

# Civic death as a mechanism of retributive punishment: Academic purges in Turkey

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**Seçkin Sertdemir Özdemir** 

European Institute, London School of Economics and  
Political Science, UK

## Abstract

In an era when authoritarian governments increasingly target academics, Turkey's 2016 purge of more than 6,000 academics and their diminution to civic death is conspicuous in its cruelty. Although unprecedented, this is not the first time that Turkish academics have been punished en masse. By looking at the tools with which academics have been expelled from educational institutions, the public sphere, and the political body, I attempt to develop a nuanced understanding of the interconnected forms of punishment directed towards academic citizens as knowledge producers. I suggest that the 1980 coup accomplished three things: it introduced new mechanisms of punishment based on a logic of retribution instead of compensation; it changed the legal system into a regime of exception; it transformed academics into patriotic worker-citizens. The latest purges have brought an additional change in the status of academics' citizenship, rendering them as disposable citizens forever at risk of being targeted as the 'civic dead'.

## Keywords

academics, civic death, new mechanisms of punishment, purges, regime of exception, retribution, Turkey

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## Corresponding author:

Seçkin Sertdemir Özdemir, London School of Economics and Political Science, European Institute, Centre Building, Houghton Street, London WC2A 2AE, UK.

Email: [s.sertdemir-ozdemir@lse.ac.uk](mailto:s.sertdemir-ozdemir@lse.ac.uk)

In an era where right-wing and authoritarian governments increasingly target academics for censure, restrictions, bans, and detentions across countries as socio-politically diverse as Hungary, Poland, Brazil, India, China, and the United States (Scott, 2019: 104), Turkey leads the pack by sheer dint of its excess. Since the failed coup attempt of July 2016, more than 6,000 academics have been summarily dismissed from their university posts via emergency decrees, many of them accused by citizen-spy 'secret informers' (*gizli tank*) of associating with terrorists, and banned from public service for life. Essentially recognised by the authorities as dead to the law while they are still living. This emergent punishment is popularly known in Turkey as 'civil death' (*sivil ölüm*). These persecuted academics have been deprived of many basic civic rights: the right to presumption of innocence and a fair trial; to stand for election and work in the public sector; freedom of travel, speech and association.

Although unprecedented in scale, this is not the first time that Turkish academics have been subjected to punishment. From its beginnings in 1923, each new Turkish regime has targeted academics. Thousands of academics have been sacked, jailed, denaturalised, and forced to flee the country or to live in internal exile: from the early years of the Turkish Republic and the post-WWII period, following the 1980 military coup, and after the failed coup of 2016. By examining the different yet recurrent tools with which academics have been expelled from educational institutions, the public sphere, and the political body, I attempt to develop a nuanced understanding of the interconnected forms of punishment directed at academics as knowledge producers. I suggest that despite continuities with the academic purges of the early Republican era, the 1980 military coup's securitisation of the country's populace and the neoliberalisation of its economy managed to introduce new punishment mechanisms and, further, that with the latest purges these mechanisms have now reached new levels of cruelty. In keeping with the literature on changing regimes of punishment, I argue that the logic of penalising academics is progressively shifting from a logic of compensation to a logic of retribution (Fassin, 2018) and that the latter penalty involves subjection to civic death.<sup>1</sup>

Scholars of citizenship agree that the post-World War II model of national citizenship has failed to fully protect citizens from losing social, economic and political rights and even from being subjected to total degradation (Agamben, 1998; Arendt, 1976; Balibar, 2015; Lefort, 1986). Much of the literature on citizenship theory emphasises the importance of recognising economic, social and political rights and considers how rights that are inclusive both within and beyond national citizenship may be attained (Isin and Turner, 2003; Linklater, 2003; Ong, 2006; Rancière, 2004). As calls for citizenship rights that reflect inclusion and recognition of difference, diversity and multitude have increased (Isin and Turner, 2003; Kymlicka, 2004; Rancière, 1995), so did authoritarian states begin to diversify their techniques of governance in order to deprive targeted groups and individuals of citizenship rights (Özkazanç, 2011; Özyürek, 2018; Tansel, 2018). Despite the diversity of methods deployed in the global surge in citizenship

deprivation, much scholarly attention of recent years has been paid to deportation and denationalisation strategies (Sassen, 2006) and their links to national security (Kaldor, 2006) which target and criminalise citizens, immigrants, and refugees on the basis of unsubstantiated accusations of ‘terrorism’ (Fassin, 2011; Wacquant, 2009). While many analysts are critical of citizenship deprivation as ‘the ultimate punitive measure’ (Kapoor and Narkowicz, 2019: 45) deployed in ‘the age of security’ (Gros, 2012), less attention has been paid to forms of citizen punishment that do not result in denaturalisation or geographical deportation, but which specifically and expressly remove the right of citizens to claim their citizen’s rights while still retaining them as citizens. Citizenship deprivation by any other name, then, but in a form that targets the rights and freedoms that accrue to citizenship.

