacy of their authority on the principle of national sovereignty, on the other hand, they also remain suspicious of the power of the public and the potential that it possesses to destabilize the current political regime when left on its own. In a certain way, during the period in question, discourse on sovereignty comes to be closely linked to idea of governmentality and the related efforts to establish continuity between security, population and government.

Here it is also important to note that, since its inception, the national security-focused politics in Turkey identifies 'internal forces' as the primary 'threat' to the sustainability of sovereignty. Atatürk also shares this perspective and his *Nutuk* presents a very vivid example, where leveling out of 'internal opposition' occupies the central stage of Ataturk's political struggle starting with the Turkish national movement of independence and lasting until the enactment of *Takrir-i Sükun Kanunu.* Here, Atatürk himself concedes to the fact that establishing unity within the nation proves much more

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[389]Mustafa Kemal Atatürk, *Atatürk'ün Söylev ve Demeçleri, Cilt II (1906 – 1938).* (Ankara: Türk İnkilap Tarihi Yayınları, 1952), 97-98.

difficult, time-consuming and complex in comparison to fighting against the invasive external armies:

> "A nation which sticks together and is determined to materialize its aims will sooner or later be capable of making any conceited and aggressive enemy regret for such conceit and aggressiveness. Therefore, suppressing the internal revolts is certainly much more important than curbing the Greek offensive."[390]

Therefore, 'the political education of the public' becomes a prerequisite for ensuring its obedience to the single-party rule and its close associate, the authority of the state; and this can only be possible by creating an organic society with a unitary national consciousness and endeavoring for a common goal, as well as by officially identifying who could belong to this nation. In his book, *Citizenship and Nationhood in France and Germany,* Roger Brubaker[391] argues that the creation of modern citizenship in France and Germany goes along with a politics of social closure and that in this context citizenship policies display a close relationship to both French and German nationalisms. In a similar fashion, the new Turkish Republican citizenship becomes constructed through the determination of boundaries that would ensure national unity and harmony. Seen from this light, the Kemalist nationalism also goes through a transformation similar to that of populism in the post-1924 era, and features a 'double character' based on how it perceives the 'internal' and the 'external' worlds.

Ahmet Yıldız's in-depth analysis on the construction of Turkish national identity between 1919 and 1938 published under the title, *'Ne Mutlu Türküm Diyebilene': Türk Ulusal Kimliği'nin Etno-Seküler Sınırları (1919-1938),*[392] illustrates that particularly after 1929, the Kemalist nationalism discards any kind of ethno-secular pluralism in terms of its identification of the boundaries of 'national identity.' As Yıldız reveals in detail throughout his work, while the Kemalist nationalism rejects an irredentist outlook in international relations and follows a peaceful neighborhood policy, its domestic policies in the 1930s increasingly transgress the framework of *cultural nationalism* and carry some noteworthy traits of *ethnic nationalism*. At the same time, while during the War of National Independence and the first years of Republic religion emerges as a

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[390]Mustafa Kemal Atatürk, *Nutuk,* 332.

[391]Roger Brubaker, *Citizenship and Nationhood in France and Germany.* (Cambridge: Harvard University Press, 1992)

[392]Ahmet Yıldız, *'Ne Mutlu Türküm Diyebilene': Türk Ulusal Kimliği'nin Etno-Seküler Sınırları (1919-1938).* (İstanbul: İletişim Yayınları, 2001); Ahmet Demirel, *Birinci Meclis'te Muhalefet: İkinci Grup.*

significant source of a common identity, it slowly becomes pushed to the background given the increasing centrality of secularism within the Kemalist ideology. Various works of Taha Parla and Levent Köker also support the findings of Yıldız in this regard.[393]

In fact, the objective of achieving religious-cultural homogeneity within the newly established borders of Turkey is already made evident in the negotiation period of the Lausanne Treaty,[394] the international agreement declaring the terms of Turkish national independence. One of the reasons behind the compromising attitude of Ankara government has been its perception that regions possessing complex population compositions such as Western Thrace, Mosul and Hatay could constitute obstacles to the idealized homogeneity of the new political society. The Treaty's chief negotiator İsmet İnönü also supports this view in his following assessment of the outcome of the Lausanne Treaty:

> "In brief, a homogeneous and uniform motherland; a state of affairs in which people are free from irrational restraints abroad and internal concessions – defining the government – within the government itself; and also from irrational financial obligations; the absolute right of self-defense; a free motherland with abundant resources. This homeland is called Turkey."[395]

As it is well known, one of the main objectives of the Lausanne Treaty involves the refutation of Greek, Armenian and Kurdish political demands. In this regard, the rejection to recognize different Muslim ethnic groups living within the national border of the new Turkish Republic as official minorities, as well as the enforced population exchanges between Turkey and Greece can be sited as historical examples of the Republican endeavor to create a homogenous political community. The 'Turkish History Thesis,' fabricated during the single-party rule also contributes to the objective

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[393]Levent Köker, *Modernleşme, Kemalizm ve Demokrasi,* 150-152; Taha Parla, *Türkiye'de Siyasal Kültürün Resmi Kaynakları: Cilt 3: Kemalist Tek-Parti İdeolojisi ve CHP'nin Altı Oku.* (İstanbul: İletişim Yayınları, 1995), 182- 211.

[394] The full text of the Lausanne Treaty can be reached at the official website of Turkish History Institution at the following address, "http://www.ttk.org.tr/index.php?Page=SayfaandNo=121" (accessed 17.03.2006)

[395]This quotation from İsmet İnönü is cited in Özlem Kaygusuz, "Modern Türk Vatandaşlığı kavramının erken öncülleri: Milli Mücadele Döneminde Ulusal Vatandaşlığın Kuruluşu. *Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi* 60, no.2, (2005): 204.

the construction of a coherent national identity. Çağlar Keyder expresses the underlying logic of this constitutional period in the following paragraph:

"Turkish nationalism, the legitimizing ideology of the new republic, was formed on this background. It is not hard to comprehend why such nationalism preferred an ethnic narrative. To put it another way, the notion of Turkishness was created so as to represent the remaining population homogenously with an effort to obscure a real diversity. Thus, as opposed to the assumed homogeneity among Greek, Turkish and Arab ethnic groups, a similarly contrary Turkish ethnicity was created, for which an uninterrupted ethnic historical narrative was constructed which can be traced back to a mythical past in a foreign landscape."[396]

At the same time, in this period, Islam no longer occupies a central role in the formation of Turkish national unity and accordingly comes to be relegated to the margins of RPP's political language. We can trace more clearly the articulation of the principle of national sovereignty with the *secular* Turkish nation in the 1931 Programme of Party in the section on the "principles of homeland, nation and state organization", where a direct reference is given to Turkism on the basis of a common language, culture and ideal (ülkü), while religion is no longer mentioned as an attribute of Turkism:

"1- Motherland is the territory within our current political boundaries where Turkish nation lives with all its ancient and glorious history and with its historical artifacts that have survived up to the present as buried deep down under its soil. The motherland is a whole which can by no means be divided.
2 – A nation is a socio-political community composed of citizens who are bound together with a common language, culture and common ideals.
3- The primary organization of the state: The form of government of the Turkish nation is our current form of state based on the principle of the unity of powers. Thus, the Grand National Assembly exercises the right of sovereignty on behalf of the nation. The President and the members of the cabinet are elected among the members of the Assembly. Sovereignty is one, and unconditionally and unreservedly belongs to the nation. The Party is of the opinion that this is the most convenient among all existing forms of state."[397]

Finally, the identification of the State with the Nation, the ethno-secular framework of which has already been discussed, constitutes another defining feature of the creation and consolidation process of the Turkish nation-state. The following statement from Afet İnan's book *Medeni Bilgiler,* a political guidebook for Turkish

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[396]Çağlar Keyder, *Memalik-I Osmaniye'den Avrupa Birliği'ne.* (İstanbul, İletişim Yayınları, 2003)

[397] *Cumhuriyet Halk Fırkası Katibiumumiliğinin F. Teşkilatına Umumi Tebligatı,* Mayıs 1931 den Birincikanun 1931 Nihayetine Kadar, Cilt 1, (Ankara, 1931)

citizens prepared under the personal supervision of and at times contribution by M. K. Atatürk is revealing in this respect: "Turkish nation, is a state administered by a republic based on public rule" (*"Türk milleti, halk idaresi olan cumhuriyetle idare olunur bir devlettir"*).[398] In a similar fashion, the RPP programmes of 1931 and 1935 also define the rights and liabilities of the individual, society and the state to one another, however, as Parla points out, in contrast to the previous party programmes, here the emphasis is placed on the limits to the individual and societal rights imposed by the state's *raison d'etr*e and its associated authority. The 1935 programme also involves a declaration, which states that the activities of individuals and corporate entities can never work to the benefit of public good. As a result of the growing emphasis on the *raison d'etat*, the balance in state-society relationship increasingly becomes reconfigured in favor of the overwhelming state authority.[399] The first paragraph of a speech delivered by the RPP Secretary General Recep Peker to explain the reasoning behind RPP's party programme of 1935 is important for exposing the growing significance of the idea of the state and the ideology of statism among the ruling republican elite:

> "Dear colleagues, the most visible and audible distinguishing mark of the new programme is that the Republican People's Party (CHP), which has cooperated with the state as a single body from the very beginning, is gradually becoming much closer to the state."[400]

Throughout this speech, while on the one side Peker heavily criticizes and finally discards state organization/administration schemes offered by both socialism and liberalism, on the other side he describes RPP's approach to the idea of nation-state as a well-ordered administration system, where 'not everyone is allowed to say whatever that comes to mind.' During these years, we also witness that the principle of statism extends beyond the area of economy and encompasses the political life, where the state is now positioned as an end in itself, encircling and at times subordinating the society:

> "The state organization is a great entity and power. We need this reunion and solidarity in order to promote the nation, the strength of which we derive from the source of sovereignty (and we believe that this strength is

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[398]Afet İnan, *Medeni Bilgiler ve M. Kemal Atatürk'ün yazıları*. (Ankara: Türk Tarih Kurumu Yayınları, 1969), 18.

[399]Taha Parla, *Türkiye'de Siyasal Kültürün Resmi Kaynakları: Cilt 3: Kemalist Tek-Parti İdeolojisi ve CHP'nin Altı Oku,* 33.

[400]Recep Peker, *C.H.P Genel Sekreteri R. Peker'in Söylevleri.* (Ankara: Ulus Basımevi, 1935)

not only confined to words) in such a way that it could stand by, together with, and within the state apparatus and support it."[401]

These words also indicate the beginning of an era in the republican history, where, as it finally comes to be legally expressed in the Turkish Constitution of 1982, a complete integration between the 'Turkish Nation' and the 'sacred Turkish State' takes place.

4.6. Conclusion

In sum, the following conclusions can be derived from the foregoing analysis: During the period in question, the principle of national sovereignty upon which the political legitimacy of the process of Turkish nation-state building rests, assumes attributes that go beyond a Rousseauian conceptualization of sovereignty and increasingly resembles the Schmittian notion, where sovereignty is conceived as a monopolized capacity of the nation-state to decide and to act upon its decisions, destroying the possibility of any challenge directed to its preservation and unity. As discussed in depth in the first chapter of this dissertation, building on the philosophical traditions of German Idealism and Romanticism (particularly in relation to the theory of organic state, where the state simultaneously encompasses its constituent parts and placed above them, along with the related notion of *raison d'etat*) and adopting a version of Hobbesian absolutism, Schmitt himself advocates "an understanding of sovereignty as a concrete application, that means who decides in a situation of conflict what constitutes the public interest or interest of the state, public safety and order, *le salut public* and so on."[402] The ideas of Schmitt and the political traditions that he derives his assumptions from resonate in many aspects the notion of sovereignty discursively developed and put to use in the context of Turkish nation-state creation. To put it more clearly, as Schmitt sets out to formulate a novel understanding of sovereignty to save the Weimar Republic from political frailty and indecisiveness to reclaim the German *grandeur* and ends up with defying liberal constitutionalism with his definition of 'Sovereign is he who decides on the exception' - a reincarnated version

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[401] Recep Peker, *C.H.P Genel Sekreteri R. Peker'in Söylevleri.*

[402] Carl Schmitt, *Political theology,: four chapters on the concept of sovereignty,* 6.

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of Hobbes infamous dictum "autoritas, non veritas facit legem"; the Kemalists aspire to construct a nation-state out of the remains of the Ottoman Empire and end up finding political empowerment in the motto of 'Sovereignty is vested Fully and Unconditionally in the Nation.'

The Kemalists discursively construct a chain of equivalences centering around this motto, which in return brings the notion of sovereignty developed during the period in question close to that of a Schmittian theorization: (i) sovereignty becomes exclusively linked to the 'Turkish nation', the boundaries of which grow to be clearly demarcated by the single-party 'politics of social closure' differentiating between 'friend' and 'enemy'; (ii) the collective will of the nation in-making finds its guidance and meaning in its amalgamation into the *raison d'etat;* (iii) the state and its *raison* are identified with the RPP and the Kemalist ideology; and finally to complete this discursive chain of signification (iv) the RPP is ruled by an 'Eternal Chief', who is endowed with the power to decide on the exception.

Also in line with the Schmittian rejection of checks and balances, the Kemalist notion of sovereignty depends on the principle of union of powers and the indivisible organic integration foreseen between the Turkish nation and the Turkish state. At the same time, national sovereignty, as conceived and put to use by the Kemalist regime, helps in constructing political frontiers to delineate the 'inside/outside' both in terms of territory and population, clearly marking the distinction between the Schmittian seminal antithesis between 'friend' and 'enemy'.

Seen from this perspective, 'national sovereignty' constitutes the *nodal point* of the Kemalist discourse in its employment of what Laclau and Mouffe calls a *logic of difference*: Kemalist nationalist/republican discourse attempts to 'homogenize' and 'totalize' the political space by trying to undermine and displace 'internal' and 'external' antagonisms to the margins of society. To this end, it builds a political discourse based on the ideal of national sovereignty which in return contributes to the formation of a coherent national identity and a collective will to sustain the efforts of nation-state building. In so doing, it also hegemonizes and wipes out opposing antagonistic discourses, as the cases of the 1st Turkish Parliament and the subsequent ill-fate of opposition parties such as Free Party (*Serbest Fırka*) and Progressive Republican Party (*Terakkiperver Cumhuriyet Fırkası*) reveal. Since this process of homogenization "proceeds not through the construction of equivalential chains between actual

democratic demands, but through authoritarian imposition,"[403] the Kemalist discourse in the long term proves unsuccessful in the neutralization of social dislocations and the incorporation of popular support, opening the way for its own hegemonic demise. It is in the next chapter that we will address the implications of this constituent period and its 'unconditional', 'indivisible,' 'non-transferable' and 'infallible' notion of sovereignty in the context of the post-1980 Turkey, where the prevailing political model upon which the Turkish nation-state is established come to be increasingly challenged by forces of globalization and fragmentation.

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[403]Ernesto Laclau, *On Populist Reason*, 212.

5. DISRUPTION: GLOBALIZATION OF TURKEY AND THE POLITICAL DISCOURSE ON SOVEREIGNTY

5.1. Introduction

The post-1980 period, where the monopoly of the Turkish nation-state over sovereignty comes to be increasingly challenged by growing supranational and subnational demands for the dispersion of central authority as a result of the process of globalization of economic, political and social relations and the parallel integration of Turkey into this evolving system, contributes to the emergence of two opposing discourses in Turkish politics: The first one, produced mainly by the Kemalist military/republican elite with the purpose of reinvigorating the etatism of the 1930s, centers on the myth of 'indivisible, unreserved and unconditional national sovereignty' deriving its strength from the complete union of the Turkish nation and the state. In opposition to the problems associated with this nationalist/statist approach to sovereignty, the second discourse, created by the amalgamation of 'democratic' demands, defends the 'people' and the individual vis-à-vis the all powerful nation and the state, plurality vis-à-vis homogeneity, and globalization vis-à-vis the central state. This discourse criticizes the doctrine of 'unreserved and unconditional national sovereignty' and finds the deconstruction of this myth particularly important in connection to the exposition of the ongoing conflict in the relationship between the state, political authority and legitimacy.

Faced against this background, this chapter aims to analyze the discursive roles that the concept of sovereignty plays within these two competing discourses. More specifically, the main objective of this chapter is to discover the ways in which the opposing Turkish political 'power blocs' attempt to defend their respective political ideologies by reverting to various discursive strategies focusing on the concept of

sovereignty. In order to better grasp the reasons that give rise to this 'discursive battle', the chapter starts out by discussing the repercussions of the parallel progression of globalization and fragmentation in the post-1980 Turkey. This part strives to situate the need for the reconstruction of the Turkish political discourse on sovereignty within the context of the disruption brought by the transition from a closed economic and political system to an increasingly globally integrated society, accompanied by a parallel transition from military rule to functioning party politics. It is argued that the universal collapse of statism, the transformation of national forms of statehood and the persistence of political conservatism in the face of the emergence of new forms of identity politics mark the background of this discursive battle.

The second part of the chapter highlights noteworthy theoretical openings in relation to the concept of sovereignty within the context of a changing international and domestic political order often characterized by a transition from the 'modern nation-state' to the 'post-modern global' system. An assessment of international discussions centering on the concept of sovereignty proves particularly important to understand the ways in which versions of the global political discourse on sovereignty becomes reproduced in Turkey to cope with paradoxical processes taking place in the post-1980 era: a progressive international integration advancing hand in hand with a progressive decentralization of authority and fragmentation of society.

Posed against this historical and theoretical context, the third part of the chapter exposes the discursive maneuvers centering around the nodal point of sovereignty in Turkey, where each of the competing political forces strive to impose its own particular and irreconcilable demands to shape the shifting political order. This analysis illustrates how and why the discourse focusing on the concept of sovereignty employs a 'logic of equivalence', which seeks to divide social space by condensing meanings around two antagonistic poles, namely 'statists' vs. 'democrats'. It is claimed that, in this period, the concept of sovereignty becomes an 'empty signifier' to create new antagonisms that either try to defend or erode the hegemony of nationalist/statist political discourse in Turkey.

5.2. Globalization, Postmodernity and Turkey

Beginning with the 1980s, the prevailing doctrine of sovereignty, upon which the legitimacy and hegemony of the Turkish nation-state over the society have been built, comes to be increasingly challenged by forces of globalization and fragmentation. Prior to analyzing the discursive roles that the concept of sovereignty plays within the discourses developed to cope with this 'crisis', it would be first meaningful to try and explain briefly why the 1980s constitute a breaking point in Turkish political history:

The weakening of the power and the capacity of the state to collectively represent the increasingly diversified societal demands due to globalization of economic, political and cultural relations in the post-1980 period also creates associated problems for the nation-state led Turkish modernization project in execution since the 1920s. In fact, during the 1980s, Turkey appears to be a country stuck in between 'modernity and postmodernity.'[404] One of the underlying reasons of this situation of 'in-betweenness' relates to the fact that in Turkey modernization in effect remains as an 'unfinished project.' On the one hand, while in the eyes of the republican elite, modernity represents the ultimate, yet still unachieved level of development for Turkish society, on the other hand, mostly under the influence of postmodernist thought currents, the Turkish experience with modernity becomes subject to critical scrutiny. According to Hasan Bülent Kahraman, the main target of this critique involves the questioning of the relationship between the central authority and modernity:

> "Modernity was a process of establishing power, and that is why it came to form its own institutions. In order to secure the central authority, it invented new measures and mechanisms. On the other hand, the postmodern era was designed to dissolve and eradicate the power in question, and to free the individual as much as possible. The shock suffered by the nation-state, new interpretations with regard to questions of identity, body and subject as well as the civil society's pains of expansion were all products of this new quest."[405]

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[404]Hasan Bülent Kahraman, *Postmodernite ile Modernite arasında Türkiye.* (İstanbul: Everest Yayınları, 2002)

[405]Ibid.xi.

The Turkish case of modernization comes to be particularly criticized for its close association with the authoritarian face of modernity, rather than displaying the emancipatory aspects embedded in the modern epistemology. As it is well-discussed, what mainly differentiates Turkish experience with modernity from that of the West is that in Turkey, modernity does not 'naturally' emerge out of economic, social and political transformation and does not depend upon an intellectual tradition; rather it unfolds as a 'top-down' project imposed over the society by the statist/republican elite.[406] As in every project, Turkish modernity has a carrier agent, the state, and a clearly defined object, the society to be molded in the image of modern men and women.[407] Due to the privileged position of the state within this project, while institutional modernity develops in Turkey, the emancipatory features of modernism never penetrates into and becomes internalized by different levels of Turkish society. In this perspective, the Turkish case of modernization contradicts the vision set forth by Marshall Berman, who describes the *geist* of modernity in the following words: "Modern men and women must become the subjects as well as the objects of modernization; they must learn to change the world that is changing them, and to make it their own."[408]

Accordingly, Turkish state-led modernity project, where social heterogeneity as well individual rights and freedoms become relegated to the margins of politics, faces a deepening crisis of legitimacy and representation starting with the 1980s and intensifying during the 1990s.[409] As Ahmet İnsel describes, the 1980s are the years in which 'Turkey's painful experience with global change turns into a deep societal

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[406] A detailed discussion on the problems associated with modernity in Turkey can be collectively found in presentations delivered at a 1994 MIT Conference entitled "Rethinking Turkish Modernity" later on turned into a book edited by Sibel Bozdağan and Reşat Kasaba, *Türkiye'de Modernleşme ve Ulusal Kimlik.* (*Türkiye'de modernleşme ve Ulusal Kimlik.* İstanbul: Tarih Vakfı Yurt Yayınları, 1998).

[407] Reşat Kasaba, "Eski ile yeni arasında Kemalizm ve Modernizm," in *Türkiye'de Modernleşme ve Ulusal Kimlik,* eds. Sibel Bozdağan and Reşat Kasaba, (İstanbul: Tarih Vakfı Yurt Yayınları, 1998); Çağlar Keyder, "1990'larda Türkiye'de modernleşmenin doğrultusu" in *Türkiye'de Modernleşme ve Ulusal Kimlik.*

[408] Michael Berman "Why Modernism Still Matters" in *Modernity and Identity*, in eds. S. Lash and J. Friedman, (Oxford, UK and Cambridge, USA: Blackwell, 1998), 33.

[409] Levent Köker, "Kimlik krizinden meşruluk krizine: Kemalizm ve sonrası" *Toplum ve Bilim,* 71, (1995): 150-168; Fuat Keyman, "Globalleşme Söylemleri, Özgürlük Sorunsalı ve Türkiye" in *Liberalizm, Devlet, Hegemonya*, ed. Fuat Keyman. (İstanbul: Everest, 2002): 200-203.

depression.'[410] One of the main leitmotifs of this depression relates to the ongoing conflict between the economic and political ideologies determining the course of Turkish development during the years under investigation: On the one side, given the pressing need for Turkish economic transformation in the face of the universal collapse of command economies and etatism following the disintegration of the Soviet Union, as well as the global discrediting of economic models based on import substitution,[411] Turkish economy increasingly liberalizes and integrates into the world markets under the leadership of Turgut Özal. On the other side, while this economic liberalism dissolves the monopoly of the Turkish state over economic matters and subsequently creates new economic power hubs, political change in no way corresponds to this far-reaching transformation. On the contrary, conservatism emerges as the common denominator of politics during this period, confined to the limits demarcated by the 1982 constitution drafted right after the military coup of 1980 and approved by a public referendum under strict restrictions on political freedoms.[412] According to Ali Yaşar Sarıbay, a schizoid-paranoid articulation marks the globalization process of Turkey, a country stuck in between economic liberalism and political conservatism:

> "The schizoid dimension universally provides non-Western societies with dynamism of change, whereas the paranoid dimension, by its restraining nature, forces these societies *to remain as they are*, both of which constitute the immutable basis for a tension that defies any solution. On the other hand, since recognition at the global level eventually requires schizophrenia, under the guidance of deterritorialization and decodification, the following risks for the societies in question may come to the fore: i) Fragility and variability of political identities, ii) plasticization of their own sovereignty, iii) artificialization of their social production (recoding production as consumerism)."[413]

As these schizoid-paranoid articulations determine the course of Turkey's transition to 'postmodern capitalism', movements bringing together identity related demands of different religious and ethnic groups try to fill in the distance created between the central state, the society and the individual. In opposition to the rising

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[410]Ahmet İnsel, *Türkiye Toplumunun Bunalımı.* (İstanbul: Birikim Yayınları, 1990), 7.

[411]Çağlar Keyder, "1990'larda Türkiye'de modernleşmenin doğrultusu," 39-41.

[412]Ahmet İnsel, *Türkiye Toplumunun Bunalımı,*169; Levent Köker, *Modernleşme, Kemalizm ve Demokrasi,* 161-163.

[413]Ali Yaşar Sarıbay, "Postmodern kapitalizm olarak globalizm ve 1980'ler Türk modernitesi," in *Liberalizm, Devlet, Hegemonya,* ed. Fuat Keyman (İstanbul: Everest 2002), 309.

preeminence of identity politics, the 'Kemalist Bloc' further tightens its grip over the society with the purpose of maintaining the privileged position of the Turkish state within politics.[414] Nur Betül Çelik draws our attention to the fact that this defensive political conservatism developed in the 1980s mostly in relation to the efforts to unify the increasingly polarized political scene in effect feeds into further fragmentation of the public space:

> "The political conservatism of the post-1980 era, fostered by an emphasis on harmony and unity and a fear of politics, and guaranteed by the military with a carefully drafted constitution, was suggested as a Kemalist answer to the fragmentation and polarization of the post-1980 political system. Ironically, it triggered the pluralisation of and diversification of extra-parliamentary forms of political activity and a proliferation of new sites of identification for popular struggles and for the rearticulation of their popular demands on the national political level."[415]

If we are to express in the psychoanalytic terminology of discourse theory, Turkey faces a situation of "the return of the repressed" in the 1980s, where heterogeneous demands based on counter religious or ethnic identities assume an increasing visibility against the homogenous national identity acting upon an imaginary community and simultaneously find their representational correspondence within the political realm. The growing influence of Islamic identity in Turkish politics stands out as one of the most critical developments of the period in question.[416] Political Islam rises mainly through void created by the postmodernist dissolution of hegemonic paradigms[417] and in this respect religion represents "the most significant and effective candidate to fill in this lack of utopia and state".[418] While on the one side, political Islam makes use of the postmodernist undermining of the central authority, on the other side it closely

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[414]Levent Köker, *Modernleşme, Kemalizm ve Demokrasi,* 150-151; Fuat Keyman, *Liberalizm, Devlet, Hegemonya,* xi.

[415]Nur Betül Çelik, "The Constitution and dissolution of the Kemalist Imaginary," in David Howarth, Aletta J. Norval, and Yannis Stavrakakis, *Discourse theory and political analysis: Identities, hegemonies and social change.* (Manchester and New York: Manchester University Press, 2000, 200.

[416]Nilüfer Göle, "Modernleşme Bağlamında İslami Kimlik Arayışı" in *Türkiye'de modernleşme ve Ulusal Kimlik*, eds. Sibel Bozdoğan and Reşat Kasaba (İstanbul: Tarih Vakfı Yurt Yayınları, 1998); Nuray Mert, *İslâm ve demokrasi: bir kurt masalı.* (İstanbul: İz Yayıncılık, 1998); Haldun Gülalp, *Kimlikler siyaseti: Türkiye'de siyasal İslamın temelleri.* (İstanbul: Metis, 2003)

[417]Hasan Bülent Kahraman, *Postmodernite ile Modernite arasında Türkiye.* (İstanbul: Everest Yayınları, 2002), 74.

