

A Historical Analysis of the AKP in Power

Hegemony, Predominance, and Interregnum

Acar Kutay

Introduction

AKP governments under the political leadership of Recep Tayyip Erdoğan challenged the establishment of the old regime, which comprised the military, bureaucracy, and the judiciary. However, this challenge did not bring about a more liberally democratic political regime. Many commentators, even those who supported the AKP's first government and who acted as a prime minister and ministers in the previous AKP governments, agree that the party has been drifting toward authoritarianism.

There is less agreement about how to make sense of this authoritarian turn. Some commentators argue that the AKP has deviated from its founding principles, which entailed the expansion of individual liberties and recognition of pluralism. Some commentators argue that the AKP's initial liberal identity was instrumental. A liberal identity helped the AKP to establish hegemony, which brought together disparate groups such as conservatives, liberals and political Islamists. Once the AKP curbed the influence of the old establishment, which acted militantly to protect the secular and modernist constitution against an Islamist and separatist threat, the party was not dependent on the support of liberal groups. Instead, the party turned to identity politics, and in some sense, to its core identity: namely, political Islam.

My argument is this: In order to understand the AKP's role and influence in Turkish politics, we need to adopt a historical-contextual and realist analytical framework. I posit four propositions.

Proposition I: The emergence and transformation of the AKP's policies have been shaped by the political, social and economic context.

Proposition II: The AKP's shifting political discourses and policies can best be explained by political struggles and power games.

Acar Kutay has a PhD from Middle East Technical University, Turkey, and is associate professor, currently independent.
E-mail: acarkutay@live.com

Proposition III: The AKP's nationalistic and Islamist turn must be contextualized and situated within the political struggles.

Proposition IV: The political struggle of the AKP has manifested in the legal sphere.

These propositions suggest that the AKP had successfully situated itself within the historical context in Turkey by adopting a liberal identity, which helped the party to establish hegemony. The changing historical context has led the party to engage with power struggles, but the nature of these struggles has also changed. It is the party's power struggles with the old establishment and new political and social actors that explain the AKP's shifting discourses, alliances, contestations, and policies.

Learning from the history of other Islamist parties, the AKP's primary strategy was to survive in the political system (Akkoyunlu & Öktem 2016). The party convinced the masses that it was not a threat to the free market economy and neoliberal capital accumulation. When in power, the AKP silenced, isolated, and eliminated the secular bureaucracy and the military. The survival strategy resulted in total control of the state apparatus. The constitutional amendment of 2017 brought a legal ground for a presidential system.

This process of political transformation involves several constitutional aspects. First, there have been several amendments to the constitution since 2002, and preparations for a new constitution began but soon frozen in 2011. Second, constitutional politics (interpretations, amendments) have become one of the critical sites of political tensions. Third, the constitutionality of recent political developments aims for a new beginning shaped by the political demands of the Islamists.

Constitutional politics in Turkey – struggles over constitution-making authority – can best be explicated by Carl Schmitt's decisionist thought, which equates the constitution with the state (Schmitt 2008). I have elsewhere explicated this theoretical ground (Kutay 2019). Therefore, I will skip the theoretical and conceptual debates in this paper, but focus directly on the political struggles in Turkey since 2002. The appeal of Carl Schmitt is that his conflictual approach to the concept of the political and his decisionism help when we examine the AKP/Erdoğan's legal and political maneuvers from the perspective of founding a new state. Briefly, constitutional theorists, in general, suggest that a new constitution is necessary and legitimate only in the case of a legal void (Klein & Sajo 2012). In this view, making a new constitution when the present one is in force is a contested issue, because constitution-making power or authority, or constituent power, is not an element of the existing legal order. The view also suggests that an existing constitution loses its legitimacy during events like revolutions, military takeovers, declarations of independence, or

military occupations (Elster 1995). These events then lead to the founding of a political community and result in the enactment of a new constitution.

New studies, though, suggest the possibility of constitution-making without a legal void, through an incremental process within which political actors that hold conflicting positions arrive at consensus employing deliberation and compromise (Lerner 2011).¹ An incremental constitution-making process is particularly useful in the legitimation of the transition processes. This process maintains legal continuity during the interregnum. The political transformation in Turkey initially resembled this incremental model: it was a constitutional transition without a legal void. Nonetheless, for this incremental to model to work, political actors that lead the transitional process must, in principle, be willing to compromise and collaborate with different sections in society.

Nonetheless, as we will see, the AKP refused to compromise and engage with sections of the society other than its supporters (Arato & Tomuş 2013; Arato 2010). I contend that Turkey makes a case not only for an unsuccessful practice of an incremental change. However, it also makes a case for a revolutionary constitutional politics and political transformation, which is implemented incrementally within the confines of the present constitution. The revolutionary aspect of the state-building process in Turkey is counter-revolutionary in the sense that the leadership of the AKP challenges the founding political decision of the Turkish Republic, which had its aim to establish a secular and modernist political regime and society. The AKP initially eliminated the power bloc of the old establishment (2002–2011), before turning to its objective of creating a new regime whose values and ethos match with the Islamic nature of the society. In such a regime, the political leaders would also be reflecting the identity of society. This new regime would also rejuvenate the (Ottoman) past, whose legacy occupies the wishes, desires and fantasies of the political Islamists and the ultra-nationalists alike.

This paper interprets the events in the recent political history of Turkey in order to make sense of the AKP's gradual shift from a reformist political agent to one of a (counter) revolutionary political party.

AKP in power

Three successive AKP governments can be characterized according to three modalities, or stages, of power politics: hegemony (2002–2007); predominance (2007–2013); and interregnum (2013–present).