I suggest that the military government installed after the 1980 coup introduced a new and a more comprehensively cruel system of punishment, complete with an emergent assembly of penal techniques, objectives, social control strategies and discourses based on securitised accusations of ‘terrorism’ and extra-legal punishment (Yonucu, 2017, 2018). This new system allowed for the targeting of ever larger assortments of political opponents and dissidents, including academics, via the techniques of citizen’s rights abuse: summary persecution without due process, purge based on the accounts of secret informers, arbitrary arrests and detentions, and graver human rights abuses involving body, limb and life. During the reign of the military junta in the 1980s, academics were persecuted and summarily dismissed on the basis of the extra-legal tool of emergency decree, accused of being ‘perpetrators who have left no trace of incriminating evidence’ (*kanıt bırakmadan suç işleyenler*) and branded as ‘suspect’ (*sakıncalı*). More than 35 years later, after the 2016 failed coup, the Erdoğan government utilised the same extra-legal tool of emergency decree to dismiss thousands of academics from their posts for life, again based on the unsubstantiated accusation of being ‘connected’ with terrorism (*terörle iltisaklı olanlar*). With the induction of one of these extra-legal punishment methods – the deprivation of citizen’s right to appeal tantamount to an internal exile without geographical expulsion or imprisonment – a civic death status emerged. To underline the high impact on citizenship status in Turkey this adjustment of the punishment regime has effected, I prefer the term ‘civic death’ to the term its victims use for it, ‘civil death’, because it more clearly describes a punishment regime in which people are wholly excluded from the social and political realms of their society. Civic death status thus indicates a shift of the sovereign’s classical strategy of ‘make die’ to the exercise of the biopower to ‘let die’ through the exclusion of dissidents from social and public spheres. Today, the technological sophistication of the security apparatus and the centralisation and amalgamation of disparate individual records into digital databases has an exponentially greater capacity to exert social, economic and political pressure on the dismissed ‘*KHK’lılar*’ (*Kanun Hükmünde Kararname’lılar*)<sup>2</sup> – in Turkish, ‘the emergency decreed’ – gathering family members and acquaintances into the security net. Stripped of their rights, individuals accused of unsubstantiated crimes are

systematically excluded from the political body, rendered as internal exiles without having to be geographically expelled or imprisoned. Subjected to civic death, a politics of death that entails the loss of citizen's 'right to have rights' (Arendt, 1976: 267–302), targeted citizens are barred from access to any and all aspects of civic life.

### **From exceptional law to a regime of social control**

Working from within their various disciplinary perspectives, political and legal theorists, philosophers, historians, sociologists and anthropologists have noted that in neoliberal times, the punishment methods used against political opponents and dissidents have had an enormous impact on politics (Comaroff and Comaroff, 2008, 2016; Feeley and Simon, 1992). Scholars concur that over the last decades, punishment has become more repressive and relentless, a process brought about by an increase in powers, jurisdictions and controls (Fassin, 2011, 2018; Kaldor, 2006), all in the name of security (Gros, 2012). In his comprehensive review of global trends in punishment and society over the past 20 years, David Garland (2018: 16–17, 23) argues that until the 1990s penal policies were designed primarily for criminal control. Since then, however, they have been combined with social control of issues not directly linked to crime. Garland considers the rise in mass incarceration in the US via a 'war on drugs' as examples both of racially motivated state violence and of penal transformation 'from a rehabilitative approach to a more punitive one' (20).

The global trend of social control through punitive penal policies described by Garland is also addressed in the work of anthropologist Didier Fassin (2018) on the changing meaning of punishment. Fassin argues that in the modern Western world the state's penal system has become increasingly cruel, resulting in the emergence of a new penal system. According to Fassin, the specificity of the new retributive system lies in its novel philosophical approach towards crime and punishment. Lasting through the end of the Cold War, the older compensatory penal system stemmed both from the philosophical and theological debates of the Enlightenment and from Christian morality. It was based on an understanding of the 'affective economy of debt' (52) which demanded that a convicted person pay compensation and/or reparation. In contrast, the post-Cold War penal system is based on a 'moral economy of punishment' (52) and relies primarily on the 'infliction of suffering' and retribution (121). To pre-emptively control diverse groups categorised as dangerous, the new retributive criminal sanctioning uses the surveillance techniques of statistical and observational data (92), mass incarceration, and risk profiling (115), thereby extending the punishment period beyond time spent in prison and reaching to offenders' families and other stigmatised community members (116–117). While the earlier principle of punishment based on the 'logic of compensation' (121) was intended to mete out punishment in individual cases, today's 'logic of retribution' (179) targets social groups, thereby

producing and consolidating inequalities across race, class, gender, and other socio-structural categories.