[418]Ibid.68.

associates itself with modernist terminology. Hence, during the period under study, Islamism eventually develops into an alternative communitarian ideology that in itself comes to be confined within the limits of modern identity.[419]

As a result of the above-mentioned developments changing the relationship between the state and the societal actors, political discourse also transforms in the post-1980 Turkey.[420] While the decentralist spill over effects of globalization lead to the reallocation of economic and political power; in defense, the centralist/statist forces adapt their discursive strategies to respond to the ascendancy of politics of identity/recognition employed by different societal groups such as the Islamists and the Kurds. Consequently, the prevailing model of the Turkish nation-state, the legitimacy of which depends upon the 'unreserved and unconditional national sovereignty' weakens and opens the way to a new discursive battle centering on the concept of sovereignty. While the rest of the chapter will be primarily devoted to an analysis of these discursive formations and their relationship to sovereignty, the following section will first focus on the deliberations on sovereignty at the global level during the period in question. This brief survey proves particularly important for assessing the repercussions of these discussions over Turkish politics and for evaluating the 'profoundness' of the discursive clash taking place in Turkey during the 1980s and the 1990s.

5.3. Reconfiguring Sovereignty in the Era of Globalization and Postmodernity

This following part analyzes the reproduction of the global political discourse on sovereignty within the two leading narratives of the late 20th century, namely globalization and postmodernity. In a world of increasingly nominal boundaries transgressed by processes of integration and fragmentation, the contemporary discourse on globalization and postmodernity problematizes sovereignty's exclusive relationship to the nation-state and searches for ways to reconceptualize the concept to adjust to the new norms of global governance. While the reconfiguration of sovereignty first and

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[419]Nilüfer Göle, "Modernleşme Bağlamında İslami Kimlik Arayışı" 70-81.

[420]Nilüfer Göle, "80 Sonrası Politik Kültür," in *Türkiye'de politik değişim ve modernleşme,* eds. Ersin. Kalaycıoğlu and Ali Yaşar Sarıbay (İstanbul: Alfa Yayınları, 2000), 425.

foremost requires the acknowledgement of the supranational ascendancy over the nation-state, it also necessitates a response to sub-national political demands arising from fracturing national identities. As Walker puts it,

> "One part of the puzzle concerns life within states, and involves the difficulty of reconciling the pluralistic claims of people with the universalistic claims of state authority. In this context, the meaning of sovereignty oscillates both between unrestrained power and legitimate authority and between the primacy of the people and the primacy of the state as the locus of power and authority."[421]

Thus, the imminent challenge of the new global era involves "transcending the national and the international, while it also inescapably requires new forms of both,"[422] and the new discursive openings on sovereignty try to tackle this challenge at all three levels.

In terms of the question of sovereignty, theories of globalization primarily draw attention to the need for a reconceptualization of the concept in the face of the so-called demise or break down of the modern nation-state. To this end, this new thinking on sovereignty centers around the question whether or not the idea of state sovereignty can be sustained given the 'disjunctures' between shifting economic and political structures of the global system and the traditional concept of sovereignty. In order to better understand what type of 'disjunctures' problematize the concept of sovereignty based on Hinsley's classic description of 'final and absolute authority in the political community', David Held's analysis on the gaps between the idea of a national community and the pattern of global interconnections provides some useful insight. Held talks about five important gaps that increasingly challenge an understanding of sovereignty with reference to the nation-state:[423]

The first 'gap' involves a progressively integrated world economy, the dynamics and outreach of which transcend and destabilize national control. Held's second gap is related to the overwhelming presence of hegemonic powers and power blocs in the international arena such as the NATO and the European Union, which constrain in various significant areas the decision-making power of the nation-states. The third gap is constituted by the wide-spread web of influential international organizations such as

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[421]R.B.J.Walker, *Inside/Outside: International Relations as Political Theory,* 63.

[422]Martin Shaw, *Theory of the global state: globality as unfinished revolution.* (Oxford and New York: Cambridge University Press, 2000), 230.

[423] David Held, *Political Theory and the Modern State: essays on state, power, and democracy.* Stanford University Press, California, 1988)

United Nations, World Trade Organization (WTO), International Monetary Fund (IMF), and the World Bank, which again in many ways restrict the sovereign decision-making capacity of nations and yield way to mechanisms of collective decision-making. The fourth gap is expressed in the deepening and widening power of international law over domestic legislation practiced through the rulings of organizations such as the European Court of Human Rights, International Court of Justice and by the existence of international treaties such as the European Convention for the Protection of Human Rights and Fundamental Freedoms and the United Nation's Declaration of Human Rights. Considering all of these restrictive structures functioning above the nation-state level, Held puts forth the idea of 'the end of domestic policy' as his final gap.

Faced with these momentous challenges to the classical conception of sovereignty, Held argues that it becomes all the more necessary to make a theoretical distinction between *de jure* sovereignty - 'supreme legal authority, competence or entitlement' and *de facto* sovereignty - 'a supreme ability to induce [people] to take a desired course of action, by bringing some sort of pressure to bear upon them'.[424] Given the changes of the late 20th century, while *de jure* sovereignty might remain in tact, *de facto* sovereignty, which determines the autonomy of the nation-state, has in fact becomes diminished. As a result, the nation-states of the 20th century are faced with a certain 'loss of sovereignty'[425]:

> "In short, the idea of *de jure* sovereignty remains compelling, especially with regard to the state's capacity to wield coercive power. However, the cooperation of states in an ever more complex international system, which limits their autonomy and infringes their sovereignty, undermines the cogency of those traditions of sovereignty – stemming from Hobbes, on the one side and Rousseau on the other – which interpret sovereignty as an illimitable and indivisible form of power. Instead, if sovereignty as a concept is to retain analytical and normative force – as the rightful capacity to take final decisions and make and enact the law within the given community – it has to be conceived as divided among a number of agencies and limited by the very nature of this plurality and the rules and procedures which protect it. Such an idea is implicit in the Lockean conception of political community, and is central to the tradition of political analysis, which does not locate or reduce sovereignty to either state or society. However, it requires further extension to the new international

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[424]The original distinction between *de facto* and *de jure* sovereignty and their definitons are provided in Stanley Benn and Richard S. Peters, *Social Principles and the Democratic State.* (London. Allen and Unwin, 1959), 257.

[425]David Held, *Political Theory and the Modern State: essays on state, power, and democracy*, 229.

circumstances in which the state is located today, a task which modern political theory has rarely begun."[426]

Extending on the arguments proposed by Held and following the prevalent theoretical current of 'endisms' of the 1990s, Camilleri and Falk present a forceful discussion as to why we should be speaking of the 'End of Sovereignty' in the shrinking and fragmenting world of contemporary politics.[427] In Joseph A. Camilleri and Jim Falk's view, the theory of sovereignty 'seems strangely out of place in a world characterized by shifting allegiances, new forms of identity and overlapping tiers of jurisdiction.[428] Similar to Held, they link the need to declare 'the end of sovereignty' with five macro trends, which they associate with the 'postmodern condition': (i) the internationalization of trade, finance and corporate organizations, (ii) the globalization of the security system, (iii) the rapid transformation of technology, (iv) the accompanying spread of ecological problems and (v) the emergence of new social movements with a both local and transnational consciousness."[429]

In the face of this evolving relationship between the international community, the nation-state and the civil society accompanied by the shifting paradigm between political authority and community, Camilleri and Falk propose to conceptualize sovereignty not as a fact, but rather as 'a claim about how the way political power should be exercised.' Their work possesses a special value for pointing out the various connotations the concept has acquired over the centuries; in particular from its association with notions of national interest, national independence and national security. As Camilleri and Falk discuss, it is precisely because of these connotations that the concept of sovereignty persists, while its actual relevance is indeed under serious challenge in today's political order.[430] In a similar fashion, Held also considers sovereignty still cogent due to its discursive usage to determine 'friend' and 'foe' and to marshal the means of violence in the relations within and between states.[431]

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[426]David Held, *Political Theory and the Modern State: essays on state, power, and democracy*, 239.

[427]Joseph A. Camilleri and Jim Falk, *The end of sovereignty?: the politics of a shrinking and fragmenting world.*

[428]Ibid.256.

[429]Ibid.3-4.

[430]Ibid.11.

[431]David Held, *Political Theory and the Modern State: essays on state, power, and democracy,* 215.

Within the globalization discourse, Stephen Krasner's two influential books *Sovereignty: Organized Hypocrisy*[432] and *Problematic Sovereignty: Contested Rules and Political Possibilities*[433] are also worth mentioning in introducing new perspectives with regards to the 'problem of sovereignty.' After defining sovereignty as an "organized hypocrisy," Krasner makes a compelling case for the need to reconstruct the political discourse to include the possibility of 'shared sovereignty' in opposition to the orthodox concept of 'absolute sovereignty.' For Krasner, the idea of 'shared sovereignty' offers an opportunity to better promote international and domestic governance, as well as advancing democracy by means of helping to build sub and supra state level political structures, crafting better policies with more international expertise, and by restraining abuses of political power.[434]

The dedication of a whole issue of *Harvard International Review* to the question of 'The End of Sovereignty?" in 1995 is yet another powerful illustration of the prevalence of the debate over the concept of sovereignty in the 1990s.[435] In this issue, the analysts join their arguments in declaring that the concept of sovereignty, defined as the absolute authority of a state over its territory, has lost its relevance in our contemporary world, where international organizations and other non-state actors have assumed greater importance. However, similar to Held, Krasner, Camilleri and Falk, they find it still premature to declare sovereignty as a dead concept and explore various ways to reconfigure the theory of sovereignty to fit the demands of the new political order. While the theories of globalization and the global state expose the shortcomings of the conventional understanding of sovereignty, at the same time they open the way to a search for a renewed understanding of the principle responding to the conditions of our 'postmodern' world.

One such attempt is found in the advocacy of the 'sovereignty of the individual' in opposition to the principle of illimitable state sovereignty - an increasingly appealing idea often expressed within the growing literature on human rights in the 1990s.

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[432]Stephen Krasner, *Sovereignty: Organized hypocrisy.* (Princeton, N.J. Chichester: Princeton University Press, 1999)

[433]Stephen Krasner, *Problematic Sovereignty: Contested Rules and Political Possibilities.* (New York: Columbia University Press, 2001)

[434]Stephen D. Krasner, "The case for shared sovereignty," *Journal of Democracy* 16, no.1, (2005): 70.

[435]"The End of Sovereignty?", *Harvard International Law Review*, Vol.15, Issue 3, Summer 1995.

Informed by the liberal theories of sovereignty, the main thrust of the human rights discourse centers on the need to usurp some of the powers once defined by the boundaries of state sovereignty in defense of individual rights.[436] This discursive position puts forward the need to rethink and reformulate the concept of sovereignty to allow more room for the protection of individual rights. Increasingly assuming a privileged position among the international community, the human rights discourse problematizes the conceptualization of sovereignty as a fixed legal principle; and by exposing the inherent tension between the protection of human rights and the upholding of absolute state sovereignty, it links the discussion on sovereignty with the questions of legitimate political authority and the appropriate nodes of national and transnational governance. In fact, the human rights discourse stands right at the intersection between the so-called external and internal dimensions of sovereignty and by blurring this distinction it supports openings for 'postmodern' or 'post-structural' questioning of the concept.

Some noteworthy ideas involving such an attempt can be found in an article entitled "The state of liberal sovereignty."[437] Here, Raia Prokhovnik argues that instead of declaring sovereignty as 'dead, bankrupt or redundant,' it is more useful and relevant in today's environment to find an alternative conceptualization, which discards the myth that 'the autonomy that sovereignty confers has to mean absolute and only negative freedom to act.'[438] By distancing the concept from its association with absolutist theories dating back to Bodin, Hobbes and Rousseau, Prokhovnik disposes the traditional view that equates sovereignty with absolute state sovereignty as a functional fiction and develops ideas for a reconceptualized sovereignty based on more

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[436]Michael Reisman, "Sovereignty and Human Rights in Contemporary International Law," *American Journal of International Law*, 84 no.4, (1990), 866-876; Thomas W. Pogge, "Cosmopolitanism and sovereignty" *Ethics* 103, no.1 (1992): 48-72; Helle Malmvig, "The reprodcution of sovereignties between man and state during practices of intervention," *Cooperation and conflict* 36, no.3 (2001): 251-272; Wolf Mannens, "Shared sovereignty? Minority claims and effectiveness of state authority," in *State, sovereignty, and international governance,* ed. Gerard Kreijen, (pp.145-163) (Oxford: Oxford University Press, 2001); Sigfired Van Duffel, "Natural Rights and Individual Sovereignty," *The Journal of Political Philosophy* 12, no.12 (2004): 147-162; Matthew J. Morgan, "The Devolution of Political Being: From State Sovereignty to Individual Rights. *Review of International Affairs* 3, no.1 (2003): 29-40.

[437]Raia Prokhovnik, "The State of Liberal Sovereignty," *British Journal of Politics and International Relations* 1, no.1 (1999): 63-83.

[438]Ibid.67.

flexible forms. In so doing, Spinoza's notion of sovereignty characterized by the absence of a centralized state offers a starting point.[439] Prokhovnik identifies three important features of a reconceptualized sovereignty: (i) with regard to the state and sovereignty, intermediate positions should be elucidated between a conception of single unity and one of fragmentation or dissolution; (ii) the vital role played by the state in mediating processes of governance above and below itself should be reconfirmed; (iii) the internal and external dimensions of sovereignty should be acknowledged as the parts of a single discourse and thereby the understanding of sovereignty as a 'barrier concept' should be discarded. As a result, a reconceptualized sovereignty should envisage an orderly set of possible connections in which the state is a focus of identities rather than a definer of a single overarching identity itself. [440]

In short, throughout the 1990s, the above-discussed debate within the discourses of globalization and postmodernity challenges an understanding of sovereignty as a final, exclusive and illimitable form of public power. Particularly, these discussions prove significant for highlighting the rising frictions between the state, the civil society and the individual, emerging from the conflicting claims to sovereignty in the name of the state, emphasizing the link between absolute authority over a defined territory and population, vs. claims to sovereignty in the name of the 'people' and the 'individual.' In a certain way, the theorists of both globalization and postmodernity utilize new discursive strategies and vocabulary within the shifting economic, political and social context of the late 20th century to re-expose the perennial tension between the Hobbesian/Rousseauian notion of sovereignty modeled on single, unitary and hierarchical model of the nation-state *over* the society and individual political subjects vs. the liberal Lockean notion that envisages mechanisms to defend the rights of the society and the individual *against* the state. In confronting this unrelenting challenge, they provide a solid theoretical background to better evaluate the discursive battle over the concept of sovereignty that takes place in the post-1980 Turkey among the two opposing political camps of 'statist/nationalists' vs. 'democrats.'

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[439]Ibid.71.
[440]Raia Prokhovnik, "The State of Liberal Sovereignty," 72.

5.4. Statist/Nationalist Discourse and Sovereignty

5.4.1. Rediscovery of Kemalism as Atatürkism in the post-1980 period

The concept of sovereignty constitutes one of the fundamental reference points of the statist/nationalist discourse, reconfigured as 'Atatürkism' after the 1980s. Before we look at the role that sovereignty plays in enhancing the foundations of legitimacy of the statist/nationalist discourse, it would be first appropriate to try and understand why Kemalism was reconfigured as Atatürkism during the period under surveillance. In order to do that, we need to first start thinking about Kemalism as 'a hegemonic discourse in dissolution.'[441] As explained earlier, this dissolution closely relates to the undermining of the strong and fully independent nation-state envisaged within the Kemalist ideology and the corresponding insustainability of the homogenous and organic societal structure mostly due the effects of globalization during the post-1980 period. In view of this actual 'disruption', the 'Kemalist Bloc' established by the historical partnership of the military, bureaucracy and intellectuals, and shaped by a defensive statist/nationalist outlook, reconstructs the Kemalist discourse as Atatürkism with the purpose of bringing back the initial spirit of the Republic of Turkey and thereby returning back to the ultimate 'era of happiness' (*Asr-ı Saadet*) epitomized in the 1930s. As Nur Betül Çelik expresses, in the 1980s and 1990s, "Kemalism transformed from a hegemonic discourse that managed to function as an imaginary horizon into a discourse struggling for hegemony, a mythical space that strives to survive in the political arena."[442]

The objective to establish 'national unity and order' by re-enforcing the fading principles of Atatürk represents the publicly declared reason behind the military coup of the 1980. Kenan Evren, the general in charge of the coup and the 7th President of the Republic of Turkey, states in his speech delivered on the day of the *coup d'etat*:

> "The Military has been forced to take over political control in order to bring well-deserved prosperity and welfare to the honorable Turkish nation,

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[441]Nur Betül Çelik, "Söylem Kuramları, hegemonya Kavramı ve Kemalizm," *Doğu-Batı* 2, no.8 (1999): 28.

[442]Nur Betül Çelik, "The Constitution and dissolution of the Kemalist Imaginary," 201.

to institute unity of our homeland and nation, to revitalize the principles of Atatürk, the efficiency and strength of which are increasingly under attack and to re-establish the authority of the state."[443]

In support of the attainment of the fundamental objective of the period, the establishment of 'national unity and harmony', the military and the bureaucratic elite 'rediscover' Atatürkism as a unifying ideology during the 1980s. Atatürkism comes to be positioned as a 'local' ideology stemming out of and belonging to this land especially against the 'external' ideologies like socialism and communism, which are seen as the problematic source of political polarization in Turkey. Instead, Atatürkism is presented as the 'natural' ideology, which should be internalized by each 'Turk'. Examples of this inclination can also be seen in the speeches of Kenan Evren and in the book *Atatürkist Thought and Approach* published by the Land Forces Headquarters (*Kara Kuvvetleri Komutanlığı*) in 1982:

> "The only way of thinking for the Turkish nation can be Atatürkism reflecting and embodying the realities of its own country and people. The Turkish nation always renews and strengthens its faith and belief from this source."[444]
>
> "If we are Turkish, if we are the children of this country, if we claim to work for the prosperity of this nation, then we need to remember that great Turk, we need to learn the MADE IN TURKEY KEMALISM, and we need to completely abide by his principles and evaluate their consequences. Otherwise, if we adopt foreign ideas just because they are exported and presented as good, would not we in fact be denying our TURKISHNESS?[445]

It is important to underline that while Kemalism becomes 'reconfigured' as Atatürkism it at the same time becomes more conservative.[446] It increasingly adopts a state-centric approach to citizenship, emphasizing and extending solidarist aspects of Kemalism and associated obligations of citizens to the state at the expense of individual rights and liberties.[447] In an article entitled "What is Atatürkism?", taken from

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[443]Kenan Evren, Türkiye Cumhuriyeti Devlet Başkanı Orgeneral Kenan Evren'in Yeni Anayasayı Devlet Adına Resmen Tanıtma Programı Gereğince Yaptıkları Konuşmalar (24 Ekim - 5 Kasım 1982). (Ankara: Türkiye Büyük Millet Meclisi Basımevi, 1982), 377.

[444]Ibid.387.

[445]*Atatürkçü Düşünce ve Yaklaşım Tarzı*. (Ankara: Kara Kuvvetleri Komutanlığı Yayınları, 1982), 11.

[446]Murat Belge, "Mustafa Kemal ve Kemalizm," *Modern Türkiye'de Siyasi Düşünce: Kemalizm*, (İstanbul: İletişim Yayınları, 2001), 40.

[447]Fuat Keyman, "Kemalizm, Modernite, gelenek: Türkiye'de Demokratik Açılım olasılığı" *Toplum ve Bilim*, 72, (1997), 92-93; Ayşe Kadıoğlu, "The Paradox of Turkish Nationalism and the Construction of Official Identity, in Turkey, Identity,

Atatürkism series of the Turkish General Staff (*Genelkurmay Başkanlığı*), Reşat Kaynar also points to the prioritization of the state within the Atatürkist ideology:

> "[Atatürkists'] efforts to reach the level of contemporary civilization do not only stay at the political realm and the supra-structure. They extend towards the social and economic infrastructure and they intend to prosper the people, for the people, and with the strength of the people. To this end, in realization of their objectives to prevent class conflicts, to realize societal peace and to recover from an underdeveloped social structure, they prioritize constructive, regulatory and dictating role of the state."[448]

Within this process of reconfiguration, sovereignty constitutes the "nodal point" of the new Atatürkist discourse. The central role given to sovereignty in connection to the efforts to support the penetration of this ideology to the different segments of Turkish society and to ensure its subsequent internalization proves important for a number of different reasons. In this respect, it becomes necessary to discuss first the features of sovereignty accompanying the 'reconfigured' ideology of Atatürkism and secondly to identify the areas upon which the instrumentalization of national sovereignty within this discourse focuses.

Among the primary sources to be examined in order to further enlighten the issues under discussion are the 1982 Constitution of the Republic of Turkey, the publications of the Turkish General Staff, Land Forces Headquarters and the National Security Council concerning Atatürkism and the 'meaning and scope of the state', the publications of the Higher Institution of Atatürk Culture, Language and History (AKDTYK), a state organization established with the 1982 Constitution, as well as the presentations delivered during the annual National Sovereignty Symposiums, initiated after 1980 in commemoration of April 23rd, the National Sovereignty and Children's Day in Turkey.

Democracy, Politics, ed. Slyvia Kedourie, (pp.174-193). (London; Portland, Oregon: Frank Cass, 1996)

[448]Reşat Kaynar, "Atatürkçülük Nedir." *Atatürkçülük (İkinci Kitap): Atatürk ve Atatürkçülüğe ilişkin makaleler*. (Ankara: Genel Kurmay Basımevi, 1983), 38.

5.4.2. The Political Philosophy of 1982 Constitution and Sovereignty

The 1982 Constitution was prepared following the coup d'etat of 1980, by a commission headed by the Constitutional Law Professor Orhan Aldıkaçtı, established within the Consultative Parliament (*Danışma Meclisi*), the 40 members of which were assigned directly with the decision of the National Security Council (NSC) and 120 members by the NSC upon the nomination of the Governor's Offices. Its approval took place during a period where serious political and administrative prohibitions were in place.[449] Therefore, the Constitution's approach towards sovereignty in many ways reflects the political philosophy of the military and bureaucrats of the period. In order to understand the approach to sovereignty represented in the Constitution, it would be suitable to seek answers to three different, yet related questions: (i) What is the source of sovereignty? (ii) Who or which institution(s) are given the right to exercise sovereignty? (iii) What is the scope of the exercise of sovereignty and what are the limits imposed upon it?

The Preamble and the 6th article of the 1982 Constitution state that 'Sovereignty is vested fully and unconditionally in the nation'. As Bülent Tanör and Necmi Yüzbaşıoğlu also underline, the unconditionality mentioned here concerns the source of sovereignty.[450] It is clearly stated that sovereignty belongs to the Turkish *nation*, not the Turkish *citizens* or the 'people'. In general, the understanding of sovereignty in the 1982 Constitution proves 'national' and closely relates to the principle of nationalism, envisaging an absolute superiority of the collective will of the nation over the will of individuals. As it will be mentioned further on, this approach does not comply with the needs of ethnic and cultural pluralism.[451]

In terms of the exercise of sovereignty, the 6th article states: "The Turkish Nation shall exercise its sovereignty through the authorized organs as prescribed by the principles laid down in the Constitution. The right to exercise sovereignty shall not be delegated to any individual, group or class. No person or agency shall exercise any state

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[449]Mustafa Erdoğan, *Türkiye'de anayasalar ve siyaset.* (Ankara: Liberte, 2003), 129.

[450]Bülent Tanör and Necmi Yüzbaşıoğlu, *1982 anayasasına göre Türk anayasa hukuku.* İstanbul: Yapı Kredi Yayınları, 2001), 109.

[451]Mustafa Erdoğan, *Türkiye'de anayasalar ve siyaset*, 146.

authority which does not emanate from the Constitution."[452] In this article, the first point to draw attention to is the fact that the right to exercise Turkish nation's sovereignty is given to *several* organs. As discussed in the third main chapter of this study, the 1921 and 1924 Constitutions have brought together the legislative and executive powers under one institution, declaring the Grand National Assembly the sole responsible for the exercise of sovereignty. The authority of the Parliament in this regard was also superior in the 1961 Constitution, mainly foreseeing a parliamentary regime. However, a general evaluation of the articles of 1982 Constitution shows that the executive power assumes an increasing leverage in relation to the right to exercise sovereignty. Executive branch comes to be strengthened against the legislative and at the same time the independence of judiciary also becomes curtailed.[453]

The first point to underline here, concerning the executive power, is the superiority of the President to the government and the administration in the context of this Constitution. The President has gone from the symbolic and non-responsible position foreseen in the 1961 Constitution to a position endowed with extraordinary powers with the 1982 Constitution.[454] This scope of this supreme authority is explained under one of the longest articles of the Constitution, Article 104. Although there is no need to go into the details of this article, it is important to stress that parliamentary legitimacy over the exercise of sovereignty comes to be notably weakened. According to Parla, "the erosion of parliamentary legitimacy, which began in 1961, turned into a landslide in 1982."[455]

The second important point to be underlined concerning the exercise of sovereignty based on the superiority of the executive is the exceptional role given to the National Security Council within this branch. Through the 118th Article of the Constitution and the Law 2945, the authority to 'define and implement national security' is granted to the National Security Council. Although the definition of 'National Security' does not exist in the Constitution, the Law 2945, dated 1983

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[452]The translation is taken from the official website of the Office of the Prime Minister, Directorate General of Press and Information. "http://www.byegm.gov.tr/ mevzuat/ anayasa/ anayasa-ing.htm"

[453]Bülent Tanör and Necmi Yüzbaşıoğlu, *1982 anayasasına göre Türk anayasa hukuku.* 112.

[454]Taha Parla, *Türkiye'de Anayasalar*. (İstanbul: İletişim Yayınları, 2007), 79.

[455]Ibid. 41.

concerning the National Security Council and its Secretariat states: "National security refers to the protection and safeguarding of state's constitutional order, its national existence, integrity, its political, social, cultural and economic interests as well as contractual rights in the international arena against all forms of internal and external threat."[456] Evidently, within the broad context of the authority to 'define and implement national security', the National Security Council assumes significant executive functions in Turkey. This also makes it possible for the military bureaucrats, who are represented in the NSC outnumbering the civilians, to have a central role in the exercise of sovereignty.

Since the articles concerning the scope of and the limits imposed upon the exercise of sovereignty are scattered in the Constitution of 1982, it is possible to answer the above-mentioned third question only through a general assessment of the Constitution: The 1982 Constitution adopts a much more centralized approach in comparison to the 1961 Constitution concerning the scope of the exercise of sovereignty. It is also more protective in limiting and sharing the 'nation-state' sovereignty with supranational or subnational bodies. One important point to mention here is the hierarchy of international and national law determined in the Constitution. Unlike some of the European Constitutions including Germany, Italy and Denmark, the 1982 Constitution does not include a clause stating that sovereignty cannot be exercised against the terms of international agreements to which Turkey is a party.

In terms of the allocation of powers among central and decentralized administration, the 1982 Constitution strengthens the central state at the expense of regional structures, completely blocking any form of federalism.[457] In the cultural area, the establishment of the organizations such as the Turkish Radio and Television Organization (TRT), the Council of Higher Education (YÖK) and the Higher Institution of Atatürk Culture, Language and History (AKDTYK) stand out as the examples of the centralist and statist approach of the 1982 Constitution.

The broad limitations concerning individual rights and freedoms constitute another conservative aspect of the 1982 Constitution compared to other constitutions.

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[456]The law states in Turkish: *Ulusal güvenlik, devletin anayasal düzeninin, milli varlığının, bütünlüğünün, milletlerarası alanda siyasi, sosyal, kültürel ve ekonomik dahil bütün menfaatlerinin ve ahdi hukukunun her türlü iç ve dış tehditlere karşı korunması ve kollanmasını ifade eder* (Official Journal, No:18218, 11 November 1983).

[457]Bülent Tanör and Necmi Yüzbaşıoğlu, *1982 anayasasına göre Türk anayasa hukuku,* 106.

According to the 1982 Constitution, fundamental rights and freedoms can be restricted "with the purpose of protecting the indivisible integration of the state with its country and its nation, the national sovereignty, the republic, the national security, the public order, general peace, general ethics and general health" (Article 13).