¹ Arato (2016) defines such procedural method as post-sovereign constitution-making because this method inhibits any group posing its power over other groups, aiming to create a pluralistic political community. See also comparisons of failed and successful cases (Arato & Tomuş 2013).

HEGEMONY

The AKP owes much of its political influence to the historical context. It took on the political leadership amid acute political and economic crises.

Unstable coalition governments failed to govern the country during the 1990s (İnsel, 2003); and, as a result, the mainstream parties on both left and right shrank rapidly, opening up a space for alternative political movements and leaders that dissociated themselves from the corrupt and inefficient political system and ideologies. Nevertheless, the most dramatic event to influence the nature of Turkish politics was the military intervention in 1997, known in Turkey as the February 28 process. The coalition government, which included the AKP's antecedent, the Welfare Party (*Refah Partisi*) came to an abrupt end by the military intervention in 1997. The Welfare Party was abolished, as was its successor Virtue Party (*Fazilet Partisi*). The AKP was established after this experience.

The AKP did not implement a genuine or authentic ideology derived from its own intellectual legacy embedded in political Islam. The party positioned itself discursively towards an identity of social conservatism, and the context helped it to take up the role of implementing conservative-liberal reforms in connection with Turkey's accession bid to the EU. The emergence of the AKP as a major political actor in Turkish politics was looked on by Kemalist elites with suspicion, as the leadership that established the party came from a political Islam tradition. The AKP, however, managed to convince many liberal and socialist intellectuals when it claimed that it had moved away from its roots in political Islam, and that it now aimed to become a central conservative party (Özbudun 2006; Smith 2005; Heper & Toktaş 2003). By and large, the literature agreed that the AKP government poses a threat to neither democracy nor secularism (Yavuz, 2009; Toprak, 2005; Hale & Özbudun, 2010; Tezcür, 2007).

The AKP's claim to make Turkey more liberal (read: curb the influence of the military and secular elites) was seen as convincing and genuine because the party was representing the peripheral forces within society.² In this view, the AKP could operationalize the revolution-restoration of the capitalist state by obliterating the traditional elitist power compact that comprised the military, bureaucracy, and judiciary. The party did so but created its power structure. The liberal bloc intended to cooperate with the AKP during the crises of the state by endorsing the identity-change claims of the party from a non-systemic party to a mainstream conservative party.

The party also convinced liberal elites and industrialists that it was not a threat to the free market economy or neoliberal capital accumulation (Tuğal

2 See Mardin (1973) for the centre (state) and the periphery (society) cleavage in Turkish politics, which has been influential – despite its flaws – in understanding the historical tension and antagonism between the strong state and the society.

2009). This ideological positioning helped justify the party not only at home but also abroad, as the party was seen as non-threatening to the economic constitutional order. Instead, it would keep Turkey integrated into global capitalism. Consequently, the narrative concerning an enmity between corrupt modernist elites and conservative society served almost like an *empty signifier* (Laclau & Mouffe 1985) in the early 2000s, articulating the demands of disparate groups that have issues with the present norms and values of the republican constitutional settlement.

The AKP did not only get the support of the liberals, but it also succeeded in unifying a coalition of disparate groups. The party started its political life as a hub of conservatives, anti-Kemalists and the urban and rural bourgeoisie. In so doing, the party created an organizational base for the coalition of a hegemonic power bloc. However, it would not be correct to assume that this kind of leadership is an example of Gramscian hegemony since the party did not intend to enjoy the moral and intellectual leadership of these groups. The party did not attempt to change the interest and identities of these groups either. In this sense, such an alliance was tactical and instrumental for each group involved in the power bloc. The hegemony of the AKP thus lacked the intellectual and moral leadership of these supporting groups. On the one hand, the AKP did not make such a demand about claiming intellectual leadership over the power bloc. On the other, the power bloc members hoped to influence the AKP in line with their own interests and worldview without having to change their own identity or being subordinated to the ruling of the AKP.

Such an alliance worked for both the AKP and coalition partners in the period of the AKP (2002–2007). Liberal elites believed they had found an active agent that could reconfigure the ethos of the Republic, reformulating the militant secular view,³ and weakening the power of the secular bureaucracy in the state apparatus and the military. On this account, by challenging the militantly secular and elitist nature of the Turkish Republic, the AKP would expand the state to groups previously disfavored by the old regime.

Tugal (2009) defines the earlier period of the AKP as a passive revolution, through which the party integrated Islamists into neoliberal capital accumulation processes while challenging the secular hegemony. As Tugal argues, the AKP assimilated Islamist groups to neoliberalism, thereby expanding the state relations of production to peripheral groups. The AKP promised democratic constitutional change by working to mobilize both those groups that were negatively affected by neoliberal policies and those that sought to integrate into the global market economy. Those who lost out in the 1990s were primarily socially conservative citizens who experienced the immediate effects of an

3 Until launching multi-party elections in 1946, there was no need for a tutelary regime as the party could enjoy unbridled political control.

unprotected labor market and weakened social welfare programs. The AKP managed to attract the support of these groups, and the legacy of the Welfare Party (*Refah Partisi*) proved to be helpful in this respect. That the Welfare Party candidates, one of whom was no other than Recep Tayyip Erdoğan, established a link between the local government and the socio-economically peripheral groups during their tenure in local government in Istanbul and Ankara. The development of infrastructure in the suburban areas and the widening of social relief programs had a substantial impact on the institutionalization of the AKP hegemony in the early 2000s. Small and big business enterprises either owned by social conservatives or secular middle classes saw the AKP as a savior from economic and political crises.