I suggest that since the 1980 military coup the global penal policies based on social control described by Garland and Fassin subtend the Turkish penal system. With the use of extra-legal punishment and social control methods, the new logic of retribution began to take root following the coup. Over the past decades in Turkey, these punishment methods have relied not only on racial, class and gender discrimination; they have also begun to be politically motivated. Since the military seizure of power in 1980, the circle of people who are persecuted has gradually widened, and today anyone can be targeted without the presentation of compelling evidence of criminal activity.

Another growing body of literature on the increasingly authoritarian political environment in Turkey examines the relationship between crime and policing and their shared impact on society (Akça, 2014; Gönen, 2016). Scholars agree that the 1980 coup was a turning point in state-citizen relations (see Özkazanç, 2011; Özyürek, 2018). The military junta undermined the basic institutions of justice and freedom; wiped out the rule of law and separation of powers; centralised all power in the hands of the military government; and imposed severe restrictions on citizens' participation in the public sphere (Akça, 2014: 17). Prepared under the military government, the 1983 constitution institutionalised the changes made to the penal system and increased control of society by restricting citizens' rights (Tansel, 2018). In her book *Neoliberal Manifestations: Citizenship, Crime and Education*, Alev Özkazanç (2011: 29) argues that the neoliberal system established in Turkey after the 1980 coup entailed not only the privatisation of the public sector, but also the establishment of a comprehensive governmental rationality based on broad socio-political surveillance and control. Exempt from checks and balances, the now-neoliberal government began to use extra-legal tools in order to retain control over society. The 1990s were thus marked by the emergence of an apathetic society lorded over by Islamic societies and mafia groups (Özkazanç, 2011: 27–36).

In her ethnographic research on 'terror suspects' in an Alevi-populated neighbourhood of Istanbul, Deniz Yonucu (2017, 2018) notes that Turkish police control, intimidation, and incarceration of dissidents signals the continuation of overuse of legal tools already established during the 1980 military coup (Yonucu, 2018: 410). After the 1991 anti-terror law, and its subsequent expansion in 2006,<sup>3</sup> the number of the people accused, convicted and incarcerated for 'terrorism' rose significantly from 273 in 2005 and to 12,897 in 2011 (Yonucu, 2018: 411). Most of these were Kurdish activists or members of stigmatised populations (Yonucu, 2018: 408). When I apply Yonucu's optic to view the extra-legal tools used after the failed coup of 2016 to control the lives of dissident citizens as a targeted group – the emergency decrees that have given licence to politically motivated purges, arrests, and persecutions – I see that the use of these tools persisted even after the state of emergency was lifted on 19 July 2018. Remarking on the forced removal in 2016 of 30% of judges and prosecutors via emergency decree, the

latest European Commission (2019: 24–25) report questioned the legal reasoning behind and evidential basis for judicial rulings across Turkey's legal system.

As a result of the ongoing social control of dissidents via extra-legal tools, there has been an increase in the number of pre-trial detentions: in 2000, 29,953 people in Turkey were imprisoned via pre-trial detention statutes, rising to 100,003 in 2017 (World Prison Brief, n.d.). After the 12 September 1980 coup, there were 52,653 pre-trial and convicted prisoners; by 1981, there were 79,786, a 52% increase; and by 2018, the number had burgeoned to 264,842, a 232% increase over 1981 (Türkiye İstatistik Kurumu, 2020). Another example of the impact of social control is the increase in prosecutions for insulting the President under the article 299 of Turkish Criminal Cod Law no 5237, which carries a potential prison sentence of one to four years, subject to approval by the Minister of Justice. The number of people prosecuted and convicted for speaking out against the President in media outlets, including social networking websites, rose sharply from 108 people in 2010 and 678 in 2015 to 6,270 people in 2018, an 825% increase over 2010 (Yüksel, 2019). According to Human Rights Watch (2018), by June 2018 terrorism offences were so broadly used as 'summary punishments' that one-fifth of the total number of prisoners, including journalists, writers, civil servants and opposition politicians, had been charged with 'terrorism'.

The ongoing Academics for Peace trials that began in 2017 illustrate those strategies used as 'alternatives to prison' (Robinson, 2016: 99–100). As of 24 March 2020, 822 academics out of 2,212 signatories of the 2016 petition have been individually sued for 'terrorist propaganda'. Many courts deferred the announcement of their verdicts until after 31 academics had been sentenced under the anti-terror law to between 15 and 36 months jail time (Barış için Akademisyenler, 2019). While 599 academics were acquitted following Turkey's Constitutional Court ruling of 26 July 2019 that the signatories did not commit the 'crime of propagandising for a terrorist organisation', the Constitutional Court judgement has not yet changed the status of academics dismissed via governments decrees. The same Constitutional Court still refuses to examine the lawfulness of the emergency decrees and by doing so ensures that the results of the decrees persist even after the state of emergency has been lifted. As a result of the rising social control of dissidents through mass supervision and profiling, academics dismissed from their jobs for life have been unable to return to work at their universities, even after their acquittal of the charge of 'terrorist propaganda'. The Turkish government now conducts politics through the development and deployment of extra-legal tools that contradict the fundamentals of judicial reasoning and jurisprudence. Such utilisation of emergency decrees as a set of extra-legal punishment tools outside an official state of emergency demonstrates not only that the new penal system in Turkey relies heavily on the 'logic of retribution' but also that it is now based on a revised strategy of social control which goes 'beyond the prisons walls' (Robinson, 2016: 99). Below I describe the evolution of the penal system in Turkey from the logic of compensation towards retribution through a