If we are to summarize what has been discussed so far, 'Atatürkism', as it has been reconfigured in the 1980s through a renewed emphasis put on its statist, nationalist and solidarist aspects, stands out as the official ideology of the 1982 Constitution. The constitutional approach to sovereignty also reflects this ideology, where sovereignty comes to be conceived as an empowering concept mostly in connection to the strengthening of the authority of state institutions, rather than imposing limits upon and instituting checks and balances among them. This legal interpretation of 'nationalist, statist and solidarist' sovereignty within the 1982 Constitution later on comes to be incorporated into the political discourse of the Atatürkist bloc, constituting one of its central signifiers. The next section particularly deals with the role that the concept of sovereignty plays in relation to the internalization, fortification and reinforcement of the political values defended by this bloc.

5.4.3. Statist/Nationalist Discursive Strategies and Sovereignty

To start with, one of the key roles that the concept of 'national sovereignty' plays within the statist/nationalist discourse relates to the need to bridge the increasingly widening representational gap between the 'nation' and the 'state' during the 1980s. To express more clearly, 'national sovereignty' emerges as a conducive discursive device in the hands of the nationalist/republican elite to 'remind' the Turkish public of the actual value endowed to 'public will' within the Atatürkist ideology. The fact that Atatürk has chosen to base his political regime upon the principle of 'national sovereignty' rather than a 'personal rule', as it was the reigning norm at the time, is often mentioned as a proof of the support that Atatürk and his followers have given to the idea of democracy. In fact at times, Atatürkists take this argument a step further and claim that Atatürk's declaration of the nation as 'the unconditional sovereign of the land' places Turkey in a unique position among democracies and even makes it "the

most advanced democracy" based on the assertion that this 'unconditional national sovereignty' does not exist elsewhere.[458]

This discourse presents national sovereignty as a *sacred* value, a 'gift' of Atatürk to the Turkish nation, and underlines that if it were not for the determination and persistence of Atatürk, people could never have claimed their sovereignty in Turkey.[459] According to the Atatürkist thought, the idea of national sovereignty is born with Atatürk and granted to the Turkish political life by him; and there can be no sovereignty outside or beyond his way of thinking:

> "It is important to perceive and evaluate this principle, which the Turkish nation has sincerely adapted and internalized, through Atatürk's understanding. This is because it is this great genius who has brought, presented, implemented and established this principle. Mustafa Kemal's approach to national sovereignty proves clear, open to democracy, humane and modern."[460]
> "The principle of national sovereignty for the first time has been brought and established in Turkish history and the Turkish state structure by Atatürk. Making this principle one of the foundations of the National Struggle and the State that he established stands out as one of the most important factors behind the success of Atatürk."[461]
> "For the last 65 years, the children of this nation have been enlightened, raised and matured under the light and the warmth of the national sovereignty sun born on April 23rd, 1923. National sovereignty was not born with all its conditions at once. This has happened nowhere. It is a tree planted by our supreme leader Atatürk. As all trees do, it needs to be taken care of, loved and protected. We need to learn our lesson from the fallen situation of national sovereignty in nations who have not cared for this responsibility no matter how developed they are. This is why Atatürk has given the responsibility to protect the republic, one of the most important indicators of national sovereignty, to young souls and minds. We must fulfill this mission and be worthy of his trust."[462]

While on one hand the discursive utilization of national sovereignty contributes to the attempts to re-establish the damaged link between 'democracy' and Atatürkism, on the other hand, the Atatürkists argue that displaying a clear consciousness of

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[458]Yakup Kadri Karaosmanoğlu, "Atatürk ve Devlet Kuruculuğu," *Atatürkçü Düşünce*. (Ankara: Atatürk Kültür, Dil ve Tarih Yüksek Kurumu, 1992), 473.

[459]Suat İlhan, *Avrupa Birliği'ne neden Hayır?: 2*. (İstanbul: Ötüken, 2002), 63-65.

[460]Ahmet Mumcu, *Atatürk'e göre milli egemenlik*. (Ankara: TBMM Kültür, Sanat ve Yayın Kurulu, 1986), 6.

[461]Turan Feyzioğlu, *Atatürk ve milliyetçilik*. (Ankara: Atatürk Kültür, Dil ve Tarih Yüksek Kurumu Atatürk Araştırma Merkezi, 1985), 181.

[462]Necdet Serin, Ulusal Egemenlik Kavramının Fikri Gelişmesi ve Egemenliğin Temsili," 1. Milli Egemenlik Sempozyumu, Ankara 24-25 Nisan 1985,11-12

nationhood is the prerequisite for the institution of freedom within democratic regimes. According to Turan Feyzioğlu, who is one of the most important representatives of 'Right Atatürkism' (*Sağ Atatürkçülük*) and also the author of the book *Atatürk and Nationalism*, "the wellbeing and even the existence of democracy comes to be in danger when there is a lack of national unity"[463] and it is exactly in this perspective that the principle of sovereignty becomes an "empowering idea".[464] By underlining the "magical, enticing and empowering" role that the principle of national sovereignty plays in situations such as the Turkish War of Independence, to Feyzioğlu, sovereignty represents the most important political tool for the establishment of 'national unity'.[465]

Henceforth, Feyzioğlu's arguments represent an example to the strong connection built between the concept of sovereignty and nationalism. In this respect, it would be first appropriate to draw attention to the fact that sovereignty is always used with the preceding adjective 'national' within the Atatürkist discourse. As it has been argued in the third chapter, there are important historical and theoretical differences between 'popular sovereignty' and 'national sovereignty' and given these traditions, the inseparable use of the adjective 'national' with sovereignty within this discourse indeed points to a political preference: In reaction to the increasing public visibility of the Kurdish identity, developed during the period in question within the framework of a micro-nationalism mirror imaging the Turkish macro-nationalism, the Atatürkist discourse identifies the source of sovereignty with the Turkish nation, thereby contributing to the determination of the Turkish identity as the unifying supra-identity in Turkey.

In an article where Ahmet Mumcu evaluates the characteristics of sovereignty, he first emphasizes the relationship of the concept to 'nationhood' and 'independence' and than examines its association with republicanism and democracy. According to Mumcu, "national sovereignty" underlines the following realities: that sovereignty belongs to a *single* nation and that this nation embodies a clear sense of nationhood. In light of these realities, Mumcu reaffirms that the nation which possesses sovereignty is indeed the *Turkish nation*.[466] Feyzioğlu also claims that the fact that Atatürk used the

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[463]Turan Feyzioğlu, *Atatürk ve milliyetçilik*, 225.

[464]Ibid.187.

[465]Ibid.183.

[466]Ahmet Mumcu, *Atatürk'e göre milli egemenlik,* 24.

principle of sovereignty and Turkishness together in the same sentence in the report he sent after arriving in Samsun on May 22, 1919, reveals and confirms the inseparable connection between the two.[467] In a similar fashion, Hamza Eroğlu also positions national sovereignty as the best assurance of national unity in his presentation at the *1ˢᵗ National Sovereignty Symposium*:

> "Even if it is not the same in other countries, the national sovereignty principle has a special value and place in Turkey. First of all, the philosophy of the National Struggle depends on national sovereignty. The national sovereignty principle has served to sustain national unity and harmony in the country, as well as constituting an ideal providing the source of strength for the next generations."[468]

As it can be seen, sovereignty represents a significant discursive tool in terms of supporting the notion of 'national unity and harmony', the fundamental objective of Turkish politics after the 1980s and in this sense it has been closely linked to the values of Turkish nationalism. Also during this period, we come to witness the production of a firm association between the idea of a 'strong nation-state' and national sovereignty, based upon the chain of equivalences discursively constructed among the unity of the nation, the state, and the homeland:

> "The Turkish State is based on the union and the integration of the Turkish nation with its country, and national sovereignty and full independence. This is why the Turkish state is very powerful."[469]
>
> "Maybe if call sovereignty 'superior state power', then its definition can become clearer. Yes, sovereignty means the display of superior state power in all areas… Sovereignty, before anything else, must stem out of the people of that country. If sovereignty comes from the outside, then there is no state, there is only a colonial possession. Sovereignty is also unique. As there is no power superior to it, there is also no power equal to it."[470]

Through an article in the 1982 Constitution, which does not exist in the 1921, 1924 and 1961 Constitutions, the establishment of 'national unity and harmony' indeed becomes defined as a *state* objective and responsibility.[471] As expressed in the 1982 Constitution, the legal objective of 'national unity and harmony' comes to be supported

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[467]Turan Feyzioğlu, *Atatürk ve milliyetçilik,* 73.

[468]Hamza Eroğlu, Ulusal Egemenlik Kavramının Fikri Gelişmesi ve Egemenliğin Temsili," 1. Milli Egemenlik Sempozyumu, Ankara 24-25 Nisan 1985, 80.

[469]Genelkurmay Başkanlığı, *Atatürkçülük (Üçüncü Kitap). Atatürkçü Düşünce Sistemi.* (İstanbul: Milli Eğitim Basımevi, 1984), 22.

[470]Ahmet Mumcu, *Atatürk'e göre milli egemenlik,* 8.

[471]Hamza Eroğlu, "Milli Birlik ve Beraberlik" "Atatürk ve Devlet Kuruculuğu," *Atatürkçü Düşünce.* (Ankara: Atatürk Kültür, Dil ve Tarih Yüksek Kurumu, 1992), 543.

by the 'complete and indivisible integration of the state with its country and its nation'[472] and accordingly it comes to be emphasized that state sovereignty, which derives its strength from the Turkish nation, can neither be divided nor shared:

> "The state sovereignty over the country is complete. It is indivisible and will not accept any form of participation. This power that is called sovereignty exists naturally within the state structure, it has not been given by anybody."[473]

Here, it is important to stress this paradoxical relationship: although on one hand, the discursive utilization of national sovereignty principle supports the efforts to bring Atatürkism closer to people and to the idea of democracy, on the other hand it also contributes to the legitimacy of the statist ideology advocated by Atatürkism. In the way it is manifested in Turkey, statism carries a meaning beyond a name given to an economic development model. According to Ahmet İnsel's definition, statism corresponds to "a holistic political world where all societal dynamics are put under the surveillance and control of the state, where all societal developments are evaluated through the lens of the state interest, and where no independent societal formation is granted an autonomous sphere of legitimacy outside of the state."[474] This comprehensive nature of statism in the Turkey is also pointed out by Levent Köker:

> "The fact that statism goes beyond being a principle of economic policy and involves a role of 'political-ideological surveillance' show that among the objectives of Kemalism in relation to the ultimate level of societal development, economic development and the strengthening of the nation-state assume priority and that democratization as well as the ideal of individual freedom occupy a secondary status subject to conjunctural cycles."[475]

It is possible to find an example of the above-mentioned holistic approach in an article entitled "The Dynamic Ideal of the State in Atatürkism" written by the Commander of Land Forces of the time, General Necdet Öztorun and published by the Turkish General Staff Headquarters under *Atatürkism* series. According to Öztorun, the 'dynamic ideal of the state' consists of three sections: (i) 'moral' (*manevi*) objectives involving efforts to develop the sense of national unity and national feeling among the

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[472]Genelkurmay Başkanlığı, *Atatürkçülük (Üçüncü Kitap). Atatürkçü Düşünce Sistemi,* 32; Kara Kuvvetleri Komutanlığı, *Atatürkçü Düşünce ve Yaklaşım Tarzı,* 20-21.

[473]Genelkurmay Başkanlığı, *Atatürkçülük (Üçüncü Kitap). Atatürkçü Düşünce Sistemi,* 21.

[474]Ahmet İnsel, *Türkiye Toplumunun Bunalımı,* 13.

[475]Levent Köker, *Modernleşme, Kemalizm ve Demokrasi,*121.

Turkish nation, as well as the material objectives of the Turkish nation, (ii) individual objectives, and (iii) the development of national culture in order to achieve the identified material and moral objectives. In its shortest definition, the dynamic ideal of the Turkish state covers all objectives towards the constitution and upholding of Turkish nation's unity.[476] In this framework, The Turkish Armed Forces represents the 'the basis of the highest state structure' and it has been given the duty to protect and safeguard the Turkish Republic against all internal and external enemies.[477]

Within the articles which have internalized this holistic approach to statism, we also come across an increasingly state-centric conceptualization of sovereignty. For instance, in his book *National Sovereignty according to Atatürk*, Ahmet Mumcu defines sovereignty as a "superior state power" and draws attention to the fact that sovereignty fully and unconditionally constitutes the foundation of the Turkish *state*.[478] Going a step further, Mumcu also claims that the *state* and *national sovereignty* represent two identical terms in the mind of Mustafa Kemal.[479] Atatürk expresses that sovereignty naturally exists in the state concept and wisely discards any discussion as to the "where and how" sovereignty comes into being.[480] As an evidence for Atatürk's state-centric approach towards sovereignty, Mumcu draws attention to the following statement taken from *Medeni Bilgiler*:

> "It [sovereignty] is such a political power that it already and naturally exists in the state concept and the state has the necessary competence to exercise it over the people and to protect the nation externally against other nations. This political power is called 'will' or 'sovereignty'."[481]

Another example of this emphasis on the state is detected within *Atatürkism* series published by the Turkish General Staff Headquarters, which argues that sovereignty belongs to the *state*, and that the Parliament and the Government stand for mere means in the implementation of this sovereignty.[482] In fact, the firm linkage

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[476]Necdet Öztorun, "Devletin Dinamik İdeali," *Atatürkçülük (İkinci Kitap): Atatürk ve Atatürkçülüğe ilişkin makaleler*. Ankara: Genel Kurmay Basımevi, 1983. 368.

[477]Ibid.354-355.

[478]Ahmet Mumcu, *Atatürk'e göre milli egemenlik,* 8.

[479]Ibid.13.

[480]Ibid.11.

[481]Afet İnan, *Medeni Bilgiler*, 27.

[482]Genelkurmay Başkanlığı, *Atatürkçülük (Üçüncü Kitap). Atatürkçü Düşünce Sistemi,* 22.

between sovereignty and the idea of a strong nation-state is rather an expected emphasis for a discourse, in which the state and the nation come to be completely identified with one another and thereby conceptualized as inseparable from one another. This integration is also reflected in the book entitled *The Concept and Scope of the State* published by the National Security Council. According to this publication, the responsibilities of the state and the nation complement each other, and in order to make this integration eternal the state is held the primary responsible for the protection of internal and external balances. This is why the state undertakes regulatory measures in order to "ensure that all real and legal persons, public and private organizations and institutions, political units, political parties and the judicial, executive, legislative and other representational organs of the state act within the confines of *raison d'etre* of the state and display common consciousness, attitude and behavior towards the attainment of national objectives."[483] In order to protect internal balances the state must watch (i) political (ii) ethnic and (iii) developmental distances.[484] If these internal balances cannot be protected from internal and external influences, the disintegration of the state cannot be prevented:

> "A state will live and develop only if it shortens political, ethnic and developmental distances in its country by using all of its economic and moral potential and prevents their external abuse. A state, which does not or cannot do this, is either doomed for extinction or can only exist figuratively."[485]

The usage of the concept of 'national sovereignty' in relation to its support for the foundations of a strong nation-state also finds frequent expression within the anti-globalization (anti-imperialism) and anti-westernization discourses in Turkey, produced mainly by leftist- nationalist Kemalist intellectuals and political activists grouping themselves under the label of 'National Front' (*Ulusalcı Cephe*). This front constantly keeps the issue of national sovereignty on the public agenda in line with their purpose of 'protecting the full independence of national state against the 'imperialist' forces'. The roots of this intellectual tradition go back to *Kadro* and *Yön* magazines; and during the 1980s and 1990s writers and journalists gathered around *Cumhuriyet* newspaper such as Mümtaz Soysal, İlhan Selçuk, Uğur Mumcu and Atilla İlhan become the leading

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[483]Milli Güvenlik Kurulu Genel Sekreteliği, *Devlet'in kavram ve kapsamı.* Ankara: Milli Güvenlik Kurulu Genel Sekreterliği, 1990), 47.

[484]Ibid.47-55.

[485]Ibid.57.

representatives of this 'leftist-nationalist' discourse. The political positioning of this group can be summarized along the following lines:

"The six arrows of RPP comes to be reinterpreted as a result of the political developments of the 1990s and turns into *republicanism* positioned against democracy, *nationalism* against globalization, the European Union and the Kurdish movement, *secularism* against political Islam, *populism* against 'rentier class' (*köşe dönmecilik*), *statism* against the free market and *revolutionism* against 'frozen' Atatürkism."[486]

At this point, a closer look at the ideas of Attila İlhan, one of the most important ideologues of the 'Nationalist Front' and a compelling critique of the 'loss of national sovereignty', may bring light to better deconstructing the relationship between the issue of national sovereignty and anti-globalization/anti-westernization discourse. To İlhan, globalization equals to 'imperialist integration' and thereby he sees it as a "dissolve and rule" trap for developing countries.[487] According to İlhan, globalization dates back to August 2, 1990, when the President of the United States has declared that the 'new world order has begun'.[488] In this light, he associates globalization with the exploitation of the developing countries through interventions of international organizations and multinational corporations. The "globalitarian state", which İlhan claims to have emerged during this period, ultimately aims to bring an end to nation-states and national markets.[489]

In Turkey, the undermining of the nation state begins with Turgut Özal, through the rule of whom the 'globalitarian state' is let free to achieve its objective by "making us believe that we are becoming more democratic and civil" and by "putting us to sleep with privatization and globalization lullabies."[490] In this context, İlhan firmly rejects a comparison between Atatürk and Özal, claiming that while the first one is a hero advocating full independence, the second one is a "Tanzimat Grand Vizier" propagating interdependence with the West.[491] İlhan states that the Turkish National Independence War, which he defines as the Anatolian Movement, is in fact a war against liberal

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[486]Faruk Alpkaya, "Bir 20. Yüzyıl Akımı: Sol Kemalizm, *Modern Türkiye'de Siyasi Düşünce: Kemalizm*, (İstanbul: İletişim Yayınları, 2001), 479-480.

[487]Atilla İlhan, *İntibâh Başladı (İleri ve Türksolu Yazıları)*. (İstanbul: İleri Yayınları, 2005), 66.

[488]Atilla İlhan, *Hangi küreselleşme*. (Ankara: Bilgi Yayınevi, 1997), 113.

[489]Ibid.11.

[490]Ibid.12.

[491]Ibid.198-199.

globalization and in this respect draws a parallelism between the Galiyef movement against "Stalinist communist globalization" and Turkish War of Independence.[492]

He especially underlines in his article "National Sovereignty and Full Independence" that national sovereignty must be defended until the end if Turkey is to get rid of its dependent status. To this end, he calls for the revitalization of the spirit of National Struggle:

> "Today, in order for us to be convinced of the fact that the ones claiming to defend his [Mustafa Kemal] nationalism is actually doing so, they must first and foremost advocate the full 'independence' of our country against foreigners looking for privileges once again and pursue a perfect implementation of the 'National Sovereignty' principle."[493]

İlhan's objective of achieving Turkey's full independence by the protection of 'national sovereignty' involves a rejection of NATO and the EU, which he defines as 'new tools for re-partitioning the areas of influence' and similarly he deems necessary to cut off the involvement of the organizations such as the IMF, the World Bank and the OECD in Turkish affairs to re-enforce our national sovereignty over the economy. In opposition to all these supranational organizations, İlhan often refers to history, particularly to those episodes that relate to the fall of the Ottoman Empire and constantly revokes the so-called Sevres Syndrome. He states, in many different occasions, that the real objective of this global order, which he shortly calls the 'system' under the control of the West, is to divide Turkey under the camouflage of democratization and human rights.[494] According to İlhan, the 'West' cannot look at "Turkey as a legitimate republic and to Turks as a strong nation coming from the depths of history"[495] and accordingly seeks the complete surrender of Turkey not only in external but also internal politics. In İlhan's mind, the division or erosion of national sovereignty eventually gives way to the "re-preparation of the social and political conditions for the execution of the 'division plan' foreseen in the Sevres Treaty, and the subsequent destruction of the secular and democratic Turkish supra-identity, which has been established by the Anatolian people through the Anatolian revolution and reform".

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[492]Atilla İlhan, *Hangi küreselleşme.*111.

[493]Atilla İlhan, *Hangi Atatürk.* (Ankara: Bilgi Yayınevi, 1981), 80.

[494]Atilla İlhan, *Hangi küreselleşme,* 22, 43, 48, 126, 161; Atilla İlhan, *İntibâh Başladı (İleri ve Türksolu Yazıları),* 20, 61, 64, 70, 77, 101, 124, 128, 130.

[495]Atilla İlhan, *Hangi Batı.* (İstanbul: Türkiye İş Bankası, 2002)

As a solution to all these criticisms, İlhan and his friends propose to re-strengthen the Turkish nation-state through a nationalist ideology. The need to come together under the banner of the 'National Front' is formulated as such: "It is a must for each person who wants to live freely in this country to be on the same side. The differences in ideologies lose their importance here. Because this is exactly a situation similar to that of the War of Independence."[496] It is said that even the extreme nationalists and Muslims should be on this side in order to protect the nation-state against globalization, 'a reincarnated version of the crusades'.

The main framework of the solution which the 'National Front' offers for advocating national sovereignty against global powers involves a 'national cultural struggle' to be led in parallel to the establishment of a 'fully independent economy' and a 'fully independent defense industry'.[497] The period to be taken as an example for this objective is the 'nationalist' period prior to Mustafa Kemal's death: the 'National Front' blames his successor İnönü for taking Turkey off the Atatürkist road and despite "Atatürk's opposition to the West" for initiating an alignment process closer to the West, the point after which degeneration has begun in Turkey.

As seen, within the discourse of the 'National Front', national sovereignty is positioned as the most important, even a sacred value, which is always under threat and in need of protection. Actually, whatever notion that the discourse wants to be against, 'national sovereignty' is always perceived and positioned to be under the 'threat' posed by that *notion*. An example which can be given at this point is the position the nationalist discourse takes against cultural diversity. In line with this continual perception of threat, it is held that the ultimate objective of multiculturalism relates to the destruction of "national sovereignty":

> "A secular and democratic country made up of citizens who are equal in the eyes law no matter what ethnic origin they come from, and free, sharing a mutual country and culture, who own a mutual history and economy! They are naturally nationalist, but there is no racism in their nationalism, it is patriotic nationalism, this is why it is also anti-imperialist, meaning that it would never accept any kind of infringement upon its authority within its own borders coming from other strong states (economies), because 'sovereignty is not given, it is taken', and this is how he did it, he strengthened his national democratic revolution with an anti-imperialist war of independence. Now, it is this 'national sovereignty' which they intend to

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[496] Atilla İlhan, *İntibâh Başladı (İleri ve Türksolu Yazıları)*, 31.

[497] Ibid.57.

first weaken and then dissolve under the curtain of 'tolerance' and through the fallacy of multiculturalism!...”[498]

As the foregoing discussion reveals, the West is positioned as the force which provokes the breaking up of national identity in Turkey, while multiculturalism is perceived as a cover to strengthen the demands of the minorities living in Turkey.[499] In this perspective, Charles Taylor and 'Western' thinkers like him advocating the idea of multiculturalism and their Turkish 'impersonators' known as 'liberals, Second Republicans and NGOs' are the heavily criticized political actors, against which the discourse of 'Nationalist Front' comes to be united. According to the 'National Front', most of the organizations introduced as NGOs in Turkey, who are also so-called 'proponents of democracy', are actually 'tools of the western capital' and work to weaken the Turkish Republic. According to İlhan, the Turkish people are put to sleep with the 'story of civil society', and thereby alienated from politics. This is exactly the way in which the political parties, which could be capable of standing against the 'system', are emptied of popular support in Turkey.[500] What needs to be done about these 'threats' increasingly directed against our 'national sovereignty' is summarized by İlhan in the following passage:

> "For every Kemalist, it is an indispensable principle that 'the Turkish Republic shall survive forever'. The facts 'sovereignty unrestrictedly and unconditionally belongs to the nation' and 'it can by no means divided' join together to constitute an integrity."[501]

5.5. Second Republican/Democratic Discourse and Sovereignty

A new political discourse mainly made up of democratic demands in opposition to the nationalist/statist ideology and melted in the same pot by being popularly defined as 'Second Republican' assumes an increasing level of visibility within the Turkish political life starting in the late 1980s and continuing throughout the 1990s. Within this discourse, the concept of sovereignty also acts as a frequently referred signifier and in

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[498]Atilla İlhan, *Hangi küreselleşme,* 105.

[499]Atilla İlhan, *İntibâh Başladı (İleri ve Türksolu Yazıları),* 34.

[500]Ibid.12.

[501]Atilla İlhan, *Hangi Batı.*

most cases constitutes a point of departure for the critique extended towards the nationalist/statist discourse. However, prior to delving upon a more detailed analysis on the relationship between the 'democratic discourse' and sovereignty, it would be appropriate to briefly look into the reasons underlying the emergence of such a discourse, as well as its political motives and the articulation of differing political positions within this so-called Second Republican discourse.

The utilization, or to put it more appropriately, the re-utilization of the term 'Second Republican' in Turkish politics corresponds to the beginnings of the 1990s, when, as Aslandaş explains in his *Popüler Siyasi Terimler Sözlüğü,* the term becomes divorced from its association with the political regime established in the aftermath of the 1960 coup and becomes recontextualized within the demands for neo-liberal democratization of the post-1980 Turkish polity: Mehmet Altan, one of the pioneers in identifying himself as a 'Second Republican' and thereby becoming one of the producers of this discourse, declares the ultimate objective of Second Republicanism as 'to democratize the Republic established in 1923.' Opinion leaders and writers such as Etyen Mahçupyan, Murat Belge, Ali Bayramoğlu, Asaf Savaş Akat, Cengiz Çandar and Mehmet Barlas, as well as other figures clustered around magazines and newspapers such as *Türkiye Günlüğü, Polemik, Yeni Yüzyıl, Sabah* can be considered among the main actors of this discursive construction.[502] Yet, it would not be correct to solely limit the actors of the 'democratic' discourse with those that defend neo-liberal values. Here, it should be underlined that an array of thinkers and figures coming from disparate political backgrounds are associated with the so-called 'Second Republican' discourse. In effect, 'Second Republicanists' are mostly assembled in the same 'front' by political actors standing in opposition to demands for further democratization. In other words, rather than distinguishing its own self, in a way, the 'Second Republican' discourse becomes reified by its antagonistic other due to the perception of a 'common threat'. In

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[502] In 2007, when the debate over the new constitutional proposal re-ignites the divide between the so-called 'Second Republicans' and 'First Republicans', Özdemir İnce, one of daily commentators of Hürriyet newspaper publishes a list, which he describes as the 'national team of Second Republicans'. This much-discussed list includes Mehmet Barlas, Mehmet Ali Birand, Cengiz Çandar, Murat Belge, Mehmet Altan, Eser Karakaş, Etyen Mahçupyan, Ali Bayramoğlu, Hasan Cemal, Şahin Alpay and Orhan Pamuk.

this context, we witness at times the articulation of Islamist demands and at times social democratic or socialist demands to this discourse. Therefore, the preference for the label 'Second Republican' in this dissertation should be seen in relation to the lack of a better term to collectively identify similar lines of argumentation against the central state, as well as the doctrine of sovereignty that it safeguards, and should not be perceived as a disregard to the variety of political positions presented within this discourse.

In a certain way, political demands put forth through the 'Second Republican' discourse reflect the increasing influence of globalization and postmodernity discourses during the last quarter of the 20th century. In an article analyzing the relationship between postmodernism and Second Republicanism, Birkan Uysal Sezer draws our attention to the similarities between the postmodern critique of central authority and the Second Republican questioning of the prevailing political, economic and social system in Turkey:

> "There exists a significant resemblance between the attitudes of postmodernism and those of the Second Republic in terms of their points of departure; their economic and cultural foundations and perspectives; their methods of approach towards the state, the individual and the society; and their analyses and prescriptions in general. This resemblance is not a coincidence; rather, it originates from the fact that they both seek to form a new formulation of culture and politics, or a new ideology in the face of changing world conditions."[503]

In effect, the Second Republican discourse in general displays the traces of a search to integrate Turkey into the global order and to this end its main themes center around the demands to minimize the state, particularly in relation to loosening its tight grip over the economy and societal matters, as well making its functioning transparent and its officials accountable to public inquiry. At the same time, Second Republican discourse refutes a monolithic approach to national identity as envisaged by the nationalist/statist elite and instead extends a critique of the Turkish modernity project in respect to its close connection to central authority and efforts at homogenization of the society.