There is another meaning of passive revolution, insofar as Gramsci used it to explain political changes that are made gradually and through compromise, rather than through radical and sudden transformations (Callinicos 2010: 492). This second meaning may characterize the primary tactic of the AKP.⁴ Such a tactic did not entail taking immediate control of the state and its institutions. It contained a “paradoxical combination of conservative aims and revolutionary means” (Riley, Dylan & Desai 2007: 816). The AKP volunteered to be an agent of neoliberal transformation in Turkey and made a historical compromise with the liberal groups to counter the Kemalist elites and pursue neoliberal reforms. This historic compromise added a tier to the AKP’s legitimation not only at home but also abroad, as the political Islamist of the past declared not to pose any threat to the economic constitutional order, but instead to keep Turkey integrated within global capitalism. At a later stage, when the AKP took control of the state apparatus, it engaged in changing the form of the state. In other words, the AKP both engaged in the re-composition of socially conservative groups and the transformation of the form of the state: first in a conservative-liberal direction, and later into an authoritarian form.

Consequently, most scholars celebrated the AKP’s early years (2002–2007), because the party proved to take on the political leadership amid acute political and economic crises and political life in Turkey seemed to stabilize. The party pursued constitutional reforms in connection with Turkey’s accession bid to the EU (Özbudun & Gençkaya 2009; Yazıcı 2010). The party leadership successfully used the AKP’s orientation towards the EU in propagating an understanding that the AKP was the sole democratic party in the country and that the reforms that were made during the AKP era were revolutionary (Kalaycıoğlu 2011: 276).⁵ Conservative sections of the society, which were mobilized by the

4 For debates over passive revolution, see: Sassoon (2001); Buci-Glucksmann (1979); Morton (2007); Tugal (2009).

5 Nonetheless, as Kalaycıoğlu (2011, p. 268) observes, the large-scale constitutional changes made in 1995 and 2001, before the AKP period, were as important as those made by the AKP government in 2004.

AKP, appeared to launch a liberal revolution by series of legal reforms that could rectify authoritarian remnants in the 1982 constitution (İşıksel 2013).⁶

There was a demand in public for a new constitution. It would obliterate the tutelage (or, authoritarian enclaves) of unelected entities, in particular, that of the military, over the elected politicians; enhance human rights; and improve Turkey's standards in democracy by including the groups that have been underprivileged due to the strictly secular and nationalist attitude of the state. The AKP responded to or capitalized on, the demands concerning writing a new constitution. However, the party soon abandoned its consensual approach to constitution-making and began imposing its will on other political parties (Arato 2016: 235–238). The new constitution may have followed the successful examples of incremental or post-sovereign constitution-making (Arato 2016). Conversely, the AKP did not try to get the consent of other groups by pursuing deliberation and compromise (Arato 2010; 2016). The political leadership antagonized the society and, particularly after 2007, concentrated on a project of creating a socially conservative Turkey, a project that has the characteristics of a revolution.

PREDOMINANCE

From 2007, the AKP interrupted liberal reforms. Both the party's rhetoric and practices changed. Two critical events contributed to such shift: the lawsuit against the AKP with an indictment against the party as a threat to the constitutional regime; and the attempts of the constitutional court, under the pressure of the military, to preclude the election of the second prominent figure in AKP as president.⁷

The party's gradual turn to Islamic revivalism after the reform period led the judiciary to take critical actions. The constitutional court found the party guilty of being a threat to the constitutional regime, and it rejected as unconstitutional the amendment that intended to grant individuals the right to wear headscarves in public offices and schools. The constitutional court's decisions reflected the traditional reactions of the old establishment. The court considered the AKP's actions and the headscarf law as threats to the foundational values of the secular state. Nonetheless, the court's decisions did not even find widespread support within the oppositional groups. When the court gathered to announce their decision about the AKP's closure case, the opposition wished

This does not hamper the significance of the AKP-guided reform process, but urges locating the party within an ongoing constitutional amendment process.

- 6 The unamended 1982 constitution had embodied an authoritarian character because it strengthened the military control over the elected government via the National Security Council and restrained rights and liberties at the expense of the stability and security of the state.
- 7 The figure was Abdullah Gul, who was blocked on the basis of a highly contentious procedural issue concerning the number of lawmakers legally required to be present in the parliament during the election.

that the court would not close the AKP just as it had done in the past by closing the predecessors of the AKP. The opposition, foremost the CHP, was willing to play the game in democratic terms because other political parties have seen CHP as the political voice of the secular establishment, thus a barrier to the democratization of Turkey.

The court still found the party's actions as undermining the secular nature of the state, but instead of closing the party, the court preferred charging the party with a fine. This decision satisfied the opposition. On the part of the AKP leadership, the decision confirmed the court was one of the principal opponents of the party within the establishment. The court's decision about the continuation of the banning headscarves in public offices and schools even found less significant support in the public. The CHP leadership declared that such a ban was not fair and it should soon be ended. The CHP leadership suggested that they would support a law that would bring the headscarf ban to an end. This reaction of the CHP helped to establish a consensus on the headscarf issue, and when the AKP prepared a new law, it was put into practice without any public reaction. The military also did not declare their opinion. Consequently, although the headscarf was one of the significant issues creating tension in the society, the political parties solved this issue smoothly. Nevertheless, the presidential elections of 2007 reignited a new headscarf tension.

A political conflict arose when the party wanted to nominate one of the key figures from the AKP, Abdullah Gul, as a candidate to the Presidency of the Republic. The old establishment considered this to be a challenge to the secular identity of the state because Gül's wife wore a headscarf. The conflict escalated when the election was held in the parliament when Gül had a decisive victory. The largest opposition party, the People's Republican Party (*CHP*), which boycotted the elections, appealed to the constitutional court of Turkey for annulment of the elections because of the violation of the requirement about the quorum. The constitutional court pushed the limits of constitutional interpretation and accepted this request, thus acted politically as the guardian of the state (Köker 2010: 332–336).