focus on the punishment of academics and the establishment of social control via legal means.

### **Early republican academic purges: Compensatory punishment**

Throughout the 20th and 21st centuries, one of the central objectives of each non-democratic political transition in Turkey has been to control and stifle intellectual and academic production by pressuring, persecuting, purging, detaining, incarcerating, torturing, disappearing, and executing journalists, writers, students, and academics. Since the late Ottoman period higher education has been a major instrument of social transformation and for the training of its ideological leaders (Turan, 2010: 143). Parallel with the political value attributed to higher education, periodic persecutions of academics and students, violations of their freedom of expression, and summary cancellations of meetings and conferences became mundane, especially during political transitions.

With the foundation of the Turkish Republic in 1923, drastic measures were taken to reshape the field of academic production. In its first decade, the Kemalist regime focused on reforming Darülfünun (literally, the ‘house of sciences’), the only Ottoman institution of higher learning to come out of the late Ottoman projects of modernisation and Westernisation. In 1933, thoroughgoing reforms abolished the Darülfünun, gave it a new curriculum, renamed it Istanbul University, and summarily dismissed 91 of its 151 existing academics in favour of chiefly German academics uprooted during the Nazi purges of that year (İrem, 2002: 102; Konuk, 2010: 20).

Twelve years after these early Republican purges, a second wave of dismissals took place at the end of WWII as the country was getting ready to transition to a multiparty system. In 1945, Behice Boran, Pertev Naili Boratav and Niyazi Berkes were removed from their posts at Ankara University’s Faculty of Languages, History, and Geography when the university’s senate pressured parliament (Çetik, 2008; Berkes, 1997; Kalafat 2014; Sargın, 2010). Tried on the basis of ‘communist propaganda’ and Marxism, they were later acquitted. In an ironic twist, Ernst Eduard Hirsch (1997[1982]), a German Jewish academic working at Ankara University, resigned from his seat in the university senate in protest of these dismissals. It is important to note here that all three of those purged in 1945 died in foreign exile.

During Turkey’s first coup d’état of 1960, the military government persecuted and tortured politicians and party leaders and unseated 147 academics by means of Law no. 114, prompting a number of university presidents and academics to resign in protest. Among these were prominent scholars Sabahattin Eyüboğlu, Nusret Hızır, Tarık Zafer Tunaya and Mina Urgan (Köymen, 2008: 186–191). Because the putschists saw themselves as progressive reformists ushering the country into democracy (Karpat, 1970), the military government could not resist public pressure and in 1962 adopted Law no. 43, which allowed all 147 academics to return to their posts.

In 1971, the military once again overthrew Turkey's civilian government by 'asking' parliament to resign. Known as the 12 March Memorandum (*12 Mart Muhtırası*), this coup allowed the military to seize power until elections in 1973 so as to bring an end to what the junta saw as 'anarchy' (Cizre, 2008: 309). Among their targets were leftist students and Kurdish activists (Bozarslan, 2008: 347). İsmail Beşikçi (1969), a well-known sociologist and Kurdish specialist employed as assistant professor at Atatürk University in Erzurum was dismissed after an academic informer 'complained' about him (Yalcin, 1988: 43). Convicted and sentenced in 1971 to 13 years imprisonment, Beşikçi was released in 1974 with a general amnesty but was never able to return to his university job. Continuing to research and publish as an independent scholar, a second arrest ensued, and he was again imprisoned between 1979 and 1981. Rearrested shortly thereafter and sentenced to 100 years' imprisonment, he was again released in 1999. All told, Beşikçi spent 17 years behind bars for academic work that challenged the official government denial of the Kurdish reality in Turkey.