One of the main themes of the Second Republican discourse relates to the questioning of the exclusive relationship between sovereignty and the Turkish nation-state in terms of both economic and political relations, given the deepening and the widening impact of globalization in Turkey. The actual enactment of 'popular

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[503]Birkan Uysal Sezer, "Postmodernizm ve İkinci Cumhuriyet," *Amme İdaresi Dergisi* 26, no.1 (1993).

sovereignty' first and foremost requires to put an end to the state's economic sovereignty, an act that would also eradicate the economic power of the military/bureaucratic elite and thereby giving way to the democratization of the Turkish polity. Second Republicans remind us of the fact that one of the underlying motives in the creation of concepts such as the nation, the national flag and the *patrie* following the French Revolution relates to the dependence of the French bourgeoisie to the local market. In this sense, the demise of the ideal of 'national economy' is best demonstrated by the unproblematic abandonment of national currency as well as national borders in France, the homeland of nationalist symbols, in exchange for a deeper integration with the European Union.[504]

In this direction, the Second Republican discourse often emphasizes the necessity to abandon state control over economic activity and to introduce the idea of 'minimal/technical state' in Turkey. This line of argumentation reveals the close association of the Second Republican discourse with neo-liberal currents prevailing at a global level during the 1980s and the 1990s, a connection which at the same time proves to be its main source of criticism. Second Republicans stand out as the primary proponents of globalization shaped by neo-liberal policies in the post-1980 Turkey and to this end they extend a compelling critique towards the understanding of 'indivisible', 'unreserved' and 'unconditional' sovereignty reigning in the Turkish polity. They draw public attention to the incompatibility of such an understanding with contemporary realities of the global world and underline the fact that it is no longer possible to speak of an absolute sovereignty given the rising influence of international and supranational institutions over domestic affairs of nation-states. In his book, *Türkiye'nin Halleri,* Murat Belge undertakes a lengthy discussion on the current political and economic situation of the global order and concludes that the nation-state is 'a defunct phenomenon' despite the continual defense of its ideology in Turkey.[505] To Belge, this resistance to come to terms with the demise of the nation-state also proves responsible for the relegation of Turkey to the periphery of the international order. According to Belge, the undermining of state's sovereignty both in the economic and political realms turns out to be a positive notion for two related reasons: (i) it weakens the ideological

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[504]Metin Sever and Cem Dizdar (Eds.). *İkinci Cumhuriyet tartışmaları.* (Ankara: Başak Yayınları, 1993)

[505]Murat Belge, *Türkiye'nin halleri.* Ankara: Liberte Yayınları, 2003), 231-234.

obstacle before the creation of a universal culture of humanity;[506] (ii) and it contributes to the recognition of the incapability of nation-states' to overcome global problems by themselves and accordingly facilitates a closer integration of countries with supranational institutions.[507] All this points to the fact that, embracing the universal culture of humanity and internalizing the democratic side-effects of globalization can only be possible in Turkey by first recognizing the pressing need to reconceptualize and recontextualize sovereignty beyond the Turkish nation-state.

5.5.1. Democratic vs. Republican Tension in relation to 'Popular Sovereignty'

The first fundamental criticism extended by the Second Republican discourse to the prevalent doctrine of statist/nationalist approach to sovereignty relates to its 'democratic deficit': The Second Republicans argue that since its inception, the Turkish Republic disregards people's sovereignty and in this respect 'real popular sovereignty' never comes to be exercised in the Turkish polity. With respect to this argumentation, the first noteworthy aspect is the preference for the utilization of the term 'popular sovereignty' in place of 'national sovereignty'. Second Republicans not only prefer to use 'popular sovereignty', but at the same they exalt the concept with emotive connotations and normatively link it with the ideal of democracy. As it has been discussed in the second main chapter of this dissertation, 'popular sovereignty' enters Turkish political life through the efforts of Young Ottomans with the purpose of refuting absolutist dynastic sovereignty and relocating the source of sovereignty in the novel concept of Ottoman citizenship. Nevertheless, distancing themselves away from the idealization of the Young Ottoman movement within the Islamic discourse, Second Republicans take the constitutive period of the Republican regime as their reference point in illustrating the never-fulfilled possibility of introducing a genuine form of 'popular sovereignty' in the Turkish polity. Kemalists put an end to dynastic sovereignty, however despite the official claims, they never actually grant sovereignty to the 'people' since the single party regime never endows the public with a real right to choose. In this regard, we also observe the 'mythification' of the first parliamentary

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[506]Murat Belge, *Türkiye'nin halleri,* 234.

[507]Murat Belge, *Türkiye dünyanın neresinde?* (İstanbul: Birikim, 1990), 150.

period within the Second Republican discourse in connection to the 'forever-lost' potential to establish a republican regime based on democratic popular sovereignty. As it is often mentioned, the pacification of 'defenders of popular sovereignty' in the First Turkish Parliament including 'democracy fighters' such as Hüseyin Avni Ulaş opens the way for the institution of a regime based on single party/single ruler and the subsequent establishment of absolute state sovereignty never leaves room for any kind of societal initiative to flourish.[508] Henceforth, efforts aimed at the introduction and the consolidation of the republican regime exclude democracy, as well as an understanding of popular sovereignty based on democratic premises:

> "A republic is defined as 'a form of government in which sovereignty is vested in the people exercised either by direct popular rule or through a popularly selected body of representatives'. However, "popular sovereignty" cannot be ensured without democracy… When it is not nurtured by democracy, republic is reduced to a "political" maneuver in the struggle for power. As a matter of fact, in 1923, power was monopolized in the hands of the army in general, and of Mustafa Kemal in particular... Had a democratic republic been established, then a pluralist regime would have been secured and the people would come to attain sovereignty through which they would have control over the state … This inadequacy witnessed during the rise of our republic is the reason behind the fact that a period of nearly seventy years was shaped by a mentality which was far from being democratic." [509]

In effect, as the Second Republicans themselves declare, their main request involves the 'democratization of the Republic and thereby the actual realization popular sovereignty' in Turkey. They draw attention to the fact that democracy does not find a place among the Six Arrows of the Republican regime and in this regard they also strongly refute the republican arguments that attempt to associate the principle of 'populism', one of the arrows of the Kemalist ideology, with democracy. As it is often held within the Second Republican discourse, the affiliation of these two concepts mainly stems from the efforts of the elite "to represent Kemalism as democracy with the purpose of holding onto their sovereign position within the Turkish polity prevailing since the 1930."[510] In contrast, for the Second Republicans, the republican version of 'populism' emerges as a principle some features of which - such as solidarism and corporatism - can indeed be associated with fascism. Within the framework of populist

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[508]Mehmet Altan, *Birinci Cumhuriyet üzerine notlar*. (İstanbul: Birey Yayıncılık, 2001), 25, 44, 194-195; Murat Belge, *Türkiye dünyanın neresinde?* 108.

[509]Mehmet Altan, Cumhuriyet Tartışmaları. *Türkiye Günlüğü* 20, (1982)

[510]Mehmet Altan, *Birinci Cumhuriyet üzerine notlar*,17.

ideology, the principle of national sovereignty based on a homogenous and organic national will contradicts with the pluralism envisaged as the gist of a democratic order. The argument that the unfolding of Turkish republicanism has been void of democratic content and given this lack that the ideal of 'national sovereignty' has been a mere signifier establishing only a rhetorical link between republicanism and democracy, also finds reflection in the following passage of Parla:

> "Republicanism means anti-monarchism and anti-theocratism, which is certainly progressive and progressionist enough. Yet, the scope of Kemalist republicanism goes far beyond that. It is a sort of anti-democratic republicanism imbued with a system of charismatic chief, a hierarchical – both actually and officially – system of sub-chiefs, a single-party rule, state-controlled elections and national assembly and so on. Traditional political institutions and theories of legitimacy (sultanate-caliphate) have now been superseded by the rhetoric of national sovereignty which implies the will of the chief's party, which stands out as the guiding figure, and even the ultimate arbiter of national sovereignty."[511]

In the interviews with the leading representatives of Second Republicanism collected in a book entitled *İkinci Cumhuriyet Tartışmaları,* we recurrently come across the assertion that no natural/innate relationship exists between democracy and republicanism and therefore that these two concepts need to be treated separately. The examples of Saddam's Iraq and Hafız Essad's Syria are brought forth as historical evidence illustrating the fact that republican regimes do not necessarily entail a democratic order; whereas in contrast, parliamentary monarchies such as the United Kingdom, the Netherlands and Belgium represent some of the best-functioning and most advanced democracies in the world.[512] Accordingly, the contributors of the book primarily argue that democracy stands out as the best means to get rid of the authoritarian tendencies embedded in republican regimes.

Second Republicans also claim that within the 'First Republic', the real Sovereign of the land does not appear to be the Nation as it is claimed, but rather, the bureaucracy and the military assume this role.[513] According to Altan, in the creation and

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[511]Taha Parla, *Türkiye'de Siyasal Kültürün Resmi Kaynakları: Cilt 3: Kemalist Tek-Parti İdeolojisi ve CHP'nin Altı Oku.* 325-326.

[512] Metin Sever and Cem Dizdar (Eds.). *İkinci Cumhuriyet tartışmaları.*

[513] Mehmet Altan, *"İkinci Cumhuriyet" Nedir, Ne Değildir?",* Türkiye Günlüğü, no.20, Fall 1992

[513] Mehmet Altan, *Birinci Cumhuriyet üzerine notlar,* 17.

[513] Taha Parla, *Türkiye'de Siyasal Kültürün Resmi Kaynakları: Cilt 3: Kemalist Tek-Parti İdeolojisi ve CHP'nin Altı Oku.* 325-326.

consolidation of the First Republic, the 'military will' replaces 'popular will', posing 'a threat to public will similar to that of religious reactionism and territorial separatism.'[514] Murat Belge also constructs a certain parallelism between the constitutive periods of Turkish and German nation-state building in relation to the central role played by the military in these two countries.[515] In this context, the privileged position granted to the National Security Council in the execution of sovereignty and the independence of Turkish General Staff from the Ministry of Defense represent some noteworthy examples to the fact that, within the Turkish polity, the 'elected' representatives of the public remain in disposition to 'appointed' officials of the republican institutions. This situation in itself testifies to the lack of democratic culture in Turkish politics.[516] Faced against this imbalance, "the parliament considered as the *kabe* of popular sovereignty"[517] never possesses sovereignty in the Turkish context and in this respect the 'people' do not embody the actual source of sovereignty in Turkey.

5.5.2. Deconstructing the Relationship between National Sovereignty and Turkish Nationalism

'Democrats' blame the 'National Front' not only for developing a discourse of 'national sovereignty' exclusively tied to the idea of the nation-state with the purpose of rebuffing any form intervention, but also for using it as a defensive shield against the demands for recognition of societal diversity coming mainly from subnational groups in search of representation:

> "This response; that is, the construction of a discourse of state sovereignty as the basic criterion for establishing social order upon differences and dissensions in social life, and in this sense, the establishment of a synchronicity and synonymity relationship between state sovereignty and social order, entails the need for the state to treat social demands from the

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[513]Metin Sever and Cem Dizdar (Eds.). *İkinci Cumhuriyet tartışmaları.*

[513]Mehmet Altan, *"İkinci Cumhuriyet" Nedir, Ne Değildir?",* Türkiye Günlüğü, no.20, Fall 1992

[514]Mehmet Altan, *Birinci Cumhuriyet üzerine notlar*, 64-65.

[515]Murat Belge, *Türkiye'nin halleri,* 62.

[516]Mehmet Altan, *Birinci Cumhuriyet üzerine notlar*, 52.

[517]Mehmet Altan, "İkinci Cumhuriyet" Nedir, Ne Değildir?"

perspective of 'friend-and-foe'. And within the frame of this attitude, it further prioritizes the legal framework maintaining the sovereignty of the state before the principle of the rule of law."[518]

What should particularly be stressed about Fuat Keyman's foregoing assertion is that, one of the main functions of sovereignty is perceived to be the upholding of antagonisms such as the 'inside/outside', 'we/they' and 'friend/enemy. This function closely relates to another dimension of the critique put forth by the 'democratic front' against the prevailing doctrine of sovereignty in Turkey: the support that the concept of national sovereignty provides to the foundations of the ideology of Turkish nationalism. An analysis of the relationship between Turkish nationalism and sovereignty's functioning as a 'barrier concept' is found in Baskın Oran's book entitled *Atatürk Milliyetçiliği: Resmi İdeoloji Dışı bir İnceleme.* Here, Oran argues that both national sovereignty and populism stand out as the key principles supporting the legitimacy of Turkish nationalism. According to Oran, during times requiring 'national unity and harmony' as it was the case during the Turkish War of Independence, 'national sovereignty' emerges as a powerful instrument to mobilize popular support, rather than constituting an end in itself:

"The aim was a national independent state, and just as a pluralistic approach with regard to the regime, ethnic composition, ideology and leadership was curtailed and – as shall be seen – abandoned as soon as ends were achieved, so was the concept of national sovereignty, which was always kept as a symbol but underwent alterations as required by the model Mustafa Kemal had in mind. Through a constitutional amendment made after the independent nation-state was materialized, the concept of national sovereignty came to be synonymous with the elite, and in particular with the Gazi himself. While, before the War of Independence, the popular Assembly elected Mustafa Kemal, after the independence each and every member would be elected by the Gazi himself."[519]

Along the same line, Oran also highlights that the exaltation and the sanctification of national sovereignty closely relate to the question of constructing a homogenous society. Especially during the Turkish War of Independence, where ensuring the support of different ethno-religious groups proves important than ever, Mustafa Kemal brings forth the ideal of 'national sovereignty' to unite the remaining population in the Ottoman lands under the same cause. Oran points to the fact that the exclusive

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[518]Fuat Keyman, "Devlet bekası-Hukukun üstünlüğü karşıtlığı: Türkiye'de devlet sorunu ve demokratikleşme olasılığı" *Doğu-Batı* 4, no.13 (2000), 142.

[519]Baskın Oran, *Atatürk Milliyetçiliği: Resmi İdeoloji Dışı bir İnceleme.* Ankara: Özkan Matbaacılık, 1988), 109-110.

identification of sovereignty with the Turkish nation corresponds to a later period following this War.[520] According to Oran, the fabrication of Turkish History and Language Thesis during the early years of the republican regime should also be seen in the context of strengthening the linkage between the identity of the Sovereign nation and Turkishness. [521]

While on the one side the Republican elite tries to create 'horizontal homogenization' with the idea of 'non-privileged, classless and integrated society' based on the twin principles of national sovereignty and populism, on the other side, it marks the contours of the new identity of this society within Turkish nationalism shaped by the positivist and secular nation-state.[522] This approach also puts the concepts of 'sovereign nation' and 'minorities' against one another.[523] The association of nationalism with 'Turkishness' rather than 'patriotism for the homeland' and the related request from different ethnic/cultural groups to declare their loyalty to 'Turkishness' rather than 'Turkey' starting with the mid-1920s eventually lead to the creation of antagonisms based on the binary opposition of 'we vs. they' in the Turkish polity.[524]

Accordingly, the possibility of instituting a pluralistic and democratic ideal of 'popular sovereignty' in Turkey first and foremost requires a distancing away from the current nationalist/statist approach to sovereignty and a subsequent development of a new concept of citizenship void of the exclusionist tendencies embedded in the current one in effect. In this context, the Second Republican approach to the Kurdish question in Turkey does not envisage the creation of a nation-state for every nation,[525] but rather

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[520] In a similar fashion, Oran also underlines the fact that Atatürk uses the term "*Türkiye Milleti*" in all of his speeches during the War of Independence and that following the war he prefers to utilize the term "*Türk milleti*", also mentioning that in the aftermath of the proclamation of the Republic, the terminology "Türkiye Milleti" never again appears in Atatürk's speeches. (Baskın Oran, *Atatürk Milliyetçiliği: Resmi İdeoloji Dışı bir İnceleme,* 162-64).

[521]Baskın Oran, *Atatürk Milliyetçiliği: Resmi İdeoloji Dışı bir İnceleme,* 219.

[522]Etyen Mahçupyan, *İdeolojiler ve modernite: bir demokrat manifestoya doğru.* İstanbul: Yol Yayınları, 1996), 67.

[523]Murat Belge, *Türkiye dünyanın neresinde?*, 180,

[524]Murat Belge, *Türkiye dünyanın neresinde?*, 155-167; Etyen Mahçupyan, *İdeolojiler ve modernite: bir demokrat manifestoya doğru*, 43-45.

[525]Murat Belge, *Türkiye dünyanın neresinde?*, 167.

to eradicate traces of ethnic nationalism from the nation-states in existence through the introduction of a citizenship policy that would embrace multicultural demands:

> "Once the obligations have been assigned by establishing the notions of belonging and participation, it will then be necessary to shift the focus of life towards citizenship. This would allow us to attain a transnational lifestyle that ensures legal protection at every necessary level. Otherwise, we would get stuck in the solutions offered by nationalist problematic, which comes up with a seemingly more "radical" or "progressive" discourse such as "federation" and "autonomy", but actually has nothing to do with progressivism."[526]

In fact, Second Republicans argue that the main objective of all ethnic and cultural groups living in Turkey should be to support the existence of individuals, who could claim that they are simultaneously the citizens of Turkey and the world.[527] The fact that the Turkish nation-state is not only Sovereign vis-à-vis the society and the individual but also that it rejects any form of international surveillance over its domestic matters constitutes one of the fundamental obstacles before achieving this objective:

> "Rejecting the legitimacy of any conflict within the society from the very beginning, conceiving it as nothing but an abstract form of nationality and envisioning a sociality only under its own auspices, the Turkish Republic once again displays some aspects of Ottoman patrimonialism in a much loyal manner while seeking for absolute hegemony over the society."[528]

As it has been discussed in the previous sections of this chapter, beginning with the 1990s 'individual sovereignty' comes to be a popular concept within the political science literature particularly in relation to the growing influence of human rights discourse at the global level. This concept develops mostly in reaction to the authoritarian and inward-looking features of nation-state sovereignty. It is primarily within the Second Republican/democratic discourse that we find the repercussions of the discourse demanding extended individual rights and liberties. An exemplary reflection of this trend can again be found in the articles of Murat Belge, particularly within the ones concentrating on the exclusion of ethnic and cultural diversity in Turkey. According to Belge, as states are deemed sovereign within the international order, so should the individuals be declared 'sovereign' within the states.[529] In a similar

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[526]Murat Belge, *Türkiye dünyanın neresinde?*,180.

[527]Ibid.167-172.

[528]Ahmet İnsel ve Cengiz Aktar, "Devletin Bekâsı için yürütülen çağdaşlaşma sürecinin toplumsal sorunları," *Toplum ve Bilim* 31, no.39 (1985): 44.

[529]Murat Belge, *Türkiye dünyanın neresinde?*, 168.

fashion, Bülent Tanör and Mithat Sancar also discuss in-depth in their various books and articles the problems associated with the continual prioritization of the objective of 'the state's survival' (*devletin bekası*) at times over the rule of law and at times over the individual sovereignty.[530] Here, the main target of criticism again proves to be the restrictive political philosophy of the 1982 Constitution:

> "With its obvious preference in favor of the state, and accordingly with its lack of recognition for human rights as a superior structural status, as well as with its attempt to abstract human rights from the universal context, the Constitution of 1982 revealed that its aim was not *to recognize* sincerely the potential power of human rights. The actual objective of the present constitution is to curb, suppress and further neutralize the potential power of human rights so that they would never constitute any obstruction to the state authority."[531]

5.5.3 Articulation of Democratic and Islamic Discourses: The Case of *Medina Contract*

While the democratic discourse of the 1990s criticizes the statist/nationalist approach to sovereignty from many angles, we nevertheless do not come across serious systematic efforts for the deconstruction, the transformation or the replacement of the concept of sovereignty within this discourse. Given this lack, the only approach that is worth analyzing in this chapter involves the discussions revolving around the *Medina Contract* initially brought forward by the Islamist intellectuals. Before moving on to the relations between these deliberations and the transformation of the perceptions of sovereignty, a look at the articulatory development between the democratic and Islamic discourses in the 1990s would be orderly:

In reality, the shrinking of the gap between the Islamist and the Democratic discourses is closely related to the notions of globalization and postmodernity that have impacted the development of Islamism in Turkey after 1980s. On one hand, globalization creates the opportunity for the Turkish Islamist movement to move beyond national borders and to establish a network with other Islamist movements around the world. In return, this opportunity helps Turkish Islamism to adopt a language

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[530]Bülent Tanör, *İki Anayasa: 1961-1982.* İstanbul: Beta Yayıncılık; Mithat Sancar, *'Devlet Aklı' kıskacında hukuk devleti.* (İstanbul: İletişim Yayınları, 2000).

[531]Mithat Sancar, *'Devlet Aklı' kıskacında hukuk devleti,* 142.

concentrating on rights, freedoms and democratization, the concepts which have been amplified in the global political literature.[532] On the other hand, the economic and cultural liberalization of Turkey, enhanced mainly by the forces of globalization, also provides representational space for the Islamists to create new areas of political strength. In other words, the failure of the culture of national developmentalism in Turkey also brings forth the dissolution of the relationship between Turkish nationalism and Islam. At the same time, the elements of postmodernist discourse associated with demands of equal rights for different beliefs and identities, also come to be adopted by the Islamists. In fact, according to Haldun Gülalp: "Islamism not only has many aspects in common with the postmodern critique of modernity, but also goes further to point to the failures of nationalism and modernity, offering an alternative ideology."[533]

At this point, it becomes necessary to take a closer look at the transformation and the differentiation taking place within the Islamist groups in the 1990s. As widely accepted, after the coup of 12 September 1980, the state has used "Islam as a political leverage tool to forge unity, solidarity and stability among the Turkish public, which has been politically fragmented and has lost its common good."[534] Consequently, as the religious and nationalist ideologies were articulated especially after the 1980s, the conservative political outlook labeled as the 'Turk-Islam synthesis' has come to dominate the period. In one way, the nationalist-conservative discourse that defined the orbit of Islamism presenting itself as a victim of colonial politics up until 1960's[535] has been reconfigured and reproduced in a stronger manner in the 1980s. The political tone and the defense of this manner can be found among some of the ranks of the Motherland Party in the 1980s and the in the Welfare Party in the 1990s. But it would be a mistake to assume Islamism as a monolithic movement in this period: Contrary to the proponents of 'National Outlook', who were grouped around the Welfare Party in the political arena, a group that grew in importance in the cultural and philosophical

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[532]Ömer Çaha, Ö. (2004). Ana temalarıyla 1980 sonrası İslami uyanış. *Modern Türkiye'de Siyasi Düşünce: İslamcılık.* İstanbul: İletişim, 2004), 477-478.

[533]Haldun Gülalp, "Türkiye'de modernleşme politikaları ve İslamcı Siyaset," 49.

[534]Zerrin Kurtoğlu, "Türkiye'de İslamcılık düşüncesi ve siyaset," *Modern Türkiye'de Siyasi Düşünce: İslamcılık.* (İstanbul: İletişim, 2004), 213; Ahmet Çiğdem, "İslamcılık ve Türkiye üzerine bazı notlar," *Modern Türkiye'de Siyasi Düşünce: İslamcılık.* İstanbul: İletişim, 2004), 30.

[535]Yasin Aktay, "Sunuş," *Modern Türkiye'de Siyasi Düşünce: İslamcılık.* (İstanbul: İletişim, 2004), 20-22.

arenas called the 'New Muslim Intellectuals' has carried forward "a new, more pluralist brand of Islamism with international concerns and claims". It is possible to find these ideas developed by "Muslim Intellectuals" like Ali Bulaç, Rasim Özdenören, İsmet Özel and Abdurrahman Dilipak in publications such as *Bilgi ve Hikmet* ve *Tezkire.* It is mostly through the efforts of these new 'Muslim Intellectuals' that we witness the articulation of Islamic and democratic discourses joined together in their demands for further democratization and recognition of diversity.

As mentioned above, the most important suggestions from the Islamists in terms of the problematization of the dominant nationalist/statist approach towards sovereignty are engendered within the discussions centering around the *Medina Contract*. In the 5th issue *(1994)* of the *Bilgi ve Hikmet* magazine titled "What is the formula for living together? The Medina Contract", it is proposed that the principle of *participation* needs to replace the principle of *sovereignty* in order to create a public modeled on tolerance and harmony. In reality, this proposition comes as an important advancement suggesting that the current conception of sovereignty has hit its expiration date and that the political system in Turkey needs to be redesigned bearing in mind this reality. The discussions that started with the *Medina Contract* in this period can be considered 'unique' in relation to the attempts to construct a pluralist social structure organized around novel political principles excluding the overriding concept of sovereignty in Turkey.

In the historical context, the *Medina Contract* is a document that has been conceived to count as a Constitution/Social Contract, prepared under the leadership of Prophet Muhammad after his migration to Medina from Mecca. Islamic philosophers suggest that the main aim of the document is to establish a common legal ground and public structure for all the different religions and cultures that lived together in Medina under Hz. Muhammad's leadership. It is also emphasized that the *Medina Contract* is a 'historical reality' contrary to the idea of 'social contract' which has been developed as a utopia/fiction by Rousseau and Locke in the western political thought. (Bulaç, 2004: 512). The reason behind bringing forward this document into light in the Turkey of 1990s relates to the attempts to support the claims that since its inception, the Turkish Republic has not been based on a 'social contract' that adopted a multicultural public structure and that it needs a new contract to resolve the crisis of representation and legitimacy that the current Republic faces. Ali Bulaç attests the significance of the *Medina Contract* for Islamists with similar words:

"Medina Contract offers a blueprint for a society where all social blocs would interact on the basis of participation instead of "sovereignty" ….
Here we should underline the primary constituent principle to be derived from the Document: An ideal project which is righteous, equitable, pays respect to law and is designed to ensure true peace and stability among the people. All these should come into existence as a contract among various (religious, legal, philosophical, political, etc.) groups."[536]

The drafting process of this contract envisages the determination of points of consensus with respect to each article as a result of a free process of deliberation, to which representatives of each social group contribute. While consensus is a requirement for the articles relating to the public/political realms, divergence is relegated to the private/civil realms. According to Bulaç, it is only through the application of this constitutive method that a 'unity in diversity' can be achieved.[537] It is also underlined that within this context, the Prophet in no way acts as a 'Sovereign' (*hâkim*) but rather represents an 'arbitrator' (*hakem*).[538]

One other dimension of the discussions centering on *Medina Contract* involves a critique of the 'indivisibility' of the current doctrine of sovereignty reigning in Turkish politics. The demands of the Islamic groups for the widening and the increased protection of private sphere correspond to the decentralist approach outlined in the Article 4 and 11 of the Contract: While *Medina Contract* delegates the administration of matters related to defense and judiciary to the central authority, other 'private' areas such as legislation on culture, science, arts, economy, education and healthcare come to under the responsibility of civil and local authorities.[539]

The last point worthy of notice here with regards to the *Medina Contract* is the discussion among the Islamic intellectuals about the possibility of instituting a multiple juridical code. They defend the position that in plural societies not a single, but a multiple systems of law could indeed co-exist and that in case of a conflict among these systems, the decision of a supreme court made up of the representatives of each legal system could be taken into account.[540] This argument can of course be associated with

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[536]Ali Bulaç, "Medine Vesikası ve Yeni Bir Toplum Projesi," *Modern Türkiye'de Siyasi Düşünce: İslamcılık.* (İstanbul: İletişim, 2004)

[537]Ibid.508.

[538]Ibid.509.

[539]Ibid.510-11.

[540]Ibid.509.

the Islamic demands to re-introduce Islamic law to the Turkish polity foreseen to function in 'civil' areas parallel to the secular Turkish legal code.