The AKP leadership used this event to mobilize the masses. On the account of the party, reactions to Abdullah's Gül's candidacy were long-lasting evidence of the establishment's hostility to democracy and the Islamic culture of the nation. Such a campaign proved to be successful, and the party had gained an astounding electoral victory in 2007 elections. The second period of the AKP government started with even stronger popular and intellectual support than that of the party's first period. Nonetheless, the AKP leadership did not use this support to continue liberal reforms. Instead, the party concentrated on securing its power.

Starting with the military coup of 1960 against the Democrat Party, the secular establishment observed the elected parties and intervened through the

military and the constitutional court. They monitored whether the actions of the politicians were threats to the foundational values and the political unity of the state. Apart from the electoral victory in 1977, CHP never managed to become a leading party, and it was the (center) right-wing parties that dominated the period of Turkey's experience with parliamentary democracy. The center-right parties, however, have never been counter-revolutionary. The leadership of the center-right parties did not question the foundational values of the regime. But, the AKP acted differently. The party did not submit to the secular establishment, which acted as the guardian of the regime. The new conservative elites were willing to change this condition, and they chose a political strategy different from that of the center-right wing and political Islamist parties. They have shown, one may argue, resistance and a political will.

As a response to the secular actions in pre-2007 elections, the AKP launched a frontal attack on the old power compact. Whereas legal cases of *Sledgehammer* and *Ergenekon* offered a chance to eliminate secular military officers and elites between 2008 and 2013 (Aydınlı 2012) three constitutional amendments implemented in 2007, 2010 and 2017 opened the way for the settlement of strong executive rule and its absolute control over the legislation and judiciary (Esen & Gumuscu 2016; Somer 2016).

Such resistance of an elected government to the establishment is, by all means, a prerequisite of a democratic regime where authoritarian enclaves such as a politically influential military and a judiciary restrict the democratic process. The AKP's starting point was thus democratically legitimate. Many democrats hoped that the AKP would turn this wind of change for a democratic reconstruction of the regime. Nonetheless, Turkey has not become more democratic and liberal; the AKP's turn to authoritarianism began. The obstacles to Turkey's democratization were the influence of the military and the judiciary over the elected governments. However, when the AKP governments under the charismatic leadership of Recep Tayyip Erdoğan achieved to curb the tutelage of the military and the judiciary, and when these institutions ceased to be obstacles for democratization, the country has not become more liberally democratic. The AKP's challenged the establishment by resorting to the political discourse of democratization. Thus, many democrats in Turkey continue their support to the AKP also in the party's second term in power.

Democrats continued supporting the AKP because, they believed, if the aim was to entrench a political and legal order comparable to western European democracies and the USA, Turkey must emulate the institutional structures of those countries. However, such a diagnosis overlooks the significance of context on the effectiveness of institutional reforms. It repeats the methodological flaw of the earlier modernist approach that expected to achieve social change employing a set of institutional and legal transformations within the composition of the state.

The autonomy of politics, or conflictual and contextual nature of politics matter: some liberal institutional reforms may not necessarily produce the expected outcome in each context. The highly contested constitutional amendments promulgated in 2010, which accorded the parliament and the president to recruit the members of the constitutional court and the Supreme Board of Judges and Prosecutors, are a case in point. These amendments, because they also involve liberal reforms, received the support of many liberals and socialists. However, what these groups did not take seriously was that the amendments were implemented in the middle of a continuing power struggle. As such, the amendments enabled the government to dominate the judiciary.⁸ As a result, they have led to the weakening of the constitutional court. In his reflection to the 2010 amendments, Andrew Arato argued that

what may be good as part of a *whole liberal democratic constitution*, as in the European countries [...], may not have the same meaning when enacted in the context of a constitutional crisis and especially during a struggle between government and court. And what may be good and fair in one democratic setting may be unfair and authoritarian system in another. One could indeed put together quite an authoritarian system by choosing some particular mix of regulations from various liberal democratic states (*italics original*) (2016: 251).

Andrew Arato was, unfortunately, right. Turkey has not become more democratic once the constitutional amendments were enacted. When the politicians successfully subjected the military and the judiciary to their control, and when these institutions ceased to be obstacles to democratization, the regime nonetheless has not become more liberal-democratic. Indeed, the country has drifted towards authoritarianism.

The AKP began distancing itself from its role as an agent of a liberal revolution in both rhetoric and practice (Özbudun 2014; Arato 2010). The alleged liberal revolution turned into an existential struggle between the AKP and the old establishment, which the latter lost during the party's second term. During this process, the AKP's initial reformist stand concerning democratization of the constitution evolved into a confrontation with the old regime. Consequently, the AKP started fighting back against the secular establishment in order to maintain power. Counter-hegemony soon evolved into dominance, with the AKP leadership claiming the *will* to control politics by abandoning consent and compromise, and instead pursuing a friend-enemy distinction and a coercive approach to politics.

8 Borovali (2017) though convincingly argues that those amendments could be refuted from a liberal position as well.

The party began acting without compromise and did not hesitate to recruit Islamists to key positions such as the Presidency of the Republic, the Speakership of the parliament, and the prime minister. A Turkish political scientist observes that the party openly promoted an Islamist image after 2007: 'It appears as if the AKP and its conservative-Islamic revivalist sympathizers decided to confront and challenge the secularists head on by scaling up the conflict to the highest positions of the Turkish state' (Kalaycıoğlu 2011: 274). The AKP has speeded up its Islamization policies since 2011, especially in the fields of foreign policy and education (Kaya 2015) and through the empowered Directorate of Religious Affairs (Öztürk 2016). One may argue that the party began knitting a political-legal order, in which the AKP intended to entrench the identity (sameness between the ruler and the ruled).