As can be seen from this precis of academic purges between the Darülfünun Reform of 1933 and the aftermath of the 1971 military referendum, universities in Turkey have been far from independent; in nearly every decade of the Republic, purges of university personnel have been legislated. Yet despite the political pressures, when compared with the post-1980 period, universities enjoyed *relative* administrative autonomy. With the 1980 coup, universities came under total state control. Economics professor Korkut Boratav, the son of folklorist Pertev Naili Boratav, who was purged in 1945, considers this interim period up to the 1980 coup as a 'period of tolerance' (Öztatar, 2018: 201). Although Law no. 4936 on universities enacted in June 1946 did not forbid academic purges, it did make them difficult (198). Arrested and detained after the 1971 coup, academics from Ankara University's Faculty of Political Science such as Mümtaz Soysal, Bahri Savcı and Cahit Talas could resume their academic work upon their release (199). While academics were dismissed and banned from public employment during this extended 'period of tolerance', the purge of selected academics did not turn into mass punishment on a society-wide scale. Before 1980, punishments targeted academics not as social groups but as individuals. This demonstrates that they were based on the logic of compensation (Fassin, 2018: 121). In the pre-1980 period, personalised penalties were also impeded by the relatively autonomous status of universities, as well as by academics' safe working conditions, which prevented their conversion to instruments of collective punishment. After the 1980 military coup, we see the gradual establishment of a logic of retribution (179) which targets social groups and relies on extra-legal punishment such as civic death or internal exile. This newest form of penology applies punishment to whole populations, not to individual subjects, with the aim of minimising and controlling criminality, not mandating reparation (59). In hindsight, the compensatory purges of academics that occurred prior to the 1980 coup appear as lenient precursors relative to the more comprehensively cruel and retributive punishments to come.

## Purges after the 1980 coup: Retributive punishment

On 12 September 1980, the Turkish military once more toppled the civilian government, suspended the constitution, and banned all political activity by declaring a state of emergency. In the ensuing years, the junta sentenced 517 individuals to death, executed 50, killed 171 under torture, disappeared thousands, arrested and imprisoned hundreds of thousands, and revoked the citizenship of 14,000 citizens (Meclis Araştırması Komisyonu, 2012, vol. 2: 839–844). Invoking Martial Law no. 1402, the junta authorised local military commanders to dismiss people from public service (Yılmaz, 1990: 6). Various sources report that between 20,000 (21), 30,000 (Meclis Araştırması Komisyonu, 2012), and 34,021 (Karababa, 2001: 9) individuals were summarily dismissed from their jobs. The exact number of dismissed academics is unknown. The Academics' Association (*Akademisyenler Birliği Derneği*) reports that in 1983, 38 professors, 25 associate professors, 10 assistant professors, and 73 lecturers – collectively known as '1402ers' (*1402'likler*) – were sacked under Law no. 1402 (Yılmaz, 1990: 12). According to İhsan Karababa (2001: 10), 1,400 additional academics were discharged by university rectors by means of administrative investigation.

Following the coup, consequential structural changes to academia came in 1981 with the establishment of the Council of Higher Education (*Yükseköğretim Kurulu*, hereafter YÖK). Repealing the prevailing law governing higher education that had provided administrative autonomy to universities and relative independence to academics, Law no. 2547 replaced the 10-year cycle of academic purges with systematic state control and increased political pressure on universities (Kongar, 2019; Turan, 2010; Yılmaz, 1990). As the governmental supervisory structure for higher education, YÖK began the surveillance of academics by compiling confidential dossiers and requiring exhaustive security clearances (Tekeli, 2010: 206, 249). Once relative administrative and scientific autonomy had been curtailed, all academic trade unions and associations were closed to prevent strikes and protests.

As thoroughgoing as these changes were, studies reveal that the impact of the 1980 coup on academia was much more far-reaching than the mere sacking of individual academics and the imposition of state control over universities, for it opened the way for the neoliberalisation of all aspects of public life (Boratav, 2014, 2017; Timur et al., 2017). Wendy Brown (2007: 51–58), conceives neoliberalism as a constructivist project for both the state and its subjects. According to Brown's conception, neoliberalism applies economic rationality to the whole of society by means of regulations and supervisory control mechanisms. Although the neoliberal state appears to deregulate, the maintenance of economic growth and free-market competition actually requires continued state intervention (51–53). As a result of large-scale marketisation, people become 'homo oeconomicus,' economised human subjects who self-invest and compete with others so as to ensure the enhancement of their own value and their attraction to investors (Brown, 2015: 31–35). Under the influence of this neoliberal regime on a global scale, Turkish