Finally, it should be underlined that the discussion initiated by the revocation of *Medina Contract* does not confine to the limits of Islamic groups, but rather its repercussions can also be traced in 'leftist' publications such as *Birikim*, as well as the newspapers of the period. While it is an ongoing discussion whether or not all the above-mentioned aspects find correspondence in the historical document of *Medina Contract* itself, nevertheless, what proves particularly important for the purposes of this dissertation is the fact that both democratic and Islamic demands articulate in the same discourse developed against the prevailing doctrine of sovereignty in Turkey, and that a new discursive debate in connection to the incorporation of multicultural and pluralistic demands marks the political scene during the 1990s.

5.6. Conclusion

In sum, the following conclusions can be reached based on the foregoing analysis: (i) In response to the weakening of the authoritative monopoly of the nation-state due to a growing determination of economic, political and cultural relations within the ongoing interaction between the global/national/local networks during the 1980s and the 1990s, the doctrine of national sovereignty comes to be discursively instrumentalized by the nationalist/statist political forces and constitutes the nodal point of their defensive discourse. (ii) Accordingly for the nationalist/statist bloc, and within the context of a reconfigured Atatürkism of the post-1980 Turkey standing right at the intersection point of the ideologies of nationalism and etatism, sovereignty represents an empowering concept, the utilization of which contributes to the efforts to reinvigorate the *geist* of 'national unity and harmony' necessary for upholding *raison d'etat* and to this end strengthening the notions of both the nation and the state. (iii) Within this framework, the ideal of 'national sovereignty' turns into an 'empty-signifier' rhetorically and discursively put to use to conceal the growing rupture between the political values and identity related demands of the rising numbers of ethnic/cultural/ideological groups in Turkey and the 'nationalist/statist front' safeguarding the republican regime.

In return, the 'democratic discourse' produced mainly in opposition to the nationalist/statist position and which assumes higher levels of public visibility and political influence during the 1990s, criticizes this prevailing and predominant understanding of sovereignty mainly in relation to three overriding aspects: (i) Since its inception, the Turkish Republic lacks a democratic core and therefore in Turkey 'popular sovereignty' never exists in actuality; (ii) faced against the contemporary reality of globalization and fragmentation and as a result of related supranational and subnational pressures, it is no longer possible to uphold a doctrine of 'indivisible', 'unreserved' and 'unconditional' sovereignty conceived in exclusive relationship to the Turkish nation-state; (iii) in resistance to *de facto* undermining of the nation-state, sovereignty emerges as a discursive device functioning primarily to strengthen the foundations of Turkish nationalism and thereby contributing to the attempts to exclude social heterogeneity and associated rights and freedoms from the public realm. While the critique extended by the 'democratic discourse' towards the nationalist/statist instrumentalization of sovereignty proves significant in terms of deconstructing the chain of equivalences constructed between the state, authority and legitimacy, nevertheless within this discourse there is a lack of a serious undertaking in connection to a transformation or reconfiguration of sovereignty to respond to growing supranational and subnational demands. In fact similar to the statist/nationalist discourse, the approach of the democratic discourse of the 1990s to the question of sovereignty proves retrospective rather than progressive: The traces of this retrospective approach can be followed in the exaltation of the ideal of 'popular sovereignty' and in this respect the 'mythification' of the First Parliamentary period, as well as the seeking of the foundations of a new conceptualization of sovereignty within the Islamic history.

The need for radically recasting and reconfiguring the prevailing doctrine of statist/nationalist sovereignty in the Turkish polity reappears, and this time more forcefully, on the public agenda in the 2000s, during Turkey's accession process into the European Union. The analysis of the production of corresponding discursive tactics and maneuvers centering on the concept of sovereignty within the two competing discourses positioned along the antagonistic camps of 'Europhile democratic coalition' vs. 'Euroskeptic nationalist/republican coalition' will be taken up in the chapter to follow.

6. TRANSFORMATION: EUROPEANIZATION OF TURKEY AND THE POLITICAL DISCOURSE ON SOVEREIGNTY

6.1. Introduction

Turkey and the European Union have more than a 45-year-old contractual relationship, which was provided with a clear road map on December 1999 when Turkey was finally recognized as an official candidate for accession at the Helsinki European Council. The granting of candidate status to Turkey was linked to the expectation that the Turkish government would undertake a number of significant reforms to meet the Copenhagen criteria for EU membership. These accession criteria that were laid down at the 1993 Copenhagen European Council states:

> "Membership requires that candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and, protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union."[541]

To the fulfillment of the Copenhagen political criteria, the Turkish parliament adopted far-reaching amendments to the Turkish Constitution and enacted a number of significant legislative 'harmonization packages' throughout 2001 and 2004 with an end result that the European Council decided to open accession negotiations with Turkey in December 2004. The formal accession negotiations were finally launched on 3 October 2005. It is now over two years that Turkey and the EU have been sitting at the negotiation table, yet, while the talks are progressing at a technical level, the political

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[541]European Commission, Directorate General for Enlargement, "http://ec.europa. eu/enlargement/enlargement_process/accession_process/criteria/index_en.htm" (accessed on 24.02.2007)

relations between the two partners have soured over a number of critical issues and the progression of accession negotiations came close to a stalemate.

Set against this background, this chapter aims to analyze the impact of Turkey's European Union accession prospects and the accompanying 'democratization' process on the polarization of the public space and the articulation of dispersed political positions along two antagonistic discourses: a pro-EU 'democratic coalition' advocating '*full* membership' vs. a Euroskeptic 'republican/nationalist coalition' defending '*full* independence.' It is argued that within the discursive battle among these opposing camps, the concept of sovereignty functions as an *empty-signifier* that, given the impossibility of *fullness* either in terms of independence or membership, sustains the legitimacy of these continual, yet contradictory ideals.

In order to do this, the chapter starts out by a discussion of the dynamics of Turkey's 'Europeanization' and 'democratization' process during the 2000s. This section shows that Turkey's European integration instigates its own dialectical process of reform and resistance, where traditional binary oppositions determining the course of Turkish political life such as left/right, progressive/reactive, liberal/conservative gradually dissolve. At the same time, 'Europeanization' blurs the distinction between the outside/inside and thereby going beyond being a matter of international relations, it brings forth a critical questioning of the domestic political system in place, which inevitably involves the problematization of the prevailing doctrine of sovereignty.

In order to elucidate the reasoning and motives behind the discursive instrumentalization of the concept of sovereignty during the process in question, the third and final section undertakes an analysis of the opposing discourses developed by two antagonistic camps, namely the so-called 'Europhile democratic' coalition vs. 'Euroskeptic republican' coalition centering around the two distinctive, yet related 'sovereignty battles'. The first 'battle' relates to the question whether or not it would be possible, or desirable, to maintain the unconditional and unitary understanding of sovereignty in the Turkish polity given the prospects of EU membership. This debate leads to a dichotomically divided political space among the advocates of 'full independence' arguing that the EU integration means an 'end' to or 'loss' of national sovereignty vs. the advocates of 'full membership,' defending 'pooling of sovereignty' to the EU in return for further democratization and global integration of Turkey.

Spinning off from this discursive debate, the second 'battle' concentrates on the 'heart of the matter:' the ongoing conflict over the legitimate *source* and *location* of

sovereignty in the Turkish polity. Thereby, the resilient conflict between 'public will' vs. '*raison d'etat*' also becomes articulated to the discursive chain of equivalences created to sustain the basis of two antagonistic discourses marking the boundaries of political polarization of the post-2000 Turkey. Here, we once again come across the discursive manipulation of the concept of sovereignty, this time through the attempts to either erode or defend the legitimacy of the current balance of power in Turkish politics between the 'elected'/'democratic' vs. 'appointed'/'republican' institutions.

6.2. 'Europeanization' of Turkey and the Question of Sovereignty

The European accession process distorts the conventional boundaries between the 'inside' and the 'outside' and simultaneously facilitates economic and political convergence between the European Union and the state aspiring to become a member. Often, as it has been the case with the previous waves of enlargement, this convergence accompanies a process of democratization and thereby requires a significant structural transformation with regards to the dynamics of nation-state politics. Based on Kevin Featherstone and Giorgios Kazamias's analysis, Kıvanç Ulusoy identifies six ways in which the political structure in the member and candidate states transforms during the course of European integration: "(i) a process of institutional adaptation within government in relation to the coordination of EU policy and strategy; (ii) a process of transformation in the structural power of domestic actors – executive and technocrats, sub-national actors and institutions and the strengthening of civil society; (iii) an adjustment of the domestic macroeconomic policy regime, affecting state-economy relations; an issue of exerting a new dynamic within the domestic party system; (iv) a pressure to redefine national identity; (v) a strategic tool in the pursuit of foreign policy interests."[542]

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[542]Kıvanç Ulusoy, "The Challenge of European Governance to Turkşsh Politics and Political Structure" *Towards Accession Negotiations: Turkey's Domestic and Foreign Policy Challenges Ahead. Proceedings from the Third Annual EU-Turkey Conference, Siena, 20-21 October, 2003,* eds. Natalia Tocci and Ahmet Evin. (Florence, Italy: Robert Schuman Centre for Advanced Studies, 2004), 35. [Roman numbers are my addition]

Thus, in all these aspects, the course of 'Europeanization' initiates a debate in the accession country that goes beyond the question of international relations and entails a critical questioning of the domestic political system in place, which inevitably involves the concept of sovereignty. In Turkey too, the European integration has been linked to a challenge posed to the nation-state, both in terms of coping with an ongoing 'pooling of sovereignty' away from the central state to supranational institutions of the European Union, as well as a parallel necessity for the 'devolution of sovereignty' towards regional and local administrative units.[543] At the same time, the democratization process accompanying Turkey's integration into the EU has also contributed to the strengthening of civil society as well as political pluralism, gradually leading to a reallocation of authority from the 'center' to the 'periphery,' and thereby opening the way to the reconfiguration of the two traditionally antagonistic poles of the Turkish political system as famously theorized by Şerif Mardin.[544]

As a result, following 1999, the Turkish political discourse has been colonized by two broad coalitions 'the Europhiles' vs. 'the Euroskeptics', positioning themselves in relation to their approach towards the issue of European Union membership and its associated requirement of 'democratization'. Before charting out the discursive strategies employed by these 'coalitions' in defense of their political positions and presenting an analysis of the different functions that the concept of sovereignty assume in this regard, it is first necessary to remind us a little more in detail the context that has lead to the division of Turkish political space among these two contrary discourses:

As it has been mentioned in the introduction of this chapter, the recognition of Turkey as an official candidate for accession to the EU in 1999 constituted a turning point in the long-lasting relationship between Turkey and the EU. In return, Turkish government prepared and approved a 'National Program' in March 2001, which spelled out a road map for the harmonization of Turkish law and regulations with those of the EU, including a program for aligning with the Copenhagen political criteria. This impetus to reform materialized in a consecutive series of significant constitutional

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[543]Ziya Öniş, "Domestic politics, international norms and challenges to the state: Turkey-EU relations in the post-helsinki era," in *Turkey and the European Union: domestic politics, economic integration, and international dynamics*, Eds. Ali Çarkoğlu and Barry Rubin, (London and Portland, OR: Frank Cass, 2003), 11

[544] Şerif Mardin, "Türk Siyasasini Açıklayabilecek Merkez-Çevre İlişkileri," *Dün ve Bugün Felsefe* 1, (İstanbul: BFS Yayınları, 1985), 167-195

amendments and legislative changes (the so-called 'harmonization packages'). The first wave of major constitutional amendments (2001), three 'harmonization packages,' as well as a new Turkish Civil Code were adopted by the ruling three-party coalition of the center-left Democratic Left Party (DSP), the center-right Motherland Party (ANAP) and the nationalist-right Nationalist Action Party (NAP) between 2001 and 2002. The outcome of these extensive constitutional and legislative reforms included the easing of general restrictions on fundamental rights and liberties (such fundamental freedoms as the freedom of expression and dissemination of thought, freedom of the press and freedom of association), the lifting of death penalty in peace time, the amending of the structure of National Security Council (NSC); the elimination of a provisional article entailing a prohibition on the judicial review of the legislative acts of the NSC regime between 1980 and 1983, making it more difficult for the closure of political parties, the shortening of pre-trial detention periods, the introduction of new measures for the prevention of torture and finally allowing to broadcast in languages and dialects other Turkish.[545]

The second wave of reforms came after conservative/Islamic-right Justice and Development Party (JDP) won the parliamentary elections of November 2002 with over a third of vote (34.3%) and formed a single-party government with 363 seats in the Parliament. The only opposition party that managed to receive votes above the national threshold of 10% was the Republican's People's Party (CHP), which obtained 178 seats with 19.4 % of the vote. Given the prospects of launching formal accession negotiations with the EU, the new majority government adopted five major 'packages' of political reform in 2003 and 2004,[546] another series of constitutional amendments (May 2004), as well as a new Penal Code (2005) and a new Law (2004) and Directive (2005) on

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[545]Serap Yazıcı, "The impact of the EU on the liberalization and democratization process in Turkey," in *Turkey and the EU Enlargement*, eds. Richard Griffiths and Durmuş Özdemir, (İstanbul: İstanbul Bilgi Üniversitesi Yayınları, 2004), 95-95; - (William Hale, "Human Rights, the European Union and the Turkish Accession Process," in *Turkey and the European Union: domestic politics, economic integration, and international dynamics*, eds. Ali Çarkoğlu and Barry Rubin (London and Portland, OR: Frank Cass, 2004), 109; European Commission, The Regular on Turkey's Progress Towards Accession, Brussels, 2002; and European Commission, The Regular on Turkey's Progress Towards Accession, Brussels, 2003.

[546] These were enacted in January 2003 in Act No. 4778 (the fourth package), in February in Act No. 4793 (the fifth), in July in Act No. 4928 (the sixth), and in August in Act No. 4963 (the seventh), European Commission, *Regular Report on Turkey' Progress Towards Accession*, Brussels, 2003, 23

Associations. These reforms introduced critical measures to align relations between civil and military authorities in Turkey, including fundamental changes to the duties, functioning and composition of the National Security Council, enhancing the transparency of defense expenditures and limiting the jurisdiction area of Military Courts. At the same time, the new measures further strengthened the fight against torture, broadened the scope of fundamental freedoms, enshrined the primacy of international and European human rights conventions over domestic law in the Constitution, abolished State Security Courts and improved cultural rights for religious and ethnic groups in Turkey.[547]

As a result, in 2004, the *Regular Report on Turkey's Progress Towards Accession* prepared by the European Commission concluded that "the reform process has clearly addressed major issues and, importantly, highlighted a growing consensus in favor of liberal democracy."[548] Accordingly, the European Council decided, "on the basis of a report and recommendation from the Commission, that Turkey sufficiently fulfils the Copenhagen political criteria," and thereby the accession negotiations were finally launched in October 2005.

While these sweeping constitutional and legislative changes opened Turkey's way towards the European Union accession, the reform movement also engendered major opposition from the republican and nationalist political groups, voiced mainly through the opposition parties in the Parliament, notably the Nationalist Action Party (between 1999 and 2002 and again after 2007) and the Republican People's Party (since 2002). Thus, 'Europeanization,' has engendered a process of reform and resistance, where traditional binary oppositions determining the course of Turkish political life such as left/right, progressive/reactive, liberal/conservative have blurred. In a way, rather than being an end in itself, the European accession process has been instrumentalized as a mean to find answers to Turkey's overarching political challenges.

As discussed in the introduction of this study, from the perspective of discourse theory, a project employing the *logic of equivalence* "seeks to divide social space by

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[547]European Commission, *Regular Report on Turkey' Progress Towards Accession,* 2003 and European Commission, *Regular Report on Turkey' Progress Towards Accession,* 2004.

[548]European Commission, *Regular Report on Turkey' Progress Towards Accession,* 2004, 15.

condensing meanings in two antagonistic poles;"[549] in other words, *the logic of equivalence* "functions by splitting a system of differences and instituting a political frontier between the two opposed camps."[550] And in so doing, it produces and makes use of *empty-signifiers*, necessary for organizing societies on the basis of ideals that are indeed unattainable due the lack of social closure. Thus, in a similar fashion, the project of Turkey's 'Europeanization' and the 'democratization' process it stipulates instigated a discursive battle, which has polarized public space and articulated a number of dispersed political positions along two antagonistic poles: a pro-EU 'democratic coalition' advocating '*full* membership' vs. a Euroskeptic 'republican/nationalist coalition' defending '*full* independence.' Within this discursive battle, the concept of sovereignty has functioned as an *empty-signifier,* maintaining the legitimacy of these ongoing, yet contradictory ideals, despite the impossibility of *fullness* either in terms of independence or membership.

Prior to going into the dynamics of this discursive debate centering around the concept of sovereignty during the integration process between the EU and Turkey throughout early 2000s, it is first necessary to identify its major actors and their underlying motives: As explained, Turkey's European integration process has been a catalyst for reshuffling traditional coalitions and the so-called 'blocs' in Turkey and for bringing other-wise politically disparate groups together either in their discursive support for or opposition to the democratization momentum achieved in Turkey with the push of European Union membership prospect.

The first and the so-called Europhile 'democratic coalition' has been predominantly made up of groups in search of the demise of the state's overwhelming and hegemonic authority over society and individuals. To this end, this coalition views Turkey's potential membership to the EU as a critical process for ensuring the effective implementation of the rule of law, the respect for and protection of minorities and human rights, as well as for putting in place a well-functioning 'civilian' political order in Turkey. Particularly Islamic and Kurdish political movements, liberals, social democrats and the majority of Turkey's business community (mostly represented under the banner of TÜSİAD) fall under this category.

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[549]Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics,* 110.

[550]David Howarth, Aletta J. Norval, and Yannis Stavrakakis, *Discourse theory and political analysis: Identities, hegemonies and social change*, 11.

Here it is important also to note that the EU integration process has not only engendered new alliances in Turkey, but has also destabilized the existing ones, the Islamic bloc being the most noteworthy example. The establishment of Justice and Development Party (JDP) in 2001, as an offshoot of the Islamic parties under the leadership of Necmettin Erbakan, also meant a certain break away from the nationalist/inward-looking strand of Islamic politics.[551] In contrast to the 'Nationalist Outlook' (*Milli Görüş*) line of Erbakan, advocating 'national developmentalism' and 'Union of Islamic Countries against the West" propagated under his project of establishing a 'Just Order' in Turkey,[552] JDP adopted the language of liberal internationalism, supporting enhanced global engagement of Turkey both at political and economic levels.[553] At the same time, while the stances of the left and center-right parties remained ambiguous with regards to the EU accession process-instigated democratization momentum in Turkey, JDP presented itself as the new 'champion' of democratic and pluralistic movement. Yılmaz links the success of the party to its ability to amalgamate various themes of appeal to politically eclectic groups under the same discourse:

> "As far as the political accomplishments of the AKP are concerned, the most striking among these would be that it allowed such a great diversity of approaches to be expressed in such an empathic manner of encoding. This points to the fact that the AKP has established a substantial hegemony over Turkish politics at the grassroots as well as academic levels. The primary reason behind this hegemony was not what the AKP has done, but rather, the fact that it has managed to articulate contrasting discourses in an ambiguous and eclectic manner in itself. It has further succeeded in mobilizing the support of many different circles through its various approaches: The support of those who traditionally endorse foreign intervention to improve the conditions at home through its approach towards issues such as Cyprus and the EU; of all mainstream parties – whether rightist, liberal, conservative or social democrat – thanks to its economic policies, and of more radical circles such as Islamists and leftists through its discourse on human rights and freedoms."[554]

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[551] M. Emin Yaşar, "İskenderpaşa Cemaati," *Modern Türkiye'de Siyasi Düşünce: İslamcılık.* (İstanbul: İletişim, 2004), 338.

[552] Ruşen Çakır, "Milli Görüş Hareketi," *Modern Türkiye'de Siyasi Düşünce: İslamcılık.* (İstanbul: İletişim, 2004), 557-568.

[553] Nuh Yılmaz, "İslamcılık, AKP, Siyaset," *Modern Türkiye'de Siyasi Düşünce: İslamcılık.* (İstanbul: İletişim, 2004), 610-611; Ruşen Çakır, "Milli Görüş Hareketi," 573.

[554] Nuh Yılmaz, "İslamcılık, AKP, Siyaset," 614.

While trying to distance itself away from a close, and in a way politically more restrictive, association with the Islamic movement and thereby extending its area of political maneuver, JDP introduced a new terminology to Turkish political life by defining itself as a 'conservative-democrat' mass party.[555] This novel combination tries to bring together traditionalism/conventionalism[556] in respect to social and cultural issues with a 'democratic' outlook underlining the significance of strengthening civil society and politics, respecting diversity, extending freedoms and locating the 'individual' at the center of politics.[557] Or in other words, while the emphasis on conservatism links JDP to the Muslim *Weltanschauung*, the 'democrat' suffix associates the political project of the JDP with the objective of transforming the 'authoritarian' underpinnings of the Kemalist state. At the same time, this 'conservative-democrat' ideology declares its support for economic liberalism[558] and global integration, as long as that integration does not destroy local cultures.[559]

Thus, during the 2000s, 'globalized conservatives'[560] joined under the banner of JDP have positioned themselves as one of the leading proponents of the parallel

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[555]In a conference entitled "Uluslararası Muhafazakarlık ve Demokrasi Sempozyumu" organized by Society of Liberal Thought in 2004, Prime Minister Erdoğan delivered a speech describing JDP as a party, which embraces a political position combining the concepts of conservatism and democracy. This speech was utilized as a prologue to *Conservative Democracy* booklet, prepared by Yalçın Akdoğan, the political advisor to the Prime Minister Recep Tayyip Erdoğan and a columnist at *Yeni Şafak* daily newspaper. This booklet has been labeled as the 'summary ideology' of the Justice and Development Party and can be reached at JDP's official website: www.akp.org.tr. In this booklet, Akdoğan explains the motives of JDP for associating itself with 'conservative-democracy' under four headings: "(i) To normalize politics; (ii) To reposition politics within a realistic framework; (iii) To create a unique conservative party; (iv) To produce and conduct an encompassing strategy of politics (*kuşatıcı bir siyaset tarzı üretmek*)" (Yalçın Akdoğan, *Muhafazakar Demokrasi,*11-12).

[556] In his book *Türk Sağı ve AKP*, Hasan Bülent Kahraman argues that the political position of JDP cannot be labelled with the term 'conservatism' in the sense of the Western context, since JDP and its leadership does not possess the necessary ideological formation in this regard. Instead, Kahraman offers to think JDP's position within the line of 'traditionalism' or 'conventionalism'. Please see Hasan Bülent Kahraman, *Türk Sağı ve AKP*. (İstanbul: Agora, 2007), 146-151.

[557]Yalçın Akdoğan, *Muhafazakar Demokrasi.* Retrieved 10.15.2007 from http://www. akparti.org.tr/muhafazakar.doc

[558]Ibid.17-19.

[559]Ibid.4.

[560]Ruşen Çakır, "Milli Görüş Hareketi,"575.

processes of 'Europeanization' and 'democratization' in Turkey. And in this respect, one of the most remarkable developments of the post-2000 Turkey has been a rather unprecedented and odd *articulation* of 'Islamic,' 'democratic,' 'liberal,' and 'conservative' approaches to politics against the discourse of, what Ziya Öniş calls, 'defensive nationalists'.

This opposing 'defensive nationalist' Euroskeptic (and at times 'Eurorejectionist') coalition consists of the nationalist groups and the republican elite, mainly united in their reluctance "to relinquish their 'sovereignty' over key areas of policy that would directly undermine their privileged positions or interests."[561] As far as the republican elite is concerned, during the post-2000 period, its position vis-à-vis the Turkish integration into the EU gradually shifts from advocacy towards a 'conditional support', and the reasoning behind this transformation is best expressed in the following passage by Çağlar Keyder:

> "When the European Union recognized the candidate status of Turkey in the Helsinki Summit held in December 1999, the state elite and politicians in Ankara were utterly astounded. Such an obvious possibility of transferring sovereignty could be reckoned as equivalent to admitting the fact that the era of national independence and the top-to-bottom process of nation-building was now over, and that there was no need for the unquestionable role of the state in social engineering anymore…. The state elite had led itself to an impasse. As soon as they discovered the situation they were in, they began to go through the possible problems that could arise during the accession process to the European Union. Consequently, the army in particular but also the members of the bureaucracy and the judiciary revealed their dissenting stances for the first time. Once it was understood that there could be no bargaining upon the Copenhagen criteria, various comments were made on why the Turkish state would not be able to implement these… The main issue was, of course, revolving around whether the Turkish society and its political elite were willing to relinquish the nation state."[562]

Faced against the above-outlined context, the following part analyzes the 'battle' between the 'Europhile democratic' vs. 'Euroskeptic republican' coalitions, a discursively constructed antagonism marking the boundaries of polarization in the post-2000 Turkish politics, in order to understand how the main actors of each discourse strategically attempt to utilize the concept of sovereignty in defense of their respective political ideals:

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[561]Ziya Öniş, "Domestic politics, international norms and challenges to the state: Turkey-EU relations in the post-helsinki era," 10-11.

[562]Çağlar Keyder, *Memalik-I Osmaniye'den Avrupa Birliği'ne,* 236-237.

6.3. 'Europhile Democratic' vs. 'Euroskeptic Republican' Discourses

For the reasons discussed above, Turkey's journey into the European Union during the 2000s needs to be conceived as a process that not only instigated a debate over the possibility of 'sharing sovereignty' with or 'pooling sovereignty' to a supranational institution (in this case the EU) through overlapping dynamics of multilevel governance, but going beyond that, as a process that have shaken the very foundations underlying the current doctrine of sovereignty upon which the Turkish political system has been built. In this respect, it should be stressed that the reshuffling of traditional power hubs as a consequence of the reform process of the post-2000 period has first and foremost contributed to the exposition of the ongoing conflict over the legitimate *source* and *location* of sovereignty in Turkish politics. However, prior to discussing the 'real heart of the matter', we will first concentrate our analysis on the discursive instrumentalization of the concept of sovereignty within the first and in a way 'external' dimension of the debate centering on the question whether or not it would be possible or desirable to 'share sovereignty' with or 'pool sovereignty' to the European Union, given the current understanding of sovereignty in Turkey as 'unconditional' and 'indivisible'. Here, on the one side, we witness the articulation of the 'conservative-democratic' and the 'liberal-democratic' arguments in a single discourse in underlining the necessity for a renewed understanding of sovereignty in Turkey to respond to the democratization of political life as a result of 'Europeanization' (foreseen through both participation in the EU's supranational governance structures and strengthening of subnational administrative units). On the other side, the 'nationalist/republican bloc' associates the EU accession process with an end to 'Turkish national sovereignty' and therefore a loss of 'full independence', demolishing the twin ideals sustaining the *raison d'etre* of Kemalist Republican regime. Presented below is a more detailed analysis of the discursive dynamics surrounding this 'sovereignty battle':

6.3.1. 'Sovereignty Battle' I: 'Full Membership' vs. 'Full Independence'

During the period in question, the leadership cadres of the Nationalist Action Party (NAP), a coalition member in the three-party 57th Government in effect between May 1999 and November 2002 and an opposition party in the current Parliament (23rd), stand out as one of the leading political 'spokesmen' of the Euroskeptic view[563] in relation to the perceived threat of European Union membership to Turkish national sovereignty. In understanding the scope of the discursive strategies employed by NAP to highlight the potential 'dangers' of EU membership on the Turkish conceptualization of 'absolute and unconditional sovereignty,' it is useful to look a little closer at various speeches delivered and articles written by the party leadership:[564]

To start with, NAP concentrates its Euroskeptic discourse on the antagonistic relationship that it builds between the protection of Turkey's national interests and the country's projected road to integration with Europe. NAP describes the ongoing process as a "one-sided imprisonment" and instead calls for "a partnership based on fairness and integrity" between the EU and Turkey.[565] For NAP, given its historical background and social structure, Turkey constitutes a 'unique case' displaying a number of critical and 'non-transgressable' national sensitivities and in this respect the party blames the EU for intentionally overlooking and at times provoking these points of rupture. While on

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[563]Among the significant secondary sources, which point to NAP's 'spokesmanship' for the anti-European discourse during the period under survey, are three articles Nergis Canefe and Tanıl Bora, "Intellectual Roots of anti-European sentiments in Turkish Politics: The case of radical Turkish nationalism" in *Turkey and the European Union: Domestic Politics, Economic Integration, and International dynamics,* eds. Ali Çarkoğlu and Barry Rubin, (London and Portland, OR. Frank Cass. 2003), 127-148; Ziya Öniş, "Domestic Politics, International Norms and Challenges to the State: Turkey – EU relations in the post-Helsinki Era" in *Turkey and the European Union: Domestic Politics, Economic Integration, and International dynamics,* 9-34 and Gamze Avcı, "Turkey's Slow EU Candidacy" in *Turkey and the European Union: Domestic Politics, Economic Integration, and International dynamics,* 149-170.