In its second term, the AKP aligned with the clandestine Gülen movement. Aligning with the Gülen movement proved more appealing in this fight compared to forming a transitional alliance with liberals. There were at least three reasons as to why this was the case.

First, the AKP had to recruit suitable profiles to the state bureaucracy when the old elites were removed from office. The AKP isolated the secular anti-Kemalist bloc in favor of a religious partner, which had a supply of reserve *Muslim* elites. 'Muslim' was a symbolic identity marker used by the Islamist groups to identify and separate themselves from the rest of the society, whether the secular groups or non-practicing Muslims.

Second, the movement also had a strong resentment towards the old elites. The movement's members were socialized with a victimization narrative of their moral leader, Said-i Nursi. For the Gülenists, in the early years of the Republic, the regime oppressed Said-i Nursi and his followers. This narrative was useful for mobilizing the network members in the 1980s and the 1990s, when the network was insidiously planning to infiltrate into the state apparatus (in particular in the military, police and judiciary). Fethullah Gülen actively engaged in creating a devoted network of followers in the business sector (industrialists and local shop owners), the media and education. The secular elites raised their concerns about the perils of the growing power of Gülenists in the state and civil society. The military, in particular, was applying a strict vetting procedure in promotions and for those students who would like to join the military academy.

Official and public suspicions over the Gülenists did not preclude them from continuing their activities. They were trying to convince the masses that Gülenists were neither threat to the secular nature of the state and modernization. Meanwhile, the leadership of the movement was spreading a hidden agenda and narrative among the most militant part of the movement. The agenda of the movement, taking control of the state and the regime, would be revealed on the failed coup of July 15, 2016. The narrative, which largely overlapped with that

of the template of other political Islamist groups in Turkey, involved the corrupt nature of the secular regime. On this account, the regime was corrupt because the Westernized derailed it (read: alienated) elites who rejected the authentic culture of the society. Gülenists waited for their time to take their revenge from the secular elites.

The third reason for the AKP's alignment with the Gülenists was purely tactical: the frontal attack on the secular state elites including the military, would require allies. The Gülen movement was a resourceful ally, given that Gülenists had already taken up critical places in the police and the judiciary. The movement's members took action and organized forged lawsuits against the military and secular elites starting from 2008. Gülenists intended to use similar tactics against the AKP and Erdoğan in 2012 when the government started negotiations with the PKK. The coalition shattered rapidly, with the Gülen movement entirely losing its legitimacy after the failed coup attempt of 2016.

Later, the Gülenist judiciary and police force were found responsible for manipulating evidence in the Sledgehammer and Ergenekon cases to replace secular high commanders with those of the members of the Gülen network. Gülenists were also behind the leaked tapes concerning an alleged corruption scandal in which some ministers were accused of being involved. When the coalition between the AKP and the Gülen movement broke down after 2013, all those accused of criminal activity in these cases were cleared, while the Gülen movement had to bear the sole responsibility of plotting a scenario against them. The prestige and the influence of the military, however, weakened. However, the party and Erdoğan had to deal with another threat: the Gülenists, or, as they were now officially defined, the Fethullah Terrorist Organization (FETO).

INTERREGNUM

Constitutional amendments shaped the third period of the AKP. While the constitutional amendments of 2010 served to eliminate secular judges from office,⁹ the constitutional amendments of 2017 brought in a peculiar form of a presidential system, such that the new system rules out the separation of powers by allowing the president to rule by decree and by a team of president-appointed vice presidents (Öztürk & Gözaydın 2017; Esen, & Gümüştü 2017). Also, the new changes permit the president to control the judiciary by sanctioning the president to appoint the members of the constitutional court and higher courts. Even before the 2017 amendments, the AKP could rely on its majority in the parliament to control the legislative process, where debate,

9 These changes did not initially create a judiciary that was totally under the control of the government. These posts were mostly filled by Gülenist judges and prosecutors. The government gained control over the judiciary by 2016, after sacking hundreds of Gülenist judges and prosecutors.

deliberation, compromise, and consent had not been the norm since 2007. Finally, the amendments eradicate the legal neutrality of the president, as the president can now act as a party leader.

Constitutional amendments ratified in the referendums of 2017 changed the president's election procedure. Whereas the parliament elected the president according to the previous norm, now the president would be elected popularly. However, the decision to elect the president has been poorly thought out because the 1982 constitution assigned a somewhat symbolic function to the president. Nevertheless, the popularly elected president would now be able to claim more substantial legitimacy. Indeed, the regime had evolved into a *de facto* presidential system in 2014, with Erdoğan's political actions that went beyond his constitutionally prescribed roles. The presidential regime in Turkey came into force in June 2018.

The elected presidency brought up de-constitutionalization, defying the authority of the hierarchy of norms when Erdoğan started to create a *de facto* presidential regime by testing the limits of his constitutionally described roles. De-constitutionalization accelerated moving from a positive-constitutional norm, thereby suspending the hierarchy of norms. The constitution was *de facto* suspended between 2014 and 2016 (Gözler 2016). Until 2013, the AKP recognized the legal legitimacy of positive law, which means that the party followed the present constitution by recognizing its authority to restrict political action. However, since then, the present constitution has lost its legal-legitimacy as the government and the president in several cases acted against the constitution or declared that they do not recognize the ruling of the constitutional court (Gözler 2016). The legal legitimacy of positive law, or hierarchy of norms, is accordingly suspended.