universities were no longer considered as a public good (Gök, 2004: 97), and academics were no longer conceived of as civil servants, but instead as worker-citizens labouring in the ‘knowledge economy’. Their working conditions became more precarious. They lost their rights to association and strike and their legislative job security. Their relative autonomy was curbed. YÖK began to support the establishment of private universities and, correspondingly, the gradual marketisation of higher education, thereby reshaping the knowledge realm at the market’s disposal. One of the most significant results of the commodification of the knowledge realm in Turkey under neoliberalism was a direct result of the state’s new and active role in supporting marketisation: centralised administration of all universities through YÖK was now able to facilitate the control of knowledge producers at universities on a micro level. Increases in control and surveillance, the loss of freedom of association, and the closure of scholarly and academic unions and associations went hand in hand with the application of a performance measurement system, the loss of relative autonomy at universities, the use of disciplinary techniques against scholars, and the destruction of employment protections for academics (Tekeli, 2010: 269, 273). Another direct result of neoliberalism in higher education was the concomitant transformation of academics from ‘qualified skilled workers’ into ‘unqualified workers’ (Vatansever and Yalçın, 2016: 39). As generic economic *workers*, academics were required to display their entrepreneurial abilities by assuming an active role in furthering their university in the market and by converting their knowledge into a sound investment prospect. As economic *citizens*, they were required to be both loyal and subservient to official state ideology and to act as national patriots (Üstel, 2004: 319–328). At the mercy of the market and required to prove their loyalty to the state, academics were now doubly vulnerable.

The 28 February 1997 military memorandum signalled another blow to academia. Imposed during a meeting of the National Security Council, the then prime minister, Necmettin Erbakan, was forced to resign because he and his Islamist tendency party were considered a threat to the Republic. The fallout of the memorandum within higher education primarily effected Muslim women who risked loss of their right to education due to the implementation via YÖK of a headscarf prohibition at all universities. Headscarf-wearing students did not fit the neoliberal notion of the patriotic (Kemalist) citizen. The National Security Council authorised the dismissal of public servants shortly thereafter (Karababa, 2001: 1, 7).

The pressure on higher education increased dramatically throughout the 2000s and 2010s, despite stable democracy until 2016. Many Kurdish activists and students were arrested, put on trial, and imprisoned (Amnesty International, 2005; Human Rights Watch, 2003). In 2011, Büşra Ersanlı, a professor of political science at Marmara University, was jailed for nine months in the Kurdistan Communities Union (*Koma Civakên Kurdistan*) case alongside many students. Conferences and academic organisations classified by the government as dangerous, such as those working on Armenians, were cancelled due to political pressure. Following the public announcement in January 2016 of the Academics for Peace

petition wherein 2,212 Turkish academics called for a restart of the stalled peace negotiations between the Turkish government and Kurdish militants, the homes of signatories were raided by police and many were dismissed by their rectors well before the July military coup attempt and the declaration of a state of emergency (Timur et al., 2017: 470; Tekin, 2019). Aided by the increased securitisation and neoliberalisation of institutions, each of these violations prepared the ground for the policies taken under the state of emergency measures of 2016, allowing for the persistence of arbitrary citizenship deprivation in the form of profiling, blacklisting, dismissal, arrest, and prosecution of academics via extra-legal means.

### **The securitisation of purges as a justification for civic death**

A comparison of the punishment of those academics purged in the 1980 coup and those recently purged following the 2016 coup attempt allows us to see how systematic state control over universities has intensified. While the differences are both quantitative and qualitative, the numbers are revealing.<sup>4</sup> With the 1980 coup, 0.36% of all Turkish academics were officially dismissed (Yılmaz, 1990: 12): 73 out of 20,333 total (YÖK, 2019). In contrast, with the coup attempt of 2016, the percentage of academics dismissed increased by more than tenfold – 3.78%, or 6,081 out of 160,662 academics (Kural and Adal, 2018). More striking than the numbers is the new logic of punishment. Large groups of academics are alleged to have committed terrorist crimes, an allegation used as a justification for their civic death – the deprivation of their social, economic, and political rights.

As another consequence of the 1980 coup, State of Siege Coordination Units (*Sıkıyönetim Koordinasyon Üniteleri*) were established in each ministry, structures that dismissed academics on the basis of informers' statements written by university directors (Yılmaz, 1990: 9–11). With Law no. 2766, enacted on 30 December 1982, the military government added an article declaring that those dismissed were never again to be appointed for public service of any kind (7). At the time, this article was publicly considered to be a law of 'civil death' (*medeni ölüm*) (8), the same term today's dismissed academics use in their writings and public appearances to describe their circumstances after having been purged (Sertdemir Özdemir and Özyürek, 2019).

In the aftermath to both the 1980 military coup and the 2016 failed coup, targeted academics were securitised in an explicitly non-transparent manner via recourse to extra-legal criteria and in the absence of concrete legal evidence. Branded as 'perpetrators who have left no trace of incriminating evidence', they were referred to in official letters as 'suspect staff members who must be dismissed' (Yılmaz, 1990: 18). In a formal letter to YÖK, the then prime minister, Bülent Ulusu, a navy admiral who served as the civil head of the military government from 1980 to 1983, wrote, 'We have come to understand that some academics have caused disturbance without leaving a trace of incriminating evidence behind' (Karababa, 2001: 11). Similar to today's purged academics and public servants who have been summarily accused under emergency decrees no. KHK/667 and

KHK/668 of ‘connection’ with terrorist organisations,<sup>5</sup> ‘suspect’ academics of the 1980s were summarily dismissed and banned from public service for life via government decree. Tanıl Bora (2018) notes that ‘connection’ with terror indicates that one ‘secretly supports’ (167–168) a terrorist organisation without being found to actually be a member of or to have any affiliation with one. The slippery and unquestioned nature of the word ‘connection’ in this heightened context of securitisation signals to the state’s adherents and opponents alike that anyone may be targeted at any time with no substantiating legal evidence.