[564] The collective gist of NAP's approach with regards to the question of Turkey's European integration can be found in two key documents: *Türkiye ve Siyaset,* March/April 2002 (a quarterly journal published by NAP and this whole issue is dedicated to the Turkish-EU relations) and Devlet Bahçeli, *Son Gelişmeler Işığında Türkiye'nin AB Üyeliği ve Milliyetçi Hareket Partisi: Temel Yaklaşım Biçimimiz ve Görüşlerimiz.* (Ankara; Milliyetçi Hareket Partisi, 2002).

[565]Devlet Bahçeli, "Türkiye-AB İlişkilerinde kırılma noktaları ve gerçekçi bakış açısının önemi," *Türkiye ve Siyaset.* (March/April 2002): 8-10.

the one hand NAP charges certain European leaders and EU institutions, notably the European Parliament, for carrying out a 'hidden agenda' to upset the internal balance with regards to the territorial and national integrity of Turkey, NAP does not categorically reject Turkey's EU membership, instead underlines its conditional support along these lines:

> "European Union membership of Turkey should be achieved by preserving our national unity and integrity as well as our frame of unitary state. The utmost efforts should be taken to materialize the membership through a process of transformation and reform which would not harm the fabric of our society, not destroy our common values and not jeopardize internal peace and stability."[566]

Within the discourse of NAP, it is the Copenhagen political criteria that draw most attention and criticism with respect to its perceived threat to national sovereignty. First of all, for NAP, the impositions of the EU carried in the context of the fulfillment of the Copenhagen criteria prove very much in line with the political interests of PKK and therefore remain open to much abuse in the Turkish case:

> "The demands of the European Union from Turkey in the name of the Copenhagen criteria match the political objectives of the terrorist organization. In the face of this fact, it is not possible to evaluate these demands as innocent requests required for democratization."[567]

The associated demands such as the annulment of death penalty inclusive of crimes related to terrorism, the permission of broadcasting and education in languages and dialects other than Turkish all reveal the EU's support for Kurdish secessionist claims and that the European 'reinterpretation' of this criteria in the Turkish case mainly targets the "Southeastern question in Turkey."[568] Thus, for NAP, the linkage of the Copenhagen criteria to the Kurdish question emerges as an intentional design to distance, and not to converge, Turkey with the EU.

Besides the issue of 'enhancing the basis of secessionist threat and terrorism under the cover of democratization', the question of Cyprus emerges as the second point of focus in NAP's Euroskeptic discourse. Here too, NAP charges the EU for its 'double standard' in extending membership invitation to a divided island, while failing to end the isolation of Turkish Cypriots and disregarding Turkey's recognition demands for Turkish Republic of Northern Cyprus. In this perspective, Bahçeli warns the EU not to

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[566]Devlet Bahçeli, *Son Gelişmeler Işığında Türkiye'nin AB Üyeliği ve Milliyetçi Hareket Partisi: Temel Yaklaşım Biçimimiz ve Görüşlerimiz,* 59.

[567]Ibid.102.

[568]Ibid.60-61 and 74-86.

force Turkey for a trade-off between its national interests in Cyprus and EU membership, and to this end makes it clear that in the case that Turkey is faced with such a decision, under no conditions TRNC's independence could be sacrificed for integration with the EU.[569]

While the above-presented discussion demarcates the main themes of NAP's political discourse in relation to the protection of unitary and absolute sovereignty of the Turkish nation-state faced against a potential EU membership, a more specific and legal discussion on NAP's position with regards to the incompatibility of European and Turkish approaches to sovereignty is outlined in an article by Muharrem İskenderoğlu entitled "Avrupa Birliği Hukuku ve Milli Egemenliğin Devri" published in the EU-Turkey relations issue of *Türkiye ve Siyaset*, the official journal of the party. The article starts off by a critique of the advocates of a constitutional reform in Turkey in order to make it legally possible for the 'transfer of Turkish sovereignty' to the European Union and accuses the Europhile circles for either not coming to terms with or concealing the 'real meaning' of this transfer:

> "Turkish War of Independence has been regarded as synonymous with national sovereignty, just as the spirit and the very existence of the Turkish Republic were evaluated as synonymous with the Turkish nation's right to national sovereignty. It will not be easy and easily acceptable as it is thought to share or transfer national sovereignty, the founding philosophy of the Turkish Republic, even for the sake of accession to the European Union as a full-fledged member. In this context, it should be remembered that almost all European countries had called for a referendum at the stage of ceding sovereignty and realizing EU membership, and never took such vital decisions without asking the opinion of their own people. Furthermore, the mentioned countries largely share common beliefs and cultures. Nevertheless, they have been extremely meticulous as regards the transfer of sovereignty. It is obvious that a country like Turkey, which, only 80 years ago, was imposed with the map of the Treaty of Sevres; possessing a different culture and religion; and facing never-ending impediments on the way to its full membership, should act in a much more deliberate and prudent manner."[570]

Thus, İskenderoğlu sets out to decipher the potential perils of this requested 'transfer' of sovereignty to the EU through following arguments: First, he declares that the ultimate aim of the EU is to form a federal or a confederal 'United States of

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[569]Devlet Bahçeli, *Son Gelişmeler Işığında Türkiye'nin AB Üyeliği ve Milliyetçi Hareket Partisi: Temel Yaklaşım Biçimimiz ve Görüşlerimiz,* 83-91.

[570]Muharrem İskenderoğlu, "Avrupa Birliği Hukuku ve Milli Egemenliğin Devri," *Türkiye ve Siyaset Dergisi,* (Mart-Nisan 2002): 59.

Europe;'[571] Then, he underlines the distinction between international law and the supranational law of the EU and argues that the supranational nature of European law and its extension in multiple areas of policy-making are indeed designed to 'confiscate the sovereignty of the Member States' to support the legal basis of the foreseen political union.[572] Here, he also criticizes the European conception of sovereignty for destroying the principle of sovereign equality among states and for subordinating national sovereignty of the Member States to the sovereignty of the European Union. For İskenderoğlu, Turkish sovereignty represents the last fortress to be 'confiscated' in order to realize the dream of 'Greater Europe', encompassing De Gaulle's vision extending from the Atlantic to the Ural mountains. The fulfillment of this dream requires the disintegration of both Turkey and Russia.[573]

Next, İskenderoğlu undertakes an analysis of the constitutional structures of France and Germany and explains under what conditions the legal transfer of national sovereignty has been possible in these countries. Set against these explains, he positions Turkey as a unique and different case, where such legal arrangements could lead to the destruction of Turkish national unity, a hard-won achievement despite the historical lack of social and cultural homogeneity.[574] After exposing the 'concealed potential linkage' between the requested Turkish transfer of sovereignty to the European Union, the dissolution of Turkish national unity and the establishment of European political union, İskenderoğlu contends that an amendment to the Article 6 of the Turkish Constitution can only be foreseen following the approval of the Turkish nation based on a referendum result. And then, during the referendum period, it would be up to 'responsible intellectuals and politicians' to show Turkish public that the EU is not the only alternative for Turkey's future endeavors. As this analysis illustrates, NAP already positions itself against the foreseen future pressures to amend the Turkish constitutional conception of sovereignty to fit Turkey into the supranational political structure of the EU.

One other important actor of the post-2000 Turkish politics in respect to the 'sovereignty dispute' contextualized within Turkey's European integration is

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[571]Muharrem İskenderoğlu, "Avrupa Birliği Hukuku ve Milli Egemenliğin Devri,"46-48.

[572]Ibid.49-52.

[573]Ibid.55-56.

[574]Ibid.54-55.

Republican People's Party (RPP), the main opposition party in the Turkish Parliament since 2002. Having M. K. Atatürk as its founding father and its roots in the establishment of the Turkish Republic, the party positions itself as the "assurance of national sovereignty" and "the guardian of the Republican regime" in Turkey.[575] Trapped in between its self-ascribed guardianship of 'Turkish national sovereignty' and its historical support for 'Westernization', RPP portrays what can be called an 'ambiguous' position with regards to the issue of Turkey's potential membership to the EU and this ambiguity is reflected in its official documents and public contact.[576] Between 2002 and 2007, the party line in fact toughens from a more supportive outward-looking stance towards a conditional inward-looking support for Turkey's integration into the EU: In 2002, RPP labels the objective of EU membership as a crucial societal transformation project and as the best assurance of a strong and globally-integrated Turkey and to this end pledges to proceed with the Turkish accession process in the fastest pace possible. Yet in 2007, the focus shifts towards a "decisive protection of Turkish national interests" in the face of growing skepticism towards the intentions of European leadership and "the government's one-sided concessions" to the EU. This shift can also be observed in the headline taken from 2007 election campaign booklet: "Our EU Target: A full membership based on equal conditions and respectful of our principles of 'Nation-State, Unitary State and Secular State.'"[577] This time, there is also an emphasis on the idea of a 'strong' and 'principled' Turkey *with or without* the EU.

This changing perception of the party towards the issue of Turkey's European integration should be evaluated within the broader context of the growingly conservative/nationalist political position adopted by RPP between 2002 and 2007. This

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[575]*Cumhuriyet Halk Partisi, Parti Meclisi Çalışma Raporu, 31. Olağan Kurultay,* 19–20 Kasım 2005, Ankara. Retrieved 10.07.2007 from http://www.chp.org.tr.

[576]In the official website of the party, there is a section dedicated to the EU–Turkey relations under the heading of "World and CHP"; however, there is no text or document attached under this field. Thus, while the RPP publicly declares a conditional support to the EU membership, the official party position is not elaborated in-depth and comprehensively in a collective form. Given this lack, the only possible sources for extracting the contours of the RPP discourse with regards to the EU include the RPP General Election Pledges/Programmes (2002 and 2007), the reports of the party conventions and Central Administration Committtee (Merkez Yönetim Kurulu - MYK) meetings, as well as public speeches/statements delivered by the party leadership.

[577]*CHP Seçim Pusulası 2007.* Retrieved 10.07.2007 from www.chp.org.tr.

development becomes evident through a comparison of the party's 2002 and 2007 election programmes: The 2002 election campaign mainly focuses on the need for "a new start" in Turkish politics to end corruption and to achieve economic growth, prosperity and social justice. However, given the improvements in Turkish economy, the escalation of PKK terrorism and the polarization of Turkish politics over the issues of secularism and political Islam during the five years leading to the general elections of 2007, RPP's 2007 campaign now concentrates primarily on the perception of ongoing threat – both internal and external - directed towards the unity of the Turkish nation-state and its secular Republican regime.[578] Turkey is portrayed to be at a point of no return and the only solution forward is presented in achieving 'a republican integration.'

In the defense of Turkey's national interests vis-à-vis 'the internal and external threats', RPP makes use of a discursive strategy focusing on the concept of sovereignty, which usually runs along these lines: Emphasizing party's foundational principles developed by Atatürk and his supporters, RPP positions itself as the legitimate successor of the 'anti-imperialist' Turkish national movement of independence, *Kuvva-i Milliye* and *Müdafaa-i Hukuk*, the achievements of which were the establishment of a fully independent Turkish nation-state, deriving its strength from the institution of a common national identity and solidarity based on the principle of national sovereignty. Therefore, RPP emerges as the 'natural guardian' of this principle against all foreign and domestic influences that might undermine the power and integrity of the Turkish-nation state.[579] Hence, within the discourse of RPP, 'national sovereignty' becomes equated with 'full independence' and to the fulfillment of its self-imposed mission to protect these two republican ideals, upon which the Kemalist regime has been established, RPP justifies its increasingly insular and defensive approach to international relations as well domestic politics. In this perspective, RPP in many occasions criticizes JDP for forging an alliance with neo-liberals, and for "together

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[578]The change in the political positioning of the party is also evident in the presentation of main issues in RPP 2007 Election Pledge in the following order (from top to bottom): (i) terror and security, (ii) secularism, (iii) foreign policy, (iv) human rights, (v) judiciary, (vi) corruption, (vii) economy and so on; the least important ones being (this time from bottom to top) (i) RPP's relationship with international social democracy, (ii) environment and tourism, (iii) transportation, (iv) public administration and urbanization, (v) regional development, (vi) youth and women, (vii) education and culture; *CHP Seçim Pusulası 2007.* Retrieved 10.07.2007 from www.chp.org.tr.

[579]*CHP 30. Olağan Kurultayı Temel Sorunlar ve Temel Çözümler Bildirgesi*, Ankara, 2003. Retrieved 10.07.2007 from www.chp.org.tr

executing new foreign policy inclinations and a process of privatization/'foreignification' (yabancılaştırma) going against our tradition of fight against imperialism and full independence."[580] In opposition to a 'politics of global concessions', RPP describes the safeguarding of the Lausanne Treaty of 1922 as its *raison d'etre*:

> "It is our raison d'être to stand forth as the protector of the Treaty of Lausanne… Celebrating the 82nd anniversary of the treaty through panels and meetings held in several province and district centers, our party, particularly with the activities it organized in Istanbul and Ankara, once more reminded all reactionaries – first and foremost the AKP – who have attempted to offer alternatives against the secular democratic republic and so-called liberals (neo-liberals, second republicans) as well as all foci of power at home and abroad of the following message: 'We shall always stand forth as the protector of the TREATY OF LAUSANNE and shall never allow any breach of the TREATY.'"[581]

With regards to RPP's outlook on the broader issue of foreign policy and Turkish involvement in world affairs, "submissionism" (*"teslimiyetçilik"*) now appears as a frequently revoked term in the party's language, recurrently appearing in official documents and various speeches delivered by the RPP Chairman Deniz Baykal and the Deputy Chairman Onur Öymen, particularly in relation to the issues of Turkey's EU membership, Cyprus, Iraq and US relations.[582] An example of this outlook can also be found in a speech delivered by RPP Deputy Chairman Onur Öymen:

> "National interests of states require independence before everything else, and independence is not a concept that can vary with changing circumstances. Let us here remember what Atatürk said in the year 1923: 'Independence of the Turkish state is sacred, and is to be secured and preserved forever.' The concept Atatürk used together with independence is 'sovereignty'. The aphorisms of Atatürk regarding sovereignty and independence are not confined to the circumstances of the time. All these also pertain to the future of this country, and further possess the attribute of an advice, and even a bequest for future generations. Could we really argue that since the circumstances have changed, independence has lost its former insignificance? Was not there any system of alliances during Atatürk era? And did he himself not make Turkey a member of Balkan Pact and Saadabad Pact? Did entering into pacts or alliances eliminate the

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[580] *Cumhuriyet Halk Partisi, Parti Meclisi Çalışma Raporu, 31. Olağan Kurultay,* (Ankara, 19–20 Kasım 2005), 18 (Retrieved 10.07.2007 from www.chp.org.tr)

[581]Ibid.14

[582]*CHP 30. Olağan Kurultayı Temel Sorunlar ve Temel Çözümler Bildirgesi,* Ankara, 2003; *CHP'nin 31. Kurultayına Sunulan Temel Çözümler Bildirgesi,* 19-20 Kasım 2005, Ankara.; *Cumhuriyet Halk Partisi, Parti Meclisi Çalışma Raporu, 31. Olağan Kurultay,* 19–20 Kasım 2005.

sovereignty and independence of any state? Of course, it did not, and nor it does today…. Atatürk's perspective cannot be regarded as one against such alliances and the sharing of sovereignty in such a manner. What Atatürk opposed was submission. For him, submission meant bowing to the will of other countries, which did not only entail losing one's independence, but also losing his dignity."[583]

This discursive emphasis on 'submissionism', giving up not only national independence but also national dignity, introduces another normative dimension to the 'sovereignty debate' and at the same time articulates the political arguments of RPP and the 'Nationalist Front' (*Ulusalcı Cephe*) under the same discourse. As discussed in detail throughout the previous chapter, within the discourse of 'Nationalist Front', the defense of 'national sovereignty' and 'full independence' constitute the two most important complimentary/identical political ideals for safeguarding Kemalism and the Republican regime based on this ideology. In this perspective, the leading representatives of the 'Nationalist Front' (*Ulusalcı Cephe*) such as Atilla İlhan, Erol Manisalı, Suat İlhan, İlhan Selçuk, Necla Arat, Hüsnü Merdanoğlu, Arslan Bulut, Alpaslan Işıklı, Halit Kakınç and various other writers/opinion leaders mainly concentrated around the publications such as *Cumhuriyet, İleri, Kızıl Elma,* and *Türk Solu* join in the statist/nationalist discursive line in declaring Turkey's potential membership to the EU as an *end* to both national sovereignty and independence.[584] The gist of 'Nationalist Front' position with regards to the issue of sovereignty and Turkey's European integration is expressed in the following quote from Suat İlhan:

"If we share national sovereignty – which Atatürk had added as cement to the foundation stone of this state and society – and its indispensable and natural prerequisite; namely independence, with the institutions of the EU, then this country will be deprived of these virtues and will end up simply as

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[583]Onur Öymen, "*Dış Politikanın Dünü ve Bugünü,*" Atatürkçü Düşünce Derneği Semineri, 9 June 2004. Retrieved 10.18.2007 from http://www.onuroymen. com/docs/konusma72.doc.

[584] The collective and examplary thrust of 'Nationalist Front' arguments against Turkey's EU integration can be found in the following publications: Hüsnü Merdanoğlu, *Küreselleşme Sürecinde Atatürkçü Düşünce: Türkiye'nin Avrupa Birliği'ne Üye Olma Girişimine Atatürkçü yaklaşım,* (Ankara: Güldiken Yayınları, 2001); Suat İlhan, *AB'ye Neden Hayır? Jeopolitik bir Yaklaşım,* (İstanbul: Ötüken, 2001); Suat İlhan, *Avrupa Birliği'ne neden Hayır?: 2* (İstanbul: Ötüken, 2002); Erol Manisalı, *Türkiye-Avrupa İlişkilerinde Sessize Darbe.* (İstanbul, Derin Yayınları, 2002); Erol Manisalı, *'Avrupa Birliği', çıkmaz sokak!* (Ankara: Bilgi Yayınevi, 2005); Atilla İlhan (ed.) *"...bir millet uyanıyor!..."* (Ankara ve İstanbul: Bilgi, 2005); Erol Manisalı, *Hayatım Avrupa.* (İstanbul: Truva Yayınları, 2006), Selim Somçağ, *AB – Kıbrıs – Ermenistan: Bir Teslimiyet Güncesi,* (İstanbul: 2006 Yayınevi, 2006).

a province of the EU … If we are admitted as a member of the EU, then the true nature of our independent republic, which was founded by Atatürk and is based on the principle of unrestricted and unconditional national sovereignty, will be distorted."[585]

Here, it is important to note that 'Nationalist Front' differentiates between 'developmentalism/modernism' and Westernization, arguing that Westernization becomes a target for Turkey only following the policies of İsmet İnönü that display a stark contrast to the nationalist developmentalism of Atatürk.[586] Therefore, the current Europhile coalition is blamed for deviating from the way of Atatürk and instead opting for İnönü's direction, which is identified with a return to the *Tanzimat* period, preparing the ground for fulfilling Europe's perpetual intention 'to disintegrate and rule Turkey'.[587] As a result, 'Nationalist Front' concludes that Atatürkist thought and European integration can never exist in parallel to one another since Europe always searches for 'subjects' with the intention of colonization.[588] The European perception of Turkey as a 'subject' and never as 'an equal partner', let alone a 'friend', is a frequently referred idea in the writings of 'Nationalist Front' and in this regard the 'defense of sovereignty' is often brought up as means to protect Turkey's national integrity in face of one-sided European demands. Thus, within the discourse of the nationalist/statist camp, sovereignty assumes meanings beyond a legal and a political concept, and often becomes charged with emotive/affective connotations, an example statement of which declares: "In the history of humanity, the notion of sovereignty carries the meaning of honor, pride, dignity and respect." [589]

In this perspective, the European Union accession process represents the latest stage of Turkey's colonization by Europe, finally allowing Turkey's enemies to fulfill their objectives: The bringing up of the 'Kurdish question', 'the Cyprus issue' and 'Armenian claims' during Turkey's accession process to the EU stands out as the most

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[585]Suat İlhan, Avrupa Birliği'ne neden Hayır?: 2 (İstanbul: Ötüken, 2002), 36-37.

[586]Atilla İlhan, "...bir millet uyanıyor!..." (Ankara ve İstanbul: Bilgi, 2005), 59-60.

[587]Ibid.133.

[588]Suat İlhan, AB'ye Neden Hayır? Jeopolitik bir Yaklaşım, (İstanbul: Ötüken, 2001), 95; Hüsnü Merdanoğlu*, Küreselleşme Sürecinde Atatürkçü Düşünce: Türkiye'nin Avrupa Birliği'ne Üye Olma Girişimine Atatürkçü yaklaşım*, (Ankara: Güldiken Yayınları, 2001).

[589] Hüsnü Merdanoğlu, *Küreselleşme Sürecinde Atatürkçü Düşünce: Türkiye'nin Avrupa Birliği'ne Üye Olma Girişimine Atatürkçü yaklaşım*, 61.

vivid example of these 'hidden intentions'.[590] Moreover, similar to NAP, 'Nationalist Front' also blames the Copenhagen Criteria for trying "to dissolve national unity and harmony by creating new minorities within the Turkish nation, by forcing Turkey to recognize to so-called Armenian 'genocide', by giving the Kurds political autonomy or the right to a federal state and for transferring the administrative rights of the Tigris and Euphrates rivers to an international regime."[591] The example of Yugoslavia is often revoked to blame the EU for having a contribution in the disintegration process of nations.[592] As a result, as Sadi Somuncuoğlu claims:

> "The negotiations period and the preceding process were subjected to more than 100 conditions which would lead to the dissolution of Turkey, and thus unblocked the way towards the alienation of sovereignty even before the accession to the EU; foreseeing the shrinking and total subjugation of Turkey; and literally a transition to 'a postmodern mandate rule'."[593]

In sum, the prospects of Turkey's European accession and the related tensions centering on the issue of sovereignty contribute to the articulation of demands of the nationalist-right with the traditional forces of the 'Left' in Turkey, and in this context, the issue of sovereignty acts as a nodal point that helps to unify these seemingly disparate groups through the formation of a hegemonic conservative-nationalist discourse concentrating on the defense of 'national sovereignty' vis-à-vis the 'threat' posed by the European Union. This position puts the nationalists/statist coalition in direct confrontation with the so-called 'democratic coalition,' the composition of which has been discussed in the preceding section. The 'Nationalist Front' labels this coalition as '*komprador aydınlar*'[594] or as '*neo-tanzimatçılar*' for their claimed failure to

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[590]Selim Somçağ, *AB – Kıbrıs – Ermenistan: Bir Teslimiyet Güncesi,* Arslan Bulut, "Küresel saldırıya küresel cevap," in *"...bir millet uyanıyor!...";* Cüneyt Yenigün, "Milli Egemenlik ve Supranasyonalizm İkilemi: Türkiye ve Avrupa Birliği'nin dış politikalarının analizi" in *Tüm yönleriyle Türkiye-AB ilişkileri,* eds. Mustafa Aykaç and Zeki Parlak, (İstanbul: Elif Kitapevi, 2002).

[591]Arslan Bulut, "Küresel saldırıya küresel cevap," 99.

[592]Alpaslan Işıklı, "AB ve GOP kıskacında Türkiye," *...bir millet uyanıyor!...* ed. Atilla İlhan, (Ankara ve İstanbul: Bilgi, 2005), 160.

[593]Sadi Somuncuoğlu, "Ahval ve şeriatimiz, 'Aydınlar cepheye' diyor," *...bir millet uyanıyor!...* ed. Atilla İlhan, (Ankara ve İstanbul: Bilgi, 2005), 266.

[594] For Atilla İlhan the term of 'komprador aydınlar' refers to the manipulation of a local intellectual, "chosen among the local population, his religion, language and culture converted, or to put it more correctly made void of any culture, and accordingly submitted to the will of the dominant metropolitan country" (Atilla İlhan, *İntibâh*

distinguish between Westernization and modernization[595] and for their wish to sacrifice Turkey's 'full independence' in exchange of 'full membership' to the EU. Presented below is a discursive analysis of the strategies employed by the 'democratic coalition' in defense of Turkey's 'democratization' and 'Europeanization' process and the discursive instrumentalization of sovereignty within this framework:

Among the 'conservative Muslim-democrats', the ideas of Yalçın Akdoğan, often referred as one of the leading ideologues of the Justice and Development Party, constitute a good example for the representation of the arguments used within the 'Muslim-democratic' discourse in terms of underlining the need to think Turkish potential membership to the EU beyond the ungrounded concern for 'loss of sovereignty.' In his book *Kırk Yıllık Düş,* Yalçın Akdoğan responds to rising concerns among the public on the EU's 'hidden agenda to destroy Turkish national sovereignty.' He summarizes the main tenets of the anti-EU nationalist/statist discourse in five statements: (i) "The EU wants to divide us and our territorial integrity"; (ii) "The EU membership means a loss of our religious, national and cultural identity"; (iii) "Along with the loss of our national identity, we will also loose our national sovereignty"; (iv) "Turkey will give up its independence and thereby will no longer be able to guard its national interests"; (v) "Finally, whatever concessions we give, the EU will never let Turkey in." Throughout his book, Akdoğan presents lengthy explanations as to why all these arguments are groundless and why on the contrary the EU membership would benefit Turkey in terms of the expansion of freedoms and the expansion of Turkey's global standing. Thus, rather than indicating a 'loss of sovereignty,' the EU accession process strengthens the policy-making capacity of the Turkish state, helping to maintain its unitary structure and political system (In this sense, Akdoğan's ideas resemble that of Milward's argument on the European rescue of the nation-state). A similar line of argumentation can also be found in JDP's 2001 Party Programme as well as its election pledges in 2002 and 2007, therefore Akdoğan's ideas mainly explains JDP's approach to the question of sovereignty within the context of Turkey's European integration.

Another figure the ideas of whom can be brought forth for better grasping the position of the 'democratic coalition' with regards to the issue of sovereignty and the

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*Başladı (İleri ve Türksolu Yazıları,*72) and he describes this position as "the summit of slavery" (Atilla İlhan, *İntibâh Başladı (İleri ve Türksolu Yazıları),* 79).

[595]Atilla İlhan, *İntibâh Başladı (İleri ve Türksolu Yazıları),*16.

European integration is Mustafa Erdoğan, a constitutional law professor[596] and a founding member of Society of Liberal Thought (*Liberal Düşünce Topluluğu - LDT*), a non-profit Turkish think tank, which has particularly attracted public attention for its organization of a symposium bringing together the issues of Islam, democracy, conservatism and liberalism under the same topic.[597] In a number of books and articles published in the post-2000 period,[598] Erdoğan calls for a reconfiguration of the prevailing doctrine of sovereignty in Turkey due to the following reasons: (i) First, he underlines that the identification of the 'Turkish nation' in its totality as the source of sovereignty reflects authoritarian and nationalist tendencies underlying the political philosophy of the republican regime and to this end, he calls for the deconstruction of this innate relationship, where the new source of sovereignty should be linked to the concept of 'citizenship' rather than the 'nation', as it is the case in many European countries.[599] (ii) Second, given the increasing influence of globalization and the accompanying evolution of the world political order, the current unitary and unconditional approach to sovereignty is no longer tenable in Turkish politics. This situation marks the end of Bodinian and Hobbesian conceptualization of sovereignty and thereby initiates a new era where a renewed configuration needs to take into account the requirements of the parallel processes of integration and fragmentation, which at times stand in conflict with the nation-state itself. As a result, nation-states will

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[596] Mustafa Erdoğan has also been among the three nominees of the current government to represent Turkey as a judge on the European Court of Human Rights (ECHR).