The declaration of a state of emergency in 2016, following the failed coup attempt, already allowed the president to justify his suspension of constitutional check-and-balances mechanisms (Gözler 2016). Under the emergency, he could rule by decrees that are not open to judicial review. The reach of emergency decrees was extended into many areas that are not directly related to the original reasoning behind the declaration of the state of emergency (Gözler 2017). The government suppressed any form of dissent. The *façade* of elections and presence of a legal order have remained intact, but freedoms and checks-and-balances mechanisms have been suspended.¹⁰

10 Landau (2013) defines such maneuvers as abusive constitutionalism as they denote abusing the norms of the constitution for the purpose of a hidden political objective, which consequently weakens the democratic order. It is disputable whether the cases selected by Landau (Venezuela, Hungary, and Egypt) were ever truly democratic, but he convincingly demonstrates the ways in which the political actors manipulated constitutional norms to wield power.

A New State

Why does the AKP/ Erdoğan not declare a new political decision and write a new constitution now, while they have the control of the entire state apparatus? The *ancien regime* has fallen apart, along with the old military/judiciary power compact that claimed to guard the state. There exists not strong political opposition neither in the parliament nor in the society. It appears that there is no obstacle for the manifestation of the *will* of the political Islamists' ideal people in a new constitution. However, the political leadership of the AKP has not enacted a new constitution but amended the present constitution to establish a presidential regime. There may be at least two reasons.

First, the AKP intends to project an image of legal continuity (Klein & Sajo 2012). In other words, the present constitution has not precluded the AKP/ Erdoğan from pursuing their political objectives. The AKP has speeded up its Islamization policies since 2011, especially in the fields of foreign policy and education and through the empowered Directorate of Religious Affairs. One may argue that if the AKP/Erdoğan intends to found a new state with a new political decision, then they can be said to have mainly achieved these goals either by following, abusing, or refusing to recognize the present constitution.¹¹

The second reason may be that the current situation is an *interregnum* or the transfer of constitution-making authority under a transitory period of a constitution-making process. This stage then is a liminal period as the time is not ripe because Erdoğan lacks sufficient hegemony insofar as half of the society is against his political ambitions. Nevertheless, the AKP/Erdoğan is not trying to win over other groups to his alleged political project, either; instead, they are antagonizing the populace. The old regime has ceased to exist, but the proclamation of the new political and legal system is impending. The political decision of the old regime (i.e. secular and homogenous Republic) is still embedded as immutable clauses in the present constitution.

Interpreting the constitutional politics of the AKP from such a perspective has at least four implications and a significant conclusion. First, it implies that the AKP/Erdoğan's follows a populist-palingenetic strategy to challenge the political decision of the Turkish Republic. The political leadership legitimates a new founding act, or constitution-making, not by referring to divinity, but rather by invoking the people. Second, to use the language of constitutional thought, this populist strategy extricates the ideal people (*millet*, or the nation) from within the empirical people (multitude, or will of all).¹² The ideal people,

11 'Even where the constitutional change is more ambitious, amounting fundamentally to regime change, we quite often witness a quasi-pathetic attempt to rely on, *a minima*, that is, almost to indirectly but nevertheless clearly, on the outgoing order, as if this reliance could add 'something' to the legitimacy of the new order.' (Klein and Sajo 2012, p. 433).

12 See Arato (2013) for a critique of the authoritarian implications of populist strategies of constitution-making.

in the view Turkish political Islam, is a pre-constitutional historical construct, namely, descendants of an omnipresent Turkish nation whose distinguishing characteristic is Islam (Bora 2015: 34).¹³ Third, this idealized notion of the people denotes that the present republican constitution did not allow the Turkish society to exist in their ideal form, namely as a Muslim community that is linked to an organic concept of the nation. Fourth, the present constitution (i.e., the secular Republic) thus has corrupted or isolated the members of the ideal political community (e.g., authentic self). The earlier modernization policies of the Turkish Republic corrupted the authentic self by the excesses of radical secularism as the new regime intended to transmogrify the generic nature of the Turkish nation. What follows from these four implications is that a new political decision was necessary for political Islamists, I contend, for the rebirth of the nation.

The AKP's confrontation with the republican establishment can be seen as a political claim on the right to act as a new constitution-founding authority, and an agent of constituent power. Under Erdogan's charismatic leadership, the party intends to found a new state by redefining constituent power by replacing the Kemalist Republic's *imagined* people – which was secular, Western, modern, and homogenous – with a new sociological, socially conservative imagine of the people as a population that must be firmly governed by religious and nationalist political leaders. This imagination is sociological because “Islam has always remained a strong ‘symbolic force’ in the social identity formation of the Turkish people” (Keyman 2007: 217). From this, it follows that, because Islam held and still holds a significant place in society for the new founding political agent (e.g., the AKP/Erdogan), the foundational norms and values of the state cannot be hostile to Islamic or other traditional references. The political leadership thus envisages enacting new legal norms and reactivating local and authentic social values, which were supposedly muted or corrupted under the republican regime.

The AKP/Erdogan intends to found a new state by replacing a secularist constitution-making authority with that of a socially conservative one. To this end, the political leadership has been acting in an authoritarian fashion. However, the current authoritarian form of the government must not be seen simply as manifestation of power. Rather, in the eyes of their constituency, the political leadership has legitimated the use of coercion for a noble cause (or *dava*), and I intend to argue that this noble cause has played a key role in the AKP's new

13 Republican elites, too, promoted an essentialist Turkish nationalism and, as well, defended continuity in Turkish history. But their view purged the Ottoman Empire from Turkish history, viewing this period as aberration, and excluded Islam from the list of constituent elements of Turkish identity (Bora 2015, p. 41). Non-Muslim citizens were systematically excluded under the project of creating a homogenous Turkish nation. Still, the constituting other, or the enemy, of the Turkish Republic was its Ottoman past, and of that which was seen as pertinent to that legacy.

constitution/state founding project and its confrontation with the republican establishment. This noble cause involves restoration and resurrection of an interrupted history. It is found in the conservative, Islamist, and nationalist criticisms of the Republic. These criticisms consider the republican period as a break from the natural flow of Turkish history, or as an aberration in the Turkish nation's history. Consequently, the Turkish Republic is seen as an anomaly. My argument is that the AKP/Erdogan draws a historical-revolutionary mission, or a palingenetic political project,¹⁴ from the narrative of the noble cause.