As one of the more troubling and persistent features of academic persecution in modern Turkish history, the escalation in court admission of statements made by ‘secret informers’ signals that an informer culture has taken root in the courts. Each of the 147 academics dismissed following the 1960 coup was betrayed by one or more ‘informer’ colleagues (Boratav, 2014). After the 1971 military memorandum, İsmail Beşikçi was first investigated due to a report by an academic informer. In the early 1980s, public campaigns were addressed directly to ‘Esteemed informer citizens’ (*Sayın muhbir vatandaşlar*). Collegial spying intensified following the 1980 coup when political pressure on academia increased markedly, persisting today in a network of secret informers. Since 2008, Turkish law contains an active remorse clause that allows the perpetrator of certain criminal acts to provide information as a state ‘secret witness’ (*gizli tanık*) in exchange for a reduced sentence or release (İlkiz, 2018). In 2016, Erdoğan made public speeches calling on informers to take part in a grand ‘national mobilisation’ (Erdoğan, 2016).

### **The right to appeal, internal exile, and the temporal persistence of civic death: 2016**

The latest purge, harsher than previous punishments meted out against academics has left thousands without the right to work at a public institution, to peaceful assembly, to unionise, to study, to travel, to stand for election, to guardianship of minors, to a fair trial, to claim their pensions. What makes this academic purge qualitatively different from the 1980 purges is that those purged have lost their right to claim their rights and thereby participate in the public realm. I suggest this form of citizenship deprivation is so severe that it involves a change in the status of their citizenship. Rather than being made into foreigners through denaturalisation and deportation or into second-class citizens through legal disregard or harassment, those purged in the new mechanisms of punishment are instead converted into exiles within the very society they inhabit.

Despite their extremely deprived conditions, under Turkish law, refugees can claim their legal rights as aliens in Turkey and may also apply for aid via the United Nations and other international human rights organisations (Isin and Turner, 2003: 7). Those purged in Turkey today do not have access to such paths to rights (Akdeniz and Altıparmak, 2018). While they may now apply for appeal at the State of Emergency Procedures Inquiry Commission, a board

established in January 2017 under Emergency Decree no. 685 whose members are chiefly appointed by the President, the European Commission's (2019) latest report on Turkey noted that the slow rate of appeals processing, lack of transparency (37), absence of hearings, inability of complainants to seek interim measures (9–10), reliance of rulings on written files that are not made available to the complainants and their defence lawyers (9, 24), lack of access to legal reasoning (10), lack of institutional independence (28), and reversal of several favourable rulings following comments by the executive (4) 'calls into question' whether the commission 'is an effective judicial remedy' (4).

A good illustration of the expansion of cruelty under the new mechanisms of punishment since 2016 is the way in which those academics dismissed after the last coup attempt have been deprived of their civil rights devoid of temporal restriction. During the 2016 state of emergency, Candan Badem, an historian of Russian–Ottoman relations at Munzur University in Tunceli, was dismissed from his associate professorship and banned from public service. In 2019, he stood for local elections and was elected as a Tunceli council member. Although the state of emergency had been lifted a year before, the Supreme Election Council (*Yüksek Seçim Kurulu*) cancelled his mandate alongside other elected individuals who had been dismissed via emergency decree (Gazete Duvar, 2019). After the state of emergency was lifted in July 2018, Emergency Decree no. KHK/694, issued on 25 August 2017, deprived dismissed academics previously employed at city-centre universities of the chance to return to their jobs, even after acquittal.

In another mechanism of temporal persistence, emergency decrees that contradict the constitution have persisted after the lifting of the state of emergency and may not be reviewed for another 10 years (European Commission, 2019). The Constitutional Court has rejected a total of 70,711 appeal applications, only to have the State of Emergency Procedures Inquiry Commission (*OHAL İşlemleri İnceleme Komisyonu*) construct greatly extended wait times in the processing of the appeals by those dismissed by emergency decrees (Akdeniz and Altıparmak, 2018: 41–42). According to jurist Kerem Altıparmak, the rejection of tens of thousands of applications to the European Court of Human Rights means that it may take up to 10 years before those dismissed may apply for their rights at the European court (Evrensel, 2019). Such instances of the exceptional deprivation of citizen's rights devoid of temporal restriction normalises exceptional rule within the current penal system by means of legal persistence. Those purged are thereby deprived over the *longue durée* of the opportunity to reclaim their social, economic, and political rights, even after they have been acquitted or the state of emergency has been lifted. Based on a policy of 'let die' that considers dismissed dissidents as dead to the law, the new penology reduces targeted academics to outlaws and expels them from the public sphere without recourse to geographical deportation or imprisonment. By doing everything within its administrative power to ensure their suffering through the use of digital surveillance, database centralisation, and citizen-spy informers, the state reproduces the dismissed as the civic dead.