[597] It is also in this conference, "Uluslararası Muhafazakarlık ve Demokrasi Sempozyumu" organized by Society of Liberal Thought (LTD) in 2004, that Prime Minister Erdoğan delivered his famous speech describing JDP as a 'conservative-democrat' party. This speech was also utilized as a prologue to *Conservative Democracy* booklet discussed above.

[598] The gist of Mustafa Erdoğan's arguments in this regard crystallizes in a number of books such as Mustafa Erdoğan, *Anayasal Demokrasi* (Ankara: Siyasal, 2001); Mustafa Erdoğan, *Türkiye Avrupa Birliği'nin eşiğinde mi? Dersimiz özgürlük,* (İstanbul, Pınar Yayınları, 2002); Mustafa Erdoğan, *Türkiye'de Anayasalar ve Siyaset,* (Ankara: Liberte, 2003), and a few articles published in the 2000s, the most important ones of which include Mustafa Erdoğan, "Küreselleşme, hukuk ve Türkiye," in *Avrupa Birliği sürecinde Türkiye: siyasal, ekonomik ve toplumsal dönüşüm, sorunlar ve tartışmalar,* eds. Turgay Uzun and Serap Özen (Ankara: Seçkin Yayıncılık, 2004) and Mustafa Erdoğan, "Egemenliğin Dünü ve Bugünü," *Hukuk ve Adalet: Eleştirel Hukuk Dergisi* 6-7, (2005).

[599]Mustafa Erdoğan, *Türkiye'de Anayasalar ve Siyaset*,143; Mustafa Erdoğan, *Türkiye Avrupa Birliği'nin eşiğinde mi? Dersimiz özgürlük,* 307.

have to come to terms with the ongoing undermining of their *de facto* sovereignty and accordingly adapt to the reality of 'divided' sovereignty, 'shared' mostly with subnational and supranational entities.[600] (iii) On a more normative note, Erdoğan declares his approval for globalization-led "loss of sovereignty" of the nation-state under two conditions: a. if this devolution occurs in favor of the 'individual,' and b. if it takes on a more democratic face, respecting diversity and local cultures.[601]

The first point to be made on Erdoğan's above assessment relates to the positioning of Turkey's potential membership to the European Union as means for reaching a renewed understanding of sovereignty in Turkey, the demarcations of which have just been outlined. Throughout Erdoğan's works, Europe and the constitutions of European countries always represent a central point of reference. Erdoğan underlines the significance of the transition from 'international law' to 'supranational law' especially in the context of the European Union[602] and disapprove of the Turkish elite and the political class for their failure to recognize the critical impact of this transition on the conventional understanding of sovereignty. Most importantly, for Erdoğan, Europeanization of Turkey first and foremost requires a move away from the defense of sovereignty based upon the notion of 'full independence' and to this end, he links the success of Turkey's integration process with the EU to the transformation and reconfiguration of the contemporary doctrine of national sovereignty in Turkey. In his own words: "Turkey resists against this process [EU accession process] because it is a state, which over-depends upon a rhetoric of sovereignty based on 'full independence.'"[603] Overcoming of this resistance can only be possible with continued political reforms and making the necessary changes in the Turkish Constitution, and to Erdoğan, the constitutional reforms of 2001 and 2002 cannot suffice in this respect.[604]

With regards to the need for the reconfiguration of the Turkish doctrine of sovereignty in the context of post-2000s, this time we witness the convergence of the 'Europhile liberal' and the 'conservative-democratic' positions in arguing that this much-needed 'paradigm shift' would eventually help democratization of Turkey by

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[600]Mustafa Erdoğan, "Küreselleşme, hukuk ve Türkiye," and Mustafa Erdoğan, "Egemenliğin Dünü ve Bugünü."

[601]Mustafa Erdoğan, "Küreselleşme, hukuk ve Türkiye,"18-19 and 28.

[602]Ibid.19.

[603]Ibid.24.

[604]Ibid.27.

bringing fundamental freedoms to everyone, as well as strengthening the effectiveness of Turkish polity by boosting Turkey's involvement in the international regime.[605] The liberal discourse mainly centers on the perennial question of how to empower the individual vis-à-vis the omnipotent Turkish nation-state and in this respect, the Copenhagen Criteria is conceived to embody the potential to break out of this persistent impasse:

> "Those who seek to make Turkey's obstinate attitude on the Copenhagen Political Criteria and the spirit of the Copenhagen Criteria, in general, a matter of bargain are not at all aware of the epistemological rupture shaping the 21st century Europe. The rupture has originated from the fact that, in order to establish a state of permanent peace, the nation states created since the Enlightenment Era agreed to share their realm of sovereignty with other nation states; accepted to transfer their powers to supranational (federal) and sub-national (local and regional) bodies; and aimed at securing their welfare, security and stability by sharing a great part of their sovereignty. This kind of worldview highlights the individual, not the state. As a matter of fact, the parties to the escalating argument about the candidacy and prospected membership of Turkey to the EU are the state and state elites, who deny their ideological bankruptcy; cling very firmly to their realm of sovereignty; and thus, are content with their own National Program which they formulated on the basis of "Ankara criteria", on the one hand, and the society which amply deserves the Copenhagen Criteria, on the other. It is getting more and more obvious for us that the interests of each party are not the same; however, this time and for the first time in our state tradition, survival of the state depends on aiming at the interest of the society; that is, EU membership."[606]

It is argued that within the ongoing process of globalization Turkey is indeed presented with two main options, either it could integrate itself with the European project based on the rule of law, plurality and multilateralism, or it could opt for a closer alliance with the US, choosing a unilateral approach to conflict and a conservative approach to politics.[607] While the US model would contribute to the conservation of the status quo, the European model points to a 'paradigm shift' with regards to the question of sovereignty, which in return would help to overcome the resilient state-society

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[605]Cengiz Aktar, *Avrupa yol ayrımında Türkiye.* (İstanbul: İletişim, 2001); Cengiz Aktar, *Avrupa okumaları.* (İstanbul: Pusula Yayıncılık, 2003); Can Baydarol, *AB Sürecinde medeniyetler buluştuğunda.* (İstanbul: Universal Yayıncılık, 2004); İhsan D. Dağı, *İnsan hakları, küresel siyaset ve Türkiye.* (Bağcılar, İstanbul: Boyut Kitapları, 2000); İhsan D. Dağı, *Batılılaşma korkusu: Avrupa Birliği, demokrasi, insan hakları.* (Ankara: Liberte, 2003).

[606]Cengiz Aktar, *Avrupa okumaları,* 29- 30.

[607]Çağlar Keyder, *Memalik-I Osmaniye'den Avrupa Birliği'ne*, 236-246.

antagonism within the Turkish polity. Jean Monnet's famous dictum, "we are not building a coalition among states, but peoples" is revoked to illustrate the gist of the European project[608] and the Turkish integration into this 'people'-centered project is to contribute to the transformation of the prevailing doctrine of sovereignty in Turkey and would destabilize its exclusive linkage to the nation-state.

Thus, the process of European accession converges the conservative and liberal discourses in their accusation of the republican/statist elite to try to hold on to their 'illegitimate' yet ongoing 'sovereignty' in Turkish politics, blocking the quests for change through democratization and Europeanization.[609] Within this context, the liberals draw attention to the discursive instrumentalization of 'national sovereignty' as an obstacle to Turkey's process of 'democratization' and 'Europeanization':

> "To claim that 'Democracy has long been an unsolved problem in Turkey,' means the same as stating that there have always been influential circles in this country who are happy with living under the present regime – if this is not the case, why could it not have been solved for so many years? The principal catchword these circles use in their contention to attract the public is "national sovereignty". There are many people who are prone to stick to this motto and any sort of stance would suit to them, whether leftist or socialist. Yet, in fact, if we are to categorize them within a spectrum from moderate to extremist, these would be those who simply lack democratic culture, those with authoritarian/Bonapartist tendencies, conservative xenophobes, those affected by fascist tendencies and pure fascists, respectively. Considering them as a sum, they would amount to quite a high figure."[610]

Henceforth, the unfolding of the 'Europeanization'/'Democratization' discussion in Turkey in the early 2000s reveals that before being able to discuss how to align the 'unconditional and absolute' notion of Turkish national sovereignty with the so-called 'post-Westphalian' European order, it is first necessary to clarify the underpinnings of the domestic allocation of power and authority in the Turkish polity. In a way, the European-led democratization process finally makes it possible to pose the question: "Who is really sovereign in the Turkish polity: the state or the people?" In this respect, one of the most visible and polarizing debates on the concept of sovereignty in Turkey

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[608]Cengiz Aktar, *Avrupa yol ayrımında Türkiye,* 109.

[609]Eser Karakaş, *Sivil Siyaset, Küresel ekonomi,* (İstanbul: Gündem Yayınları, 2004), 87, Çağlar Keyder, *Memalik-I Osmaniye'den Avrupa Birliği'ne*, 236-237); Murat Belge, *Yaklaştıkça uzaklaşıyor mu ?: Avrupa Birliği ve Türkiye.* (İstanbul: Birikim Yayınları. 2003) 188-189.

[610]Murat Belge, *Yaklaştıkça uzaklaşıyor mu ?: Avrupa Birliği ve Türkiye,* 191.

is instigated in the spring of 2005 by a series of controversial public statements made by the President of the Turkish Grand National Assembly (TBMM) Bülent Arınç, and the President of the Constitutional Court Mustafa Bumin. This dispute between the then-leading figures of the two important institutions of Turkish politics has produced a country-wide debate as to the appropriate source, locus and attributes of sovereignty in the Turkish context - a dispute that has so far not been settled. Therefore, the case deserves a closer look:

6.3.2. 'Sovereignty Battle' II: 'Public Will' vs. *Raison d'Etat*

During the National Sovereignty Week,[611] mainly targeting the ruling Justice and Development Party's recent policies on the head scarf issue, the Constitutional Court President Bumin announced a public warning, which stated that the Turkish Parliament could not attempt to lift the current ban on the wearing of religious head scarf in schools and public institutions, even if the Parliament amended the Constitution in this regard. The first public response to this statement came from the President of TBMM (also a leading member of the ruling JDP party) who declared in a TV programme that the Turkish parliament derives its legislative power from popular sovereignty and therefore it would not share this power with any other state organ and would not accept any kind of infringement on its decision-making capacity. Commenting in a press-release following his much-debated TV interview, Arınç stated:

> "As a politician and as a Member of the Parliament, I cannot tolerate any allegation to overshadow the legislative power of the National Assembly. I cannot accept such an allegation, and it is not my problem at all. I am doing that because I respect the personages who led this country from the War of Independence to the Republic, from Republic to a mighty and powerful state, and further the National Assembly itself. Mine is not a reactive behavior. I believe those who watched the television programme yesterday understood that the question was legally and constitutionally treated. Turkey is not ownerless, neither is our National Assembly. On the contrary, its owner is our 70 million people. The National Assembly is not the whipping boy of anyone. In accordance with Article 7 of the Constitution, the

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[611] Every year, the week of 23 April is celebrated as the 'National Sovereignty Week' in Turkey to commamerate the inauguration of the first meeting of Turkish Grand National Assembly in 23 April 1920.

Turkish Grand National Assembly exercises sovereignty on behalf of its people and is entrusted with legislative power, which is an absolute one. There exists no mechanism that is capable of restricting, overshadowing, dividing and breaking apart the legislative power. The National Assembly exercises legislative power on behalf of its people and in the name of sovereignty."[612]

Continuing with his public remarks, Arınç argued that the Parliament has all the legitimate popular power at its hands to change the Turkish Constitution with the only exception of 'non-amendable' articles of 1, 2 and 3, also implying that it has the necessary legal backing to shut down the Constitutional Court if deemed necessary. TBMM President also criticized the privileged role endowed to the Constitutional Court in Turkey by stating that this institution exists in no European country other than Turkey and that we should all be reminded of the Article 153 Paragraph 2 of the Turkish Constitution, which only grants a supervisory role to the Constitutional Court for overseeing constitutional compatibility of the legislation in effect or in progress and not a power to legislate. In further defending the superlative position of the Turkish Parliament within the Turkish polity, Arınç referred to a saying, originally used in the British context, "besides turning a man into a woman, and a woman into a man, the Parliament is all-powerful."[613]

In order to comprehend the background of this reaction, besides the legal framework of the issue, here it becomes important to first underline the ongoing institutional tension between the Parliament and the Constitutional Court, a situation particularly evident in the post-2000 Turkey. The Constitutional Court has been regarded in Turkey, especially among the Republican elite, as one of the leading 'guardian' institutions of the political values of the current Republican regime and in return the institution has positioned itself as one of the main critiques of the ruling JDP government and its religiously oriented policies. By declaring the Parliament as the sole legitimate representative of public will and therefore national sovereignty, Arınç's move has been interpreted mostly within the republican/nationalist circles as an attempt to erode the legitimacy of this 'guardian' institution. It is particularly from this

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[612] The original press release, which has been published on the official website of Turkish Grand National Assembly by the Presidency of the Parliament, can be reached at the following address, http://www.tbmm.gov.tr/develop/owa/tbmm_basin_aciklamalari_sd.aciklama?p1=23962 ad.

[613] Bülent Arınç's quote is taken from an article that appeared at *Radikal Newspaper* on 4 May 2005, http://www.radikal.com.tr/haber.php?haberno=151613.

perspective that the sovereignty debate has become closely linked to the discursive battle between the so-called 'democratic' vs. 'republican' forces in Turkey.

Here, it becomes also useful to remind ourselves briefly the discussion presented in the fourth chapter of this dissertation, which points out the fact that through the Article 6[614] of the current Turkish Constitution, the execution of 'Turkish nation's sovereignty' is indeed delegated to *several* state institutions and that the Constitution does not single out the Parliament as the sole representative organ as it was the case in previous Constitutions of 1921 and 1924. (Actually, Arınç himself refrains from making direct referrals to Article 6 and instead uses Article 7 which spells out the responsibilities of the legislative organ). For this reason, the current regime in Turkey cannot be categorized as *Parliamentarism* as conceived in Arınç and his supporters' referral to the United Kingdom. Instead, the Turkish Constitution foresees a separation of powers among the different organs of the Turkish State and intentionally refrains from upsetting this balance in favor of the Parliament. In fact, in the opposite, as it has also been discussed in the preceding chapter, the 1982 Constitution shifts the balance of power in favor of the Executive and endows the President as well as the National Security Council with a privileged position within this political system. Hence, if anything, the current Constitution can be criticized for failing to create a balance of power among the organs, but not for failing to put in place a system of separation of powers.

Given this background, TBMM President's comments on sovereignty and the perceived exclusive role of the Turkish Parliament have stirred a wide-spread reaction among politicians and high ranking state officials, as well as the Turkish press and its commentators. Arınç's statements were backed up by the majority of columnists writing in dailies such as *Yeni Şafak, Zaman* and *D.B. Tercüman,*[615] mostly in relation

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[614]The Turkish version of the Article 6 of the Turkish Constitution states: *Türk Milleti, egemenliğini, Anayasanın koyduğu esaslara göre, yetkili organlar eliyle kullanır. Egemenliğin kullanılması, hiçbir surette hiçbir kişiye, zümreye veya sınıfa bırakılamaz. Hiçbir kimse veya organ kaynağını Anayasadan almayan bir Devlet yetkisi kullanamaz.*

[615]Among the articles that defend the statements of Arınç are Ahmet Kekeç, "Türkiye'de bir "Anayasa Mahkemesi sorunu" var!", *Yeni Safak*, 3 May 2005; Ahmet Taşgetiren, "Arınç gerçeği söylüyor", *Yeni Şafak*, 3 May 2005; Mustafa Ünal, "Meclis, Bumin'in şamar oğlanı mı?", *Zaman*, 4 May 2005; Mustafa Erdoğan, "Söz'ün bittiği yer", *D.B. Tercüman;* Ömer Lütfi Mete, "Darbeci mayasıyla yargı devleti", *Sabah,* 3

to the need to realign the balance of power in Turkish politics in favor of the 'elected,' therefore, 'democratic' forces: The 'appointed' authorities had to finally come to terms with the fact that they do not represent the 'public will' and therefore have no legitimate part in the execution of sovereignty.

In opposition to Arınç's statements, the leader of Republican People's Party (CHP) Deniz Baykal, the President of Institution of High Education (YÖK) Erdoğan Teziç, Former President of the Constitutional Court Yekta Güngör Özden, and the Former President of Turkey Süleyman Demirel criticized Arınç in a series of public statements for not grasping Turkish political realities and for trying to undermine the current regime by declaring the Parliament under the majority rule of his party as omnipotent:

> "Now the era of mottos 'We can do everything', 'I can do whatever I wish' is all over. One could win 34 percent of all votes, but cannot come forward to say 'I have secured a two-thirds majority in the parliament, so I could do whatever I wish.' No way! No one will allow you to do that.' The current debate has proven that people could contend with each other, which will change nothing in Turkey anyway. It is true that sovereignty is represented by the Turkish Grand National Assembly in Turkey. Yet, it is another fact that this sovereignty is exercised through the constitutional institutions of our country."[616]

> "In the Constitution there exists the relevant stipulation on the exercise of sovereignty. Legislature, executive power and the judiciary; all these authorities have their own responsibilities. In the speech he delivered, the Chairman of the Constitutional Court did not express his personal views, but instead the already-issued court decisions. What he did was to state a legal fact. The authorities of the legislature are exercised as well within the framework of the Constitution."[617]

Joining the public debate in opposition to TBMM President's position and taking the issue beyond the 'elected' vs. 'appointed' confrontation, columnists such as Tufan Türenç, Nuray Mert, Hasan Bülent Kahraman, Erdal Şafak and İsmet Berkan[618] drew

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May 2005; Kürşat Bumin, "Egemenlik savaşları"nda son durum: Okurlarım Arınç'tan yana", *Yeni Şafak,* 4 May 2005.

[616]This statement by Deniz Baykal appeared in *Radikal Daily* on 4 May 2005; http://www.radikal.com.tr/haber.php?haberno=151613

[617] This statement by Erdoğan Teziç appeared in *Radikal Daily* on 4 May 2005; http://www.radikal.com.tr/haber.php?haberno=151613

[618] A collection of newspaper articles in defense of this point of view includes, İsmet Berkan, "Gereksiz lakırdılar," *Radikal*, 03 May 2005; Erdal Şafak, "Sistemin sigortası," *Sabah*, 03 May 2005; H.Bülent Kahraman, "Başkanlar savaşı: Egemenlik düğümü," *Radikal*, 04 May 2005; Tufan Türenç, "Arınç'ın istediği çoğunluk

attention to the absolutist underpinnings of Arınç's conceptualization of sovereignty and contended that, rather than 'democratizing' the Turkish polity – as Arınç and his supporters claimed - an advocacy of such an understanding could instead create a platform for the justification of "tyranny of the majority":

> "The concept of absolute and unconditional national sovereignty, which has been semantically expressed and proposed to embody the notion of self-determination implied by democracy, assumes a new meaning as the society embarks upon a self-control over its own affairs. Let us here remark that a society's self-control is again a product of its own sovereign will. Otherwise, in a society where sovereignty is still not checked by the people themselves and through (national or transnational) institutions created upon their own will, democratic will of the majority could lead to an annihilation of democracy. Hence, before everything else, the main point is about fetishization of the concept 'National Assembly', which entails that democracy is an ultimate and close-ended proposition. Neither democracy nor the National Assembly is licensed to do whatever they wish in the name of sovereignty. This does not have to do with sovereign rights, but rather with sovereign authority, and the power of democracy is about restricting this sovereign authority. Those who so desire could once more reflect on the concept 'separation of powers'."[619]

The issue of separation of powers indeed emerges as an argument strongly brought forth during the period under survey to disapprove of the understanding of sovereignty proposed by the President of TBMM. As the opponents of Arınç's position point out, in the context of a democracy - where an understanding of democracy is not confined to elections but to a political system of effective checks and balances functioning under the rule of law - no exercise of sovereignty can be unconditional and unrestrained. Especially in *representative* democracies such as in Turkey, a majority achieved after a single election repeated every five years cannot provide a legitimate basis for 'unconditional' policy-making. Within this critical position, it is also interesting to note the frequent referrals to the fate of the Democrat Party and the abrupt end to its rule by the military coup of the 1960. Many commentators warn JDP government for not repeating the 'mistake' of the Democrat Party, where the party has been blamed for following a unilateral approach to policy-making based on its parliamentary majority, disregarding the tacit 'nodes of power' in Turkish politics. In

diktatörlüğü," *Hürriyet*; Nuray Mert, "'Milli' demokrasi," *Radikal*, 05 May 2005; HasanBülent Kahraman, "Sekreterle yasak ilişki ve demokrasi," *Radikal*, 06 May 2005;

[619]Hasan Bülent Kahraman, "Başkanlar savaşı: Egemenlik düğümü," *Radikal*, 04 May 2005

fact, Arınç and JDP is reminded[620] of the fact that the Constitutional Court itself has been a creation of the 1961 Constitution, established in the aftermath of the 1960 coup in order to 'pre-warn' the political system of its growing 'imbalances':

> "Constitutional Court was introduced to our country with the Constitution of 1961, before which the Parliament had exactly the power Mr. Arınç describes or longs for. This absolute power in the hands of the Democratic Party, which was culminated in the statement "You are capable of even restoring the caliphate if you so desire" by Adnan Menderes – the prime minister of the era – relegated Kırşehir's provincial status to that of a district in order to punish the city since it elected Osman Bölükbaşı as the MP, and it also established the Investigatory Commission (*Tahkikat Komisyonu*), a body with extraordinary powers, in order to silence the opposition and the press. All these regulations led Turkey to the coup d'état of 27 May 1960. This is exactly what Mr. Baykal and Mr. Bumin referred as 'the peril' and 'the painful experience'. I believe Mr. Arınç should think about the following facts at length: Had there existed then a Constitutional Court to reject the unconstitutional and tyrannical laws proposed by the government, would the coup d'état of 27 May have taken place? In short, the Constitutional Court is a safety net for the government, and even for the regime. Thus, we should appreciate its value…"[621]

While the leadership of JDP (including Prime Minister Recep Tayyip Erdoğan) did not publicly support TBMM President's interpretation of the supreme position of the Parliament in the execution of 'popular sovereignty,' soon enough, JDP put posters and banners all around major Turkish cities highlighting the infamous statement: 'Sovereignty is vested Fully and Conditionally in the Nation.' A similar campaign reappeared during the much contested election process of the 11th President of the Turkish Republic by the Turkish Grand National Assembly during the summer of 2007, revealing once again JDP's repeated tendency to seek political legitimacy for its actions through the recurrent utilization of this popular slogan.

Here, it is important to indicate that JDP's standing vis-à-vis the issue of sovereignty differentiates with regards to the so-called 'internal' and 'external' dimensions, where on the one hand, JDP leadership and ideologues support the liberal idea of 'shared'/'divided'/'pooled' sovereignty in order to continue with the further integration of Turkey to the international system and the EU, the JDP discourse

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[620]Ömer Lütfi Mete, "Darbeci mayasıyla yargı devleti," *Sabah*, 3 May 20055; Erdal Şafak, "Sistemin sigortası," *Sabah*, 3 May 2005; Ali Bayramoğlu, "Milli irade tartışması," *Yeni Şafak,* 4 May 2005; Nuray Mert, "'Milli' demokrasi," *Radikal,* 5 May 2005; H.Bülent Kahraman, "Sekreterle yasak ilişki ve demokrasi," *Radikal,* 6 May 2005

[621]Erdal Şafak, "Sistemin sigortası," *Sabah*, 3 May 2005.

displays absolutist features with regards to the question of how sovereignty should be executed within the Turkish polity.

This central paradox is also evident within the works of Mustafa Erdoğan, the ideas of whom have been discussed above. Along with his numerous books and articles, where he deals particularly with the problems associated with the prevailing doctrine of sovereignty in Turkish politics, Mustafa Erdoğan is also known for his influential 27-page report "Türkiye için bir Demokratikleşme ve Sivilleşme Perspektifi"[622] prepared for and published by Union Foundation (Birlik Vakfı), a non-profit foundation, the founding members of which include Turkey's current Prime Minister Recep Tayyip Erdoğan, Cemil Çiçek, Minister of Justice under 58th and 59th Governments and Deputy Prime Minister and Government Spokesperson under 60th Government, Ali Coşkun, Minister of Industry of the 58th and 59th Governments, Abdülkadir Aksu, Minister of Interior of the 58th and 59th Government, as well as Ömer Dinçer, Under-Secretary of Prime Ministry during 58th Government and Member of the current Parliament. While as a constitutional law professor and throughout his writings in this capacity, Erdoğan's arguments carry much parallelism with the globalization and the EU-related discourse on sovereignty (as they have been discussed in the fifth chapter and the beginning part of this study) it is in his more politically-oriented writings that we find a certain distancing away from his earlier support for developing a liberal notion of 'shared'/'divided' sovereignty within the Turkish polity.

In his report "Türkiye için bir Demokratikleşme ve Sivilleşme Perspektifi", Erdoğan criticizes the current domestic political system in Turkey for guarding a 'pluralistic' institutional structure, where the legitimate representatives of public will, namely the government and the Parliament, are forced to share 'nation's sovereignty' with appointed officials. In order to change this situation, Erdoğan calls for the establishment of a much-needed 'liberal-democratic governance model' in Turkey, which should include primarily three features: First, it should be based on 'public will' and regular elections stand out as the best way to identify the legitimate representatives of this will. At the same time, all other state organs need to derive their legitimacy from this collective will, if they have to have a share in the execution of sovereignty. This requires also the popular election of the President of Turkey as well as the parliamentary selection of the Constitutional Court members. Additionally, the necessary

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[622]Mustafa Erdoğan, "Türkiye için bir demokratikleşme ve sivilleşme perspektifi," 25 April 2006, http://www.birlikvakfi.net/makale01.htm

democratization of the judiciary can only be possible through the introduction of a jury system, along with increased public participation in selection and appointment of judges and public prosecutors. The second important feature of 'liberal-democratic governance' is 'the majority's right to rule'. Erdoğan explains the content of this right as such:

> "This right refers to the fact that the majority is entitled to take all the decisions as regards the public life, provided that basic rights and legal assurance of individuals are properly respected. To put it another way, there should not exist any reserved spheres that the rule of majority cannot involve in, and any bureaucratic institutions or mechanisms that would invalidate the political choices of the majority."[623]

Third, the 'liberal-democratic governance' should also protect minority rights, including political, cultural and individual rights. Obviously enough, the first two principles in Erdoğan's conceptualization of 'liberal-democratic governance model' involve suggestions that goes against a liberal approach to government, the essence of which is the institution of effective checks and balances under the rule of law, and in this perspective, his propositions can rather be associated with a 'majoritarian' understanding of democracy and not with a 'pluralistic democracy'. Erdoğan clearly defends this overwhelmingly 'majoritarian' position in his second principle and the protection of minority rights seems as a feeble compensation in face of this 'majoritarian' approach.

Hence, while Erdoğan encourages the 'sharing' of sovereignty with supranational and subnational entities in support of Turkey's integration into the global system and to Europe, his ideas prove much more 'absolutist' in respect to domestic political life. Moreover, his 'participatory' scheme leaves little room for the independence of judiciary and thereby restricts the execution of the rule of law within the confines of the will of the majority. Looking from this perspective, Erdoğan seems to defend an understanding of democracy, reminding us mostly the Europe of 1940s, and not a 'pluralistic democracy,' which is in effect in Europe of the 2000s. In this sense, Erdoğan's arguments prove akin to those of Bülent Arınç, TBMM President under the 58th and 59th Governments, discusses in detail above.

Within this framework, while liberal and conservative Muslim-democratic demands become articulated in the same discourse in relation to their criticism of the priority given to *raison d'etat* over the 'public will' in the execution of sovereignty in

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[623]Mustafa Erdoğan, "Türkiye için bir demokratikleşme ve sivilleşme perspektifi."

the Turkish case (and therefore of the lack of a balance of power in Turkish politics), their positions diverge as to the question of ensuring an effective system of separation of powers in the Turkish polity. The predominant conservative Muslim-democratic approach towards sovereignty gives precedence to 'public will' not only over the *raison d'etat* (as liberals would agree), but at the same time going beyond that they declare this precedence 'unconditional' and it is in their reluctance towards the executive of a system of checks and balances that they diverge from the liberal outlook.