The new state, or the new constitution in the absolute sense, intends to restore the disrupted history, and in this sense, it is palingenetic. Emilio Gentile (2004: 328) argues that “a *palingenetic ideology*, institutionalised in the form of a *political religion*, [...] aims to shape the individual and the masses through an *anthropological revolution* in order to regenerate the human being and create the *new man* [...]”. Palingenetic vision, in Gentile's usage, is tightly related to his view on the sacralization of politics. Griffin, in turn, argues that a “palingenetic political community” emerges at a historical moment when the revolutionary aims of a political movement resonate in a society that experiences a deep-rooted “sense-making crisis”.

The sense-making crisis in Turkey erupted in the late 1990s when it became apparent that existing actors in the political system could not find solutions to political, economic, and social problems. The AKP entangled the administrative aspect of the sense-making crisis to the longstanding identity crisis of the state and society that has dominated Turkish history since the nineteenth century. In other words, the party connected the present crisis in governance to the influence of the secular establishment in politics. The initial objective of the AKP elites was to curb the influence of the seculars, thereby promising to expand the state to include socially conservative groups. However, in its second term (2007–2011), the AKP began to focus more on the palingenetic characteristics of its political project.

The AKP's palingenetic ideology suggests an organic continuation of Turkish history and considers the republican period as an aberration in the country's Islamic history.¹⁵ In referring to such an exceptional moment, some AKP politicians describe the republican period as a break from the natural flow of Turkish history. The AKP would then restore and resurrect an interrupted history or materialize a palingenetic vision.

14 Palingenetic ideology has a revolutionary agenda.

15 This vision was manifested in the ideology of Turkish-Islam synthesis that emerged after the 1960s. However, such an understanding of nationalism was a constitutive element of conservatism and integrated into right-wing ideologies positioned both at the center and the periphery (Çetinsaya 1999; Duran & Aydın 2013).

Conclusion

I would like to sum up the arguments that I have thus far made. First, the AKP's challenge to the Republican establishment is a manifestation of its political *will* to act as a new constitution/state-funding authority. Second, the AKP's victory over the establishment of the Republic under the leadership of Erdoğan's charisma makes more sense within the framework of a political struggle over Turkey's identity. Third, the AKP/Erdoğan confronts the political decision of the Turkish Republic and aims at founding a new state.

The historical analysis of this paper shows that the identity of the AKP and its political priorities have changed while the party has been in power. The party has transformed from being a self-defined Muslim-democrat party to one of the (counter) revolutionary authoritarian party. Considering the AKP has intensified its efforts to Islamize society, one may argue that the party has returned to its core identity, namely an Islamist political identity. Nonetheless, this observation must not be a conclusion but inform new questions. If the AKP has adopted an Islamist political identity, how its Islamism differ from current and previous Islamist parties? How does the party legitimate the new political and legal order? What is the AKP's new political imaginary? Has the party been mobilizing the rhetoric of reviving the tradition? But how would such rhetoric respond to contemporary realities? These pressing questions will determine the future of Turkish politics.

References

- Akkoyunlu, K. & Öktem, K., 2016. "Existential insecurity and the making of a weak authoritarian regime in Turkey", *Southeast European and Black Sea Studies* 16(4), 505-527.
- Arato, A., 2016. *Post Sovereign Constitutional Making: Learning and Legitimacy*. Oxford: Oxford University Press.
- Arato, A., 2013. "Political theology and populism", *Social Research: An International Quarterly* 80, 143-172. doi: 10.1353/sor.2013.0020.
- Arato, A., 2010. "Democratic constitution-making and unfreezing the Turkish process", *Philosophy & Social Criticism* 36(3-4), 473-487.
- Arato, A. & Tombuş, E., 2013. "Learning from success, learning from failure: South Africa, Hungary, Turkey and Egypt", *Philosophy & social criticism* 39(4-5), 427-441.
- Aydınli, E., 2012. "Civil-military relations Transformed", *Journal of Democracy* 23(1), 100-108.
- Bora, T., 2015. *Türk Sağının Üç Hali: Milliyetçilik, Muhafazakarlık, İslamcılık*. [Three conditions of the Turkish Right: Nationalism, Conservatism, Islamism]. İstanbul: Birikim Yayınları.
- Borovali, M., 2017. "Turkey's 'liberal' liberals", *Philosophy & Social Criticism* 43(4-5), 406-416.
- Buci-Glucksmann, C., 1979. State, Transition, and Passive Revolution, in C. Mouffe (ed.), *Gramsci and Marxist theory* (pp. 207-237). Abington: Routledge.