## **Conclusion**

From the Darülfünun Reform of 1933 to today, Turkey has regularly and with increasing brutality purged its academics. With the entry of securitarian and neoliberal practices into Turkish higher education following the 1980 military coup, the political pressures and legal restrictions brought to bear on academics intensified greatly. With the extra-legal mechanisms already put in place by the 1980 junta, it was easy for the Erdoğan government to utilise emergency decrees to purge for life more than 6,000 academics, strip them of their basic citizen's rights, and deprive them of the right to claim their rights. Consigned as outlaws, outcasts, and disposable people whose access to citizenship rights has been blocked, they are forced to live in exile in their home country. This new form of exile which does not require geographical displacement or outmigration is nevertheless designed to empty out Turkish academia of its resources.

The latest wave of academic persecutions in Turkey indicates that it is not only state dissidents and government opponents who may be targeted. In the new penology where the logic is retributive rather than compensatory and the use of extra-legal mechanisms is the rule rather than the exception, anyone and any organisation may become suspect. Having a family member be purged, having worked in an organisation or a university that has been shut down, having used a decree-shuttered delivery company, or having eaten lunch in a suspect restaurant – all these culpabilities by association can lead to accusations of connection with a terrorist organisation. In such a heightened security context, the current purges target not only individual dissidents and opponents who act or speak against the state's brutality, as in 1980; using a retributive strategy, they also target ordinary people, potentially every citizen, every community, every demographic. This lateralisation of citizenship deprivation illustrates how punishment has become more comprehensively cruel and punitive in that it has invaded ordinary life and ensures the suffering of a larger swathe of citizens. Extending the *durée* of civic death indefinitely and blocking its appeal, the new purges induce lifelong exile without geographic displacement or custody. In the new mechanisms of punishment, securitarian politics, neoliberal economisation, and the regime of exception generate a new binary of 'worker-citizens' versus 'the civic dead'. In my view, this regime of punishment signals a major shift in the status of citizenship not only in Turkey but potentially in all increasingly authoritarian regimes. The main actor of the early 21st century is no longer the modern citizen with basic rights or worker-citizens at the service of the market, but potential 'terrorist' individuals forever at risk of being targeted as the civic dead and of being deprived of their citizen's right to have rights.

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## ORCID iD

Seçkin Sertdemir Özdemir  <https://orcid.org/0000-0001-6821-6615>

## Notes

1. In describing the current academic dismissals, Sertdemir Özdemir and Özyürek (2019) use ‘civic death’ to underline the new penal mechanism which, without recourse to imprisonment, nevertheless enacts a systematic loss of social, economic, and political rights and the reduction of academics to disposable citizens.
2. In the course of Turkey’s two years under state of emergency, declared following the 15 July 2016 coup attempt, the AKP government pronounced 36 decree laws (KHKs) with the aim of summarily dismissing some 125,000 people and closing those institutions and organisations considered a threat to national security.
3. In 2006, Law no. 3713 on the ‘fight against terrorism’ passed in 1991 was amended by Law no. 5532, thereby broadly expanding the criteria for and means of punishment of such crimes.
4. The criteria for inclusion in this accounting was dismissal via emergency decree. I compared the number of academic dismissals from public service enacted via emergency decree minus the number of academics who resigned, were forced to resign, retired, or were dismissed outside of emergency decree.
5. Article 2.3 of Law no. KHK/667 dated 22 July 2016, which targeted schools, universities, civil society associations, and foundations, and article 2.4 of Law no. KHK/668 dated 25 July 2016, which targeted radio and television outlets, newspapers and periodicals, and publication and distribution channels, both name those ‘found to be a member of’ or ‘whose connection or contact’ with ‘terrorist organisations’ had been ‘found to exist’.

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**Seçkin Sertdemir Özdemir** (PhD, Paris VII-Denis Diderot University and Galatasaray University) is visiting fellow at European Institute, London School of Economics. Her recent publications include “Pity the exiled: Turkish academics in exile, the problem of compassion in politics, and the promise of dis-exile” in *Journal of Refugee Studies* (2019); “Exile and Plurality in Neoliberal Times: Turkey’s Academics for Peace”, *Public Culture* (with Nil Mutluer and Esra Özyürek) (2019) and “Civil and Civic death in the New Authoritarianisms: Punishment of Dissidents in Turkey”, *British Journal of Middle Eastern Studies* (with Esra Özyürek) (2019).