6.4. Conclusion

The discursive debates put under investigation in this chapter illustrate that during the period in question the notion of 'sovereignty' functions as a nodal point in the articulation of dispersed demands around two antagonistic poles, creating opposing discursive formations represented by a 'Europhile democratic coalition' vs. a 'Euroskeptic republican/nationalist coalition'. Based on this conclusion, following observations can be made with regards to the relationship between the parallel processes of 'Europeanization' and 'democratization' and the simultaneous polarization of the public space that they entail in the context of post-2000 Turkey:

(i) Turkey's European integration process generates political tensions emanating from its accompanying requests of "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and, protection of minorities". Accordingly, on the one side, groups in opposition to this 'democratization' process develop a discourse of resistance that creates and makes use of various signifiers. In the production of this discourse, a chain of equivalences becomes constructed around the central fear of 'loss of sovereignty' that leads to the articulation of the demands of the nationalist-right with the traditional forces of the 'Left' in Turkey. Here, the defense of 'national sovereignty' becomes identified with the defense of 'full independence' and requires a 'republican/nationalist integration' against the 'submissionism' (*teslimiyetçilik*) of the 'Europhiles' allegedly displaying a neo-Tanzimat outlook.

(ii) On the other side, the prospect of 'full membership' and the dynamics it unleashes bind together a 'Europhile democratic coalition', who sees Turkey's potential EU membership as an opportunity to question the prevailing doctrine of 'unconditional'

and 'unitary' notion of sovereignty in the Turkish polity, which is conceived to give priority and preference to *'raison d'etat'* over *'public will'*. Hence, the 'pooling of sovereignty' away from the central state to supranational institutions of the European Union, as well as a parallel 'devolution of sovereignty' towards regional and local administrative units, represent means to destabilize the prevailing status quo in the Turkish political system. Here, the conservative-Muslim and liberal democratic discourses converge in their accusation of the republican/statist elite to try to hold on to their 'illegitimate' yet ongoing 'sovereignty' in Turkish politics, blocking the quests for change through democratization and Europeanization. However, the discursive articulation of 'Europhile coalition' seems less stable due to a significant point of rupture that concerns a central paradox with regards to the issue of exercise of sovereignty within the domestic political system. While the leadership of JDP and the associated academia/analysts support the idea that sovereignty can be 'shared', or to put it in the more EU-friendly terminology, 'pooled' to supranational and subnational entities as foreseen through Turkey's increased integration into the global system and to Europe, their approach to sovereignty proves much more 'absolutist' in relation to domestic politics.

(iii) The ongoing debate over the legitimate source and exercise of sovereignty exposes the domestic dimension of the problems associated with the prevailing doctrine of sovereignty in the post-2000 Turkey and at the same time reveals the limited nature of the dynamics at work to configure/reconfigure the concept in line with the exigencies of Turkey's European integration. Instead, through this political battle, we once again come across the discursive utilization of the concept, this time within the attempts to either erode or defend the legitimacy of the current balance of power between the 'elected'/'democratic' vs. 'appointed'/'republican' institutions of Turkish politics.

7. CONCLUSION

Taken as a whole, the following conclusions can be derived from this study: First and foremost, this dissertation reaffirms the necessity to think sovereignty not simply as law, but *sovereignty as politics*. In line with and in support of the deconstructionist approaches, it divulges the ongoing history of political contestation involved with the concept of sovereignty in Turkey and exposes its various discursive utilizations in connection to the purposes of competing ideologies in the critical turning moments of Turkish politics. In rejecting the prevailing view that presents sovereignty as a fixed, neutral and timeless organizing principle of modern politics, it suggests that sovereignty itself has turned into a 'sedimented discourse' in the Turkish polity, often concealing the historical contingency of the concept and its embeddedness in power relations. In order to expose the discursive formations through which sovereignty comes to be institutionalized into an 'essentially uncontested' political doctrine in Turkey, this dissertation attempts to 'bring back in' the historico-political production/reproduction of sovereignty in relation to prevalent ideologies in Turkish politics. To this end, this study illustrates the ways in which sovereignty is discursively used; at times as an empowering resource to support the legitimacy of ideologies such as Ottomanism, Turkish nationalism, populism, statism, and republicanism; and at times as a key 'democratic' discursive tool to question the prevailing political system in Turkey.

While this dissertation offers a critical analysis of the functioning of sovereignty as a discursive strategy in Turkish politics and thereby exposes the problems associated with the concept, it neither attempts to offer superior alternatives nor outlines the necessary features of a reconceptualized sovereignty. Instead, this study highlights the reasons that enhance the ambiguity, *ergo* the centrality of the notion, ensuring its problematic persistence. Rather than continuing with the debate whether or not sovereignty is redundant or obsolete in the face of growing globalization and fragmentation, it provides insight as to reappraise the implications of the role that sovereignty plays in conditioning the coherence of opposing political ideologies.

In 1895, Gustave Le Bon, the French sociologist the works of whom had a pervasive influence over the Young Turks' *weltanschauung*, expresses his ideas on the impact of 'words' over the psychology of crowds in the following paragraph taken from his famous book *Psychologies des Foules*:

> "The power of words is bound up with the images they evoke, and is quite independent of their real significance. Words whose sense is most ill defined are sometimes those that possess the most influence. Such, for example are the terms democracy, socialism, equality, liberty, etc., whose meaning is so vague that bulky volumes do not suffice to fix it precisely. Yet it is certain that a truly magical power is attached to those short syllables, as if they contained the solution of all problems. They synthesize the most diverse unconscious aspirations and hope of their realisation."[624]

As the foregoing analysis reveals, in the context of Turkish politics, sovereignty emerges as a 'word' conceived in the Le Bonian sense, or to put it more precisely in the terminology of discourse theory, as an *empty-signifier* embodying a sufficiently broad plurality of meanings to allow certain power blocs to discursively use the term in different historical moments to establish political alliances through the construction of a 'chain of equivalences.' Seen from this perspective, sovereignty primarily serves the purpose of creating political frontiers and thereby its varying discursive utilizations over time and space contribute to the defense of competing ideologies and values benefiting from its instrumentality in connection to the production of political identities and the upholding of associated antagonisms.

The above-summarized core finding of this research finds validation in the specific historical 'moments' of Turkish politics put under investigation; therefore, it would be first appropriate to provide a presentation of the main conclusions derived from each 'case' in the section-to-follow:

Our first period of study concentrated on the dissolution of the hegemonic political order in the Ottoman Empire during the last half of the 19th century, creating destructive, yet at the same time productive structural dislocations that simultaneously shattered available political identities and contributed to the production of novel discourses upon which new identities became established. We have been able to see that within this framework of profound changes in the composition of both Ottoman territory and population and the related demise of political autonomy, as well as authority, the emerging group of lower ranking, yet 'enlightened' Ottoman bureaucrats

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[624]Gustave Le Bon, *The Crowd*, (New Brunswick and London, Transactions Publishers, 1995), 124-125.

'discovered' the empowering role that the ideal of 'popular sovereignty' could play in the pursuance of their main political motive: the preservation of the Ottoman Empire through the creation of a new ideology, Ottomanism.

In this context, we have traced how 'popular sovereignty' turned into one of the central 'signifiers' of a surfacing political discourse reflecting a synthesis of Western and Islamic liberalism, introduced to Ottoman political life mainly through the efforts of the Young Ottomans. Within this discourse, the espousal of the modern concept of popular sovereignty served a double purpose: (i) By identifying the 'people' as the source of sovereignty, the principle of 'popular sovereignty' established the political and legal foundations of the novel concept of 'Ottoman citizenship', where different ethno-religious groups living under the House of the Ottoman would be granted equal rights and freedoms in return for their continued allegiance to the Empire. (ii) The bringing forth of the ideal of 'popular sovereignty' onto the public agenda also contributed to the curtailment of absolutist policies of the ruling bureaucrats and accordingly supported the efforts to establish more participatory and effective governance in the Ottoman Empire.

Accordingly, the chapter showed how Ottoman political space came to be divided along two antagonistic poles through the employment of *a logic of equivalences* constructed around the notion of sovereignty: On one hand, united in their attempts to safeguard conventional norms of sovereignty, the conservative/religious political alliance declared popular sovereignty as incompatible with the Islamic tradition, held 'Ottoman subjects', untrustworthy and incompetent for consultation and at the same time brought in a perception of 'threat' directed against the privileged position of the *Millet-i Hakime*, the ruling Muslim communities of the Empire. On the other hand, 'popular sovereignty' helped the articulation of the demands of the 'enlightened Ottoman bureaucrats' pushing for the introduction of a constitutional order in the Ottoman polity, the legitimacy of which had traditionally depended upon the unchallenged and sanctified doctrine of dynastic sovereignty. This dichotomically divided political space pointed out the fact that the genesis of the debate on the modern concept of sovereignty in Turkish politics was indeed closely convoluted with the demands of competing political ideologies and that, in this respect, the concept of sovereignty played a central role in binding together the antagonistically positioned discourses. However, the ideal of 'popular sovereignty' remained short-lived due to its association with liberal underpinnings void of secular and revolutionary (in terms of a

regime change) aspects. Most importantly, the absence of the collective will of a *nation* at its foundations, during an era where the ideal of nation-state increasingly replaced that of multi ethno-religious empires, explained its eventual disappearance.

Our second period of investigation focused on the creation of the Turkish nation-state out of the remains of the Ottoman Empire through two simultaneous wars, namely the Turkish War of Independence fought to recover the Allied-partitioned Ottoman lands of Anatolia, and an internal 'war' waged on ethnic, religious and political groups of opposition revolting against the Turkish national movement. The research on this period revealed that it is first through the political works of the Young Turks and in relation to the rising ideology of Turkish nationalism that the concept of 'national sovereignty' started to take root in the psyche of the secular military/bureaucratic elite, the class in charge of Turkish nation-state building efforts during the first quarter of the 20th century.

The Young Turks drew two main conclusions from their observation of the disintegrative consequences of ethnic-religious uprisings joined together by a form of national consciousness posed against the allegiance to the Ottoman dynasty: first, the 'people' were not to be trusted; second, the idea of 'nation' presented an empowering concept to mobilize forces to reclaim political authority within a newly defined territory and a corresponding population. The Young Turks found the philoso-theoretical confirmation of their actual observations in the teachings of the leading French sociologists of the time such as Durkheim and Le Bon (mostly in relation to their distrust towards the potential consequences of uncontrolled societal dynamics) and in the Romantic Nationalism of Rousseau, Herder and Hegel (in terms of the espousal of the idea of an organic nation in opposition to degenerative effects of cosmopolitanism). As it was shown, the political and intellectual legacy of the Young Turks proved influential upon the development of Turkish nation-state building led by Mustafa Kemal and his followers, the contours of which came to be demarcated by solidarist nationalism and elitist social engineering.

This chapter also illustrated that given the need to find a new basis of political legitimacy for the Kemalists' attempts to construct the frontiers of the emerging Turkish nation-state, the ideal of 'national sovereignty' constituted a useful discursive principle in two related ways: (i) 'Externally', the linkage established between national sovereignty and the national right to self-determination played a part in securing the international legitimacy of the resistance movement. (ii) 'Internally', the instrumental

articulation between the concept of national sovereignty and the leading discourses of the time, namely Turkish nationalism and populism, helped efforts to create 'horizontal homogenization' with the idea of 'non-privileged, classless and integrated nation', in the name of which the supreme political authority was being claimed. In this sense, particularly during the years of the National Struggle (1919–1922), national sovereignty was an important discursive factor in uniting the population in the remaining Ottoman lands under the same cause.

The conceptualization of sovereignty arising from these needs found its clearest legal expression in the Law of Fundamental Organization of 1921, the so-called 'First Constitution' of the bourgeoning Turkish nation-state, which declared: "Sovereignty is fully and unconditionally vested in the nation. The form of government is based on direct popular rule and the principle of self-determination." Here, the findings of the chapter drew our attention to the fact that the prevailing doctrine of indivisible, unconditional and non-transferable sovereignty in the Turkish polity in effect represents the legacy of this short-lived constituent period, where sovereignty was to be exercised through the principle of union of powers collected under the Turkish Parliament. At the same time, this formulation of sovereignty reflected the intellectual influences of both the French Revolution and Russian Narodnism, as well as denoting a response to the Wilsonian principles. Hence, while the political/intellectual conditions engendering the necessity to construct such a doctrine gradually disappeared and accordingly a new approach towards sovereignty started to take shape following the proclamation of the Republic, the discursive utilization of the statement 'Sovereignty is Fully and Unconditionally vested in the Nation' survived and eventually turned into one of the fundamental and timeless dicta of Turkish politics.

To this end, the second chapter also underlined the differences with regards to the Kemalist approach to the issue of sovereignty between the period of National Struggle (1919-1922) and the post-1923 period, and observed that following the establishment of the single party rule, the Kemalist nationalist/republican discourse increasingly attempted to 'homogenize' and 'totalize' the political space by establishing a representational monopoly over the 'collective will.' By basing the legitimacy of its political objectives upon the all-encompassing ideal of 'national sovereignty', the Kemalist discourse employed a *logic of difference*, through which it sought to weaken and displace 'internal' and 'external' antagonisms in order to form a coherent unity out of heterogeneous identities to effectively carry on with its nation and state building. In

doing so, it constructed a chain of equivalences along the following lines: (i) sovereignty became exclusively linked to the *Turkish* nation, the boundaries of which grew to be clearly marked by the single-party 'politics of social closure' differentiating between 'friend' and 'enemy'; (ii) the collective will of the nation in-making found its direction and meaning in its integration into the *raison d'etat;* (iii) the State and its *raison* were identified with the RPP and the Kemalist ideology; and finally to complete this discursive chain of signification, (iv) the RPP came to be ruled by an 'Eternal Chief', possessing an omnipotent responsibility to *decide.*

As a result, during the period in question, the principle of national sovereignty upon which the political legitimacy of the Turkish nation-state rests, assumed attributes that went beyond a Rousseauian conceptualization of sovereignty and increasingly resembled the Schmittian notion, where sovereignty is conceived as a monopolized capacity of the nation-state to decide and act upon its decisions, subsequently obliterating challenges directed against its perpetuation and solidity. As it was demonstrated, the historical traces of this tendency were tracked down in the dissolution of the First Turkish Parliament, where the gist of main opposition was indeed related to the Kemalists' dismissal of the power of the Parliament. The closure of subsequent opposition parties such as Free Party (*Serbest Fırka*) and Progressive Republican Party (*Terakkiperver Cumhuriyet Fırkası*) also stood out as historical events contributing to the consolidation of an approach towards sovereignty in the Turkish polity similar to that can be found in the ideas of Schmitt.

The third period of investigation shifted our attention to the post-1980 Turkey, where this modern Kemalist construction of sovereignty came under serious challenge by the simultaneous processes of globalization and fragmentation experienced in the Turkish polity. Within the context of disruption brought by the transition from a closed economic system to an increasingly globally integrated society, accompanied by the emergence of new forms of identity politics in face of the deepening political conservatism of the ruling elite, we witnessed the division of the political space along two overriding and antagonistically positioned discourses: On one hand, in seeking to defend the eroding monopoly of the Turkish nation-state over sovereignty against growing supranational and subnational demands for the dispersion of central authority, the military/republican elite constructed a discourse based upon a reconfiguration of *Kemalism* as *Atatürkism*, emphasizing its solidarist, nationalist and statist features. This discourse derived its strength from a chain of equivalences created by the identification

of the state with *its* nation and country, corresponding to order and harmony in Turkey. In this respect, the safeguarding of 'indivisible, absolute and unconditional national sovereignty' constituted its nodal point.

As discussed in detail in the fourth chapter, this discursive approach towards sovereignty found its legal reflection in the 1982 Constitution of the Turkish Republic. In opposition to the parliamentarism foreseen in the 1921 and 1961 constitutions, 1982 Constitution delegated the right to exercise Turkish nation's sovereignty to *several* state organs. While this Constitution instituted a clear separation of powers, it nevertheless failed to establish a balance among powers, endowing the Executive organs an enhanced political weight vis-à-vis the Legislative. Both the Presidency and the National Security Council assumed an increasing leverage in relation to the right to exercise sovereignty. At the same time, the 1982 Constitution adopted a more centralist approach to administration and accordingly proved very protective against limiting and sharing the 'nation-state' sovereignty with supranational or subnational bodies. As a result, through this Constitution sovereignty came to be re-constructed as an empowering concept mostly in connection to the strengthening of the authority of central state institutions, rather than imposing limits upon and instituting effective checks and balances among them.

Building upon the political underpinnings of the 1982 Constitution, the 'Nationalist/Statist Front' put the principle of sovereignty to use mainly in relation to three strategies fortifying its discourse and accordingly reinforcing the link between its political values and the societal sensitivities: (i) The ideal of national sovereignty was re-emphasized within the nationalist/statist elite's attempts to fill in the representational distance, increasingly widening between the 'people' and the Atatürkist ideology in the post-1980 period. In this perspective, 'Nationalist/Statist Front' presented national sovereignty as a *sacred* value, a 'gift' of Atatürk to the Turkish nation symbolizing the actual significance given to 'public will' within the Kemalist project. 'National sovereignty' was positioned as an ideal born with Atatürk and was accordingly colonized by the Atatürkist discourse, which stressed that there could be no sovereignty *outside* or *beyond* this way of thinking. (ii) At the same time, in reaction to the increasing public visibility of the Kurdish identity, developed during the period in question within the framework of a micro-nationalism mirror-imaging the Turkish macro-nationalism, the Atatürkists emphasized the exclusive link between 'the right to supreme authority of the land' and the Turkish nation. Thereby, 'national sovereignty'

was also a discursive resource used in connection to the determination of the Turkish identity as the unifying monolithic identity in Turkey. (iii) Finally, the 'Nationalist/Statist Front' closely identified the safeguarding of 'indivisible, absolute and unconditional national sovereignty' with the preservation of a 'strong and independent nation-state' against the forces of globalization and 'imperialism'. Particularly with respect to this strategy, the chapter revealed the increasing articulation of the demands of the political groups of the 'left' and the 'right' into a defensive nationalist/statist discourse. During the period in question, the defense of the sovereignty of the nation-state came to be charged by emotive and affective connotations and was subsequently presented as a core republican value under 'external' and 'internal' threat, therefore in need of constant care and protection.

On the other hand, the 1980s and the 1990s witnessed the emergence of a counter discourse, produced mainly in opposition to the nationalist/statist position, articulating demands in support of the 'people' and the individual vis-à-vis the all powerful nation and the state, plurality vis-à-vis homogeneity, and globalization vis-à-vis the central state. In support of these political values, this 'Second Republican/Democratic' discourse set out to deconstruct the myth of 'absolute and unconditional national sovereignty' along the following lines: (i) The introduction and the consolidation of the Republican regime lacked a democratic core, and therefore the Turkish polity excluded an actual realization of 'popular sovereignty' as understood within the democratic tradition. Given the absence of a relationship between democracy and republicanism in Turkey, the bureaucracy and the military emerged as the real Sovereign of the land, and not the 'people'. (ii) In lack of democratic premises underlying the concept of sovereignty, the 'ideal of national sovereignty' primarily functioned as a discursive tool supporting the foundations of Turkish nationalism and statism, mainly constituting an obstacle before the political attempts to represent social demands emanating from heterogeneous identities. In these respects, the findings of the research highlighted the articulation of the neo-liberal democratic discourse and the Islamic discourse during the period in question, joining together in their demands for further democratization and recognition of diversity. However, while the critique extended by the 'democratic coalition' towards the nationalist/statist instrumentalization of sovereignty proved important in challenging the legitimacy of the nation-state-centric approach, nonetheless, we have also seen that this discourse failed to offer an alternative configuration of sovereignty to respond to growing supranational and subnational

demands. Similar to the statist/nationalists, the approach of the democrats of the 1990s to the question of sovereignty proved retrospective rather than progressive.

Our fourth period of study focused on the post-1999 period, during which Turkey embarked upon an official process of integration with the European Union. The chapter showed that Turkey's European Union accession road map instigated a process of reform and resistance, which polarized the political space along two overriding discourses: a pro-EU 'democratic coalition' advocating '*full* membership' vs. a Euroskeptic 'republican/nationalist coalition' defending '*full* independence.' In the articulation of dispersed political positions into these two opposing camps, the concept of sovereignty functioned as an *empty-signifier,* which, given the impossibility of *fullness* either in terms of independence or membership, helped to maintain the legitimacy of these contradictory *horizons*.

To substantiate this argument, the chapter examined in detail two related and simultaneous 'sovereignty battles' taking place in the post-2000 Turkey and illustrated the ways in which the concept of sovereignty was instrumentalized by the antagonistically positioned political camps: In terms of the first debate surrounding the question whether or not it would be possible or desirable to 'share sovereignty' with or 'pool sovereignty' to the European Union, the 'nationalist/republican bloc' associated the EU accession process with an *end* to 'Turkish national sovereignty' and a *loss* of 'full independence', thereby with the undermining of the twin ideals sustaining the *raison d'etre* of Kemalist Republican regime. It was also noted that within the 'Euroskeptic nationalist/republican' discourse sovereignty assumed meanings beyond a legal and a political concept, and became charged with *affective* components to portray an image of Turkey under siege. Henceforth, 'the defense of national sovereignty' became the nodal point that further stabilized the coalition established between the nationalist right and the nationalist left in Turkey.

In opposition to the Euroskeptic discourse and in support of the need to reconfigure the Turkish doctrine of sovereignty in the context of European integration, we have seen how the articulation of the 'conservative-Islamic-democratic' and the 'liberal-democratic' arguments into a single discourse took place during the 2000s. The Europhile democratic discourse argued that 'sharing of sovereignty' with supranational and subnational units would eventually help the democratization of Turkey by bringing fundamental freedoms to everyone, as well as strengthening the effectiveness of Turkish polity by boosting Turkey's involvement in the international regime.

It was further illustrated that the blurring of the distinction between the outside/inside through 'Europeanization' and the associated repercussions have carried the domestic debate in Turkey far beyond the confines of the issue of 'sharing sovereignty' with the European Union. Instead, it has brought forth a critical questioning of the domestic political system in place, and has shaken the very foundations underlying the current doctrine of sovereignty in Turkish politics, which was conceived to give priority and preference to '*raison d'etat*' over '*public will*'. The exposition of the ongoing disagreement over the appropriate source and exercise of sovereignty has been particularly important for the purposes of this study in terms of demonstrating the persistent conflict beneath the most cliché statement of Turkish politics: "Sovereignty is vested Fully and Unconditionally in the Nation."

The latest manifestation of the continuing relevance and significance of further in-depth research on the issue of sovereignty in the Turkish politics is found in the framework of the process of a new and so-called 'civil' constitution-making currently underway in Turkey. Although so far the debate has mainly concentrated on the chosen method and drafting process, as well as on the question whether or not there is actually a need for a new constitution in Turkey,[625] a separate discussion also started to take shape with regards to its specific proposals. Within this framework, the redefinition of Article 6, dealing specifically with the issue of sovereignty, has already drawn much attention and criticism, making sovereignty once again a main subject of political

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[625]A collection of articles on these issues includes Murat Yetkin, "Anayasa AKP'nin mi, AK Parti'nin mi?", *Radikal,* 4 September 2007; İsmet Berkan, Anayasadan Esas Beklenen", *Radikal,* 8 September 2007; Korkmaz İlkorur, "Anayasa Tartışmaları", *Radikal,* 11 September 2007; Haluk Şahin, "Yeni Anayasa Fırsat mı, Tuzak mı?", *Radikal,* 14 September 2007; Haluk Şahin, "Yeni Anayasa Kimin Projesi?", *Radikal,* 15 September 2007; Anayasa ve 'Beyaz Türkler', Taha Akyol, *Milliyet,* 14 September 2007; Fikret Bila, "Yeni anayasa Tartışmaları", *Milliyet,* 14 September 2007; Türker Alkan, Sivil anayasa ne demek? *Radikal,* 15 September 2007; Derya Sazak, "Anayasanın anlamı," *Milliyet,* 14 September 2007; Oktay Ekşi, "Değişmesi gerekli mi değil mi?" *Hürriyet,* 15 September 2007; Mümtaz Soysal, "Anayasa Tepkisi: İki", *Cumhuriyet,* 5 September 2007; Mümtaz Soysal, "Anayasa Tepkisi: Dört", *Cumhuriyet,* 8 September 2007, Necati Özgen, "Anayasa Tartışmaları...", *Cumhuriyet,* 11 September 2007, Orhan Erinç, "Tepki Anayasası", *Cumhuriyet,* 15 September 2007; Şahin Alpay, "Özlenen Sivil ve Demokratik Anayasa", *Zaman,* 8 September 2007; Cengiz Çandar, "Önce 301; sonra Yeni Anayasa", *Referans,* 15 September 2007; İsmet Berkan, "Destekçisiyiz", *Radikal,* 12 December 2007.

controversy in Turkey. The publicly declared[626] suggested revision in Article 6 (now Article 5) brings two significant amendments: (i) First, it poses international and supranational limits on Turkish national sovereignty, an issue of much controversy with regards to the so-called 'transfer' of sovereignty to the European Union as a result of Turkey's accession process. (ii) By naming solely the legislative, executive and judicial organs responsible for the exercise of sovereignty (instead of the more vague terminology of 'responsible organs' used in the current constitution), the new proposal first aims to clear the ongoing tension in Turkey on the question of separation of powers, second it attempts to leave out other state institutions claiming to act on behalf of Turkish nation's sovereignty. At the same time, this new constitutional proposal rearranges the balance of power among the legislative, executive and judiciary organs; re-shifting the weight in favor of the Parliament. It also foresees a popular election of the President, the powers of whom have been curtailed to the framework envisaged in 1961 Constitution, while the National Security Council is turned into a consultative body, the members of which come to be appointed by the Prime Minister. In this regard, the new Constitutional proposal displays a certain distancing away from its earlier connection with the constitutions of Continental Europe and instead embodies clauses that prove akin to those found in the Anglo-Saxon constitutional tradition.

As the ruling party's efforts set out to redefine the relationship between the Turkish state and the society through a new contract,[627] the current public debate reveals that the disagreement over the legitimate *source* and *locus* of sovereignty and the related conflict between *public will* and *rasion d'etat* indeed constitute the real thrust of the matter. However, it is also observed that the attempts within the new constitutional proposal to institute the precedence of public will over *raison d'etat* comes to be closely associated with the conflicting interpretations of secularism in Turkey and the head scarf issue in this regard. Henceforth, the current beginnings of a debate on the new Turkish Constitution foreshadows the continuity of the controversy over the issue of

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[626] The details of the constitutional proposal were shared with the Turkish media on 13 September 2007 and the full text can be reached at the following internet address: http://www.ntvmsnbc.com/news/_419856.asp.

[627]For a more detailed discussion on the constitution making and the contractual relationship between the state and the society please see, Hasan Bülent Kahraman, 'Anayasa sözleşme mi değil mi?', *Sabah,* 18 September 2007 and Hasan Bülent Kahraman, 'Demokratik sivilleşme mi türban mı?,' 13 September 2007.

sovereignty in Turkish politics and reveals once again the need to further examine the dynamics of this conflict from the perspective of political theory.

As a result, the foregoing discursive analysis of the post-2000 Turkey shows that before being able to discuss how to align the Turkish national sovereignty with the so-called 'post-Westphalian' European order, it is first necessary to clarify the current underpinnings and agree upon the main tenets of domestic allocation of power and authority in the Turkish polity. This compelling task first and foremost requires the location of the unconditional, absolute and state-centric doctrine of sovereignty prevailing in the Turkish polity into the domain of politically contestable. It is only by exposing the highly politicized and contentious nature of this doctrine that we can evade the risk of limiting our understanding of the pluralistic political possibilities implicated in contemporary transformations of sovereignty.

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