- Callinicos, A., 2010. "The limits of passive revolution", *Capital & Class* 34, 491-507. doi:10.1177/0309816810378265.
- Çetinsaya, G., 1999. "Rethinking nationalism and Islam: Some preliminary notes on the roots of "Turkish-Islamic Synthesis" in modern Turkish political thought", *The Muslim World* 89, 350-376. doi: 10.1111/j.1478-1913.1999.tb02753.x.
- Duran, B. & Aydın, C., 2013. "Competing occidentalisms of modern Islamist thought: Necip Fazıl Kısakürek and Nurettin Topçu on Christianity, the West and modernity", *The Muslim World* 103, 479-500. doi: 10.1111/muwo.12028.
- Elster, J., 1995. "Forces and mechanisms in the constitution-making process", *Duke LJ*, 45, 364.
- Esen, B. & Gümüüşçü, Ş., 2017. "A Small Yes for Presidentialism: The Turkish Constitutional Referendum of April 2017", *South European Society and Politics* 22(3), 303-326.
- Esen, B. & Gumuscu, S., 2016. "Rising Competitive Authoritarianism in Turkey", *Third World Quarterly* 37(9), 1581-1606.
- Gentile, E., 2004. "Fascism, totalitarianism and political religion: definitions and critical reflections on criticism of an interpretation", *Totalitarian Movements and Political Religions* 5(3), 326-375.
- Gozler, K., 2017. "15 Temmuz Kararnameleri: Olag`anu`stu` Ha`l Kanun Hu`kmu`nde Kararnamelerinin Hukukı` Rejiminin _Ifsadı Hakkında Bir _Inceleme." *Ankara Barosu Dergisi* 75, no. (1): 39-68.
- Gözler, K., 2016 (30 May). "1982 Anayasası hala yürürlükte mi? Anayasasızlaştırma üzerine bir deneme". [Is the 1982 constitution still in force? An essay on deconstitutionalization] [Web log post]. Retrieved from <http://www.anayasa.gen.tr/anayasasizlastirma-v4.pdf>.
- Hale, W. & Özbudun, E., 2009. *Islamism, democracy and liberalism in Turkey: The case of the AKP*. London & New York: Routledge.
- Heper, Metin & Toktaş, Şule. 2003. "Islam, Modernity, and Democracy in Contemporary Turkey: The Case of Recep Tayyip Erdoğan", *The Muslim World* 93(2), 157-185.
- Insel, A., 2003. "The AKP and normalizing democracy in Turkey", *The South Atlantic Quarterly* 102, 293-308. *Project MUSE*, muse.jhu.edu/article/43714.
- Isiksel, Turkuler, 2013. "Between Text and Context: Turkey's Tradition of Authoritarian Constitutionalism", *International Journal of Constitutional Law* 1(3), 702-726.
- Kalaycıođ`lu, Ersin, 2011. "The Turkish -EU Odyssey and Political Regime Change in Turkey", *South European Society and Politics* 16(2), 265-278.
- Kaya, A., 2015. "Islamisation of Turkey under the AKP Rule: Empowering family, faith and charity", *South European Society and Politics* 20(1), 47-69.
- Keyman, E. F., 2007. "Modernity, secularism and Islam: The case of Turkey", *Theory, Culture & Society* 24, 215-234. doi: 10.1177/0263276407075008.
- Klein, C. & Sajó, A., 2012. *Constitution-making: process and substance* (pp.419-439). In: *Oxford Handbook of Comparative Constitutional Law* (eds.) M. Rosenfeld & A. Sajo Oxford: Oxford University Press.
- Köker, L., 2010. "Turkey's political-constitutional crisis: An assessment of the role of the constitutional court", *Constellations* 17(2), 328-344. doi: 10.1111/j.1467-8675.2010.00594.x
- Kutay, A., 2019. "From Weimar to Ankara: Carl Schmitt, sovereignty and democracy", *Philosophy & Social Criticism* 45(6), 728-752.

- Lerner, H., 2011. *Making constitutions in deeply divided societies*. Cambridge: Cambridge University Press.
- Morton, A., 2007. *Unravelling Gramsci: Hegemony and Passive Revolution in the Global Political Economy*. London, Ann Arbor, MI: Pluto Press.
- Toprak, B., 2005. "Islam and democracy in Turkey", *Turkish Studies* 6, 167-186. doi: 10.1080/14683840500119494.
- Tezcür, G. M., 2007. "Constitutionalism, judiciary, and democracy in Islamic societies", *Polity* 39(4), 479-501.
- Tugal, C., 2009. *Passive revolution: Absorbing the Islamic challenge to capitalism*. California: Stanford University Press.
- Riley, D. J. & Desai, M., 2007. "The passive revolutionary route to the modern world: Italy and India in comparative perspective". *Comparative Studies in Society and History*. 49,815-847. doi: 10.1017/S0010417507000771.
- Sassoon, A. S., 2001. "Globalisation, hegemony and passive revolution". *New Political Economy*, 6, 1, 5-17. doi: 10.1080/13563460020027722.
- Somer, M., 2016. "Understanding Turkey's Democratic Breakdown: Old vs. New and Indigenous vs. Global Authoritarianism", *Southeast European and Black Sea Studies* 16(4), 481-503.
- Özbudun, Ergun, 2014. "AKP at the Crossroads: Erdoğan's Majoritarian drift", *South European Society and Politics* 19(2), 155-167.
- Özbudun, Ergun, 2006. "From Political Islam to Conservative Democracy: The Case of the Justice and Development Party in Turkey", *South European Society & Politics* 11(3-4), 543-557.
- Özbudun, E. & Gençkaya, Ö. (eds.), 2009. *Democratization and the politics of constitution-making in Turkey*. Budapest: Central European University Press.
- Öztürk, A. E., 2016. "Turkey's Diyanet under AKP rule: From Protector to Imposer of State Ideology?", *Southeast European and Black Sea Studies* 16(4), 619-635.
- Öztürk, A. E. and Gözaydın, İ., 2017. "Turkey's Constitutional Amendments: A Critical Perspective", *Research and Policy on Turkey* 2(2), 210-224.
- Schmitt, Carl, 2008. *Constitutional Theory*. Durham & London: Duke University Press.
- Schmitt, Carl, 2005. *Political Theology*. Chicago: University Chicago Press.
- Smith, Thomas. W., 2005. "Between Allah and Atatürk: Liberal Islam in Turkey", *The International Journal of Human Rights* 9(3), 307-325.
- Yazıcı, S., 2010. "Turkey's constitutional amendments: Between the status quo and limited democratic reforms", *Insight Turkey* 12(2), 1-